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SENATE

BILL

AN ACT to repeal and replace the Shipping Act, Chap. 50:10, the Harbours Act, Chap. 50:06, the Droghers Act, Chap. 50:07, the Motor Launches Act, Chap. 50:08, to amend the Port Authority Act, Chap. 51:01 and the Coroners Act, Chap. 6:04 to provide for and the certification and registration of seafarers and the certification and registration of vessels and offshore installations, matters relating to crew safety and security of life at sea and matters incidental thereto

THE SHIPPING BILL, 2020

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill will seek to repeal and replace the Shipping Act, Chap. 50:01 and to provide for the certification and registration of seafarers, the certification and registration of ships and offshore installations and matters related to crew safety and the security of life at sea, to repeal the Harbours Act, Chap. 50:06, the Droghers Act, Chap. 50:07, the Motor Launches Act, Chap 50:08 and to amend the Port Authority Act, Chap. 51:01 and the Coroners Act, Chap 6:04.

The Bill will comprise 33 Parts and 539 sections.

Since the Bill contains provisions that would infringe sections 4 and 5 of the Republican Constitution, the Bill will initially contain preambulatory clauses which would provide that the Bill would be required to be passed by both Houses of Parliament at the final vote of not less than three-fifths of all members of each House.

Part I of the Bill would contain preliminary provisions and would comprise 15 clauses.

Clause 1 of the Bill will contain the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide that the Act would have effect even though it is inconsistent with sections 4 and 5 of the Constitution.

Clause 3 of the Bill would provide for the coming into effect of the Act on Proclamation by the President.

Clause 4 of the Bill would provide for the interpretation of certain words and phrases often used in the Bill.

Clause 5 of the Bill would provide for persons exercising official powers under any written law in respect of stopping and boarding, inspecting, seizing and detaining a ship, seizing anything on board a ship and arresting the master and crew of a ship. The persons referred to are coast guard officers, police officers, Customs and Excise Officers, fishery officers, appropriate port officers and officials of the Maritime Authority.

Subclause (3) explains however, that where the person exercising the functions is a fisheries officer he may only exercise the functions in respect only to foreign fishing vessels and the fish and equipment found on board the foreign fishing vessel.

Clause 6 of the Bill would provide that generally, unless otherwise provided, the Act would not apply to aircraft or ships of the Defence Force.

Clause 7 of the Bill would provide that specified instruments and documents would be in the prescribed form, that is to say, in the form set out in law and that Certificates issued by the Authority are the property of the Authority. Subclause (3) empowers the Director General to amend the forms which are prescribed from time to time, in addition to the forms set out in Schedule 3 and he is required to give Notice of such amendments.

Subclause (4) makes it clear that the Registrar of Shipping is not required to enter in any Register under the Act, any Bill of Sale, mortgage or other instrument for the disposal or transfer of a ship or any share in the ship which is not done in the prescribed form without special direction from the Director General.

Clause 8 of the Bill would provide for the rights of persons holding beneficial interest in a ship.

Clause 9 of the Bill would provide for the interests of minors, or persons with mental illness or other defect in respect of declarations required to be made under the Act, providing for such declarations to be made by legal guardians, committees, managers or other administrators of the estate or such other person as appointed by the Court.

Clause 10 of the Bill would empower the Registrar of Shipping to not require the declaration or production of evidence in certain circumstances.

Clause 11 of the Bill would provide that declarations under the Act are to be made before the Registrar of Shipping or before any persons authorised by law to administer oaths. Declarations to be made by a corporation may be made by the secretary or any other officer of the corporation so authorised.

Clause 12 of the Bill would provide for the admissibility of certain documents as evidence.

Clause 13 of the Bill would create the offence of fraudulently altering or forging any book, Builder's Certificate, Certificate of

Survey, Certificate of Registry, Declaration, Bill of Sale or instrument of transfer, instrument of mortgage or any entry or endorsement under the Act. The penalty is a fine of one hundred thousand dollars and to imprisonment for two years. This breach is not a shipping violation and therefore would not be the subject of an administrative fine.

Clause 14 of the Bill would make it an offence for a person to make a false declaration to the Registrar of Shipping or proper officer. This breach is not a shipping violation and therefore would not be the subject of an administrative fine.

Clause 15 of the Bill would require all applications under the Act to be accompanied by fees which are to be prescribed in Regulations.

Part II of the Bill would provide for the Maritime Authority of Trinidad and Tobago and would contain 23 clauses.

Clause 16 of the Bill would provide for the establishment of a body corporate to be known as the Maritime Authority of Trinidad and Tobago (“the Authority”).

Clause 17 of the Bill would set out the powers and functions of the Authority. The Authority would have the functions of advising and reporting to the Government on policy relative to maritime matters, regulating maritime activities, including Port State Control, Flag State Control and Coastal State Control activities, advising the Government and stakeholders on maritime activities, to be the focal point for communications to the Internal Maritime Organisation (“IMO”), advising the President on the declaration of certain places as harbours, providing the International Hydrographic Organization with updated hydrographic information in respect of the waters of Trinidad and Tobago and any other function given to it under any other written law.

Subclause (2) would set out the powers of the Authority. These powers include the power to register ships and offshore installations, regulate the design and construction of ships and offshore installations, register and license seafarers, register, license and regulate shipbuilders and shipbreakers, approve or authorise marine training institutions, create and maintain registers, regulate the safety and security of ships and offshore installations and the navigation of ships, inspect ships and offshore installations for the purpose of maritime safety, security and the prevention of maritime pollution, implement the instruments of the IMO, establish, maintain and regulate aids to navigation, conduct inquiries into incompetence or misconduct of seafarers, conduct

inquiries into collisions or other maritime casualties and the incompetence of seafarers in relation thereto, detain ships, instruct offshore installations to cease operations, impose fees, charges or administrative fines and any other power given under any other written law. Subclause (3) further empowers the Authority to do all that may be necessary or expedient for the proper performance of its functions including entering into transactions.

Clause 18 of the Bill would require the Authority to have a seal which is to be kept by the Chairman and affixed to every document signed by the Chairman of the Board.

Clause 19 of the Bill would provide that the Authority would be managed by a Board of Directors for the purpose of exercising functions that are conferred by the Act or any other written law.

Clause 20 of the Bill would provide for the Constitution of the Board. The Board would comprise a Chairman, Deputy Chairman and not less than five and no more than nine members who would be appointed by the President in his own discretion and on such terms and conditions as he determines. The members are from various fields, an attorney-at law of not less than ten years standing, a member appointed by the Tobago House of Assembly, two persons with experience and training in maritime matters, a member with training and experience in shipping and the administration of ports and harbours, a member of the Coast Guard who is of the rank of Commander or above, a representative of the Fisheries Division of the Ministry with responsibility for fisheries matters and of a tertiary institution accredited for the training of seafarers and finally persons qualified by reason of training or experience in areas of economics, finance, business or marine science. The clause also provides that any appointment, resignation or removal from the Board is to be published in the *Gazette*.

Clause 21 of the Bill would provide for the tenure of the Board to be for a period not being more than three years at any one time as the President would specify at the time of appointment. The provision provides for all appointments not to expire at the same time to ensure continuity and institutional memory is intact. The clause also makes provision for the appointment of temporary members where a person is temporarily unable to perform his functions. The clause also sets out the requirements where a vacancy arises on the Board due to death, resignation or termination of a member of the Board for the President to appoint persons for the unexpired period of the term of the member whose place is being filled.

Provision is also made that where a member is absent for three consecutive meetings of the Board without leave, he would be deemed to have vacated his office. Members can, at any time resign by letter addressed to the Chairman, who would then be required to forward the letter to the President. The Chairman or Deputy Chairman would submit their resignation directly to the President. Provision is also made for the termination of the appointment of Members by the President in the usual circumstances.

Clause 22 of the Bill would provide for the remuneration and allowances of Members of the Board and that the remuneration and allowances would not be reduced to the detriment of the Members.

Clause 23 of the Bill would provide for meetings of the Board, and would require that the Board should meet at least once a month. The clause would also provide that acts and proceedings of the Board are not invalid because of vacancy in membership of the Board.

Clause 24 of the Bill would provide that members of the Board are not personally liable for any act done or omitted to be done in good faith.

Clause 25 of the Bill would require every member of the Board, on appointment and annually thereafter, to submit a declaration to the President stating whether or not he has an actual or contingent interest in any service regulated by the Authority or in any business or any body corporate carrying on business with the Authority. The clause also requires members of the Board whose actual or contingent pecuniary interest is likely to be affected in any way by a decision of the Board to disclose the nature of the interest to the President. Any disclosure would be required to be recorded in the minutes of the meeting of the Board and the member would be prohibited from participating in any meeting after the disclosure and he would be disregarded in constituting the quorum. The clause goes on to define "relative" for the purposes of the section to be a spouse, cohabitant, father, mother, brother, sister, son or daughter.

Clause 26 of the Bill would require the Authority to establish and maintain quality standards using an internal quality management system for the certification of seafarers, which shall be subject to periodic internal and external audits.

Clause 27 of the Bill would provide for the employment of a Director General of the Authority who will be responsible for the day to day management of the Authority and is required to be suitably qualified and experienced on terms and conditions agreed

between the Board and the Director General but subject to a maximum limit of remuneration as the Board in consultation with the Minister determines for a period of three years and his term may be renewed. The Director General is required to attend meetings of the Board but has no right to vote. Provision is made for where the post of Director General becomes vacant for one of the Deputy Directors to be appointed to act as Director General for a period of six months. The clause goes further to provide for the Director General to delegate, in writing, the exercise of the performance of his powers, duties and functions to any officer according to their qualifications and subject to such restrictions as the Director General may specify. The clause goes on to also set out some specific functions of the Director General to include responsibility over all waters of Trinidad and Tobago, the power to direct vessels for mooring or removal and to approve mooring buoys.

Clause 28 of the Bill would provide for the employment of a number of suitably qualified and experienced persons to be Deputy Directors. The Deputy Directors will be subject to directions of the Board and will be responsible for assisting the Director General in managing the day to day operations of the Authority. The period of employment of the Deputy Directors, like that of the Director General, would be for a period of three years and may be renewed. One of the Deputy Directors will be responsible for approving Maritime Training Institutions in Trinidad and Tobago and is required to keep a Register of Maritime Training Institutions.

Clause 29 of the Bill would empower the Authority to employ such persons as it considers necessary for the due and efficient performance of its duties and functions on such terms and conditions as are agreed between the Authority and the person and subject to such limit as to maximum limit of remuneration as the Board in consultation with the Minister determines. The clause provides for the secondment of officers from the public service to service in the Authority and the preservation of the pension and gratuity rights of the officers. The clause goes further to provide that the period of secondment shall be for three years and may only be extended for a further period of two years. Making it, therefore, a period of five years of secondment. Under regular secondment principles, the person is then required to return to his post in the public service or, at that point, he can opt to resign from the public service and apply to be employed by the Authority. The clause requires the Authority to establish a pension plan and all permanent employees are entitled to become members of the established pension plan.

Clause 30 of the Bill would provide for the employment of suitably qualified persons to be the Registrar of Shipping and Deputy Registrar of Shipping. The Registrar of Shipping will be responsible for all matters dealing with the registration of ships and offshore installations. The Deputy Registrar of Shipping will assist the Registrar of Shipping in the exercise of his functions and, in his absence, act in his stead. Both the Registrar of Shipping and the Deputy Registrar of Shipping shall be subject to the directions of the Director General and where there is doubt in the exercise of their functions shall take instructions from the Director General.

Clause 31 of the Bill would provide for the employment of suitably qualified persons to be the Registrar of Seafarers and Deputy Registrar of Seafarers. The Registrar of Seafarers will be responsible for all matters dealing with the registration of seafarers. The Deputy Registrar of Seafarers will assist the Registrar of Seafarers in the exercise of his functions and in his absence act in his stead. Both the Registrar of Seafarers and the Deputy Registrar of Seafarers shall be subject to the directions of the Director General, and where there is doubt in the exercise of their functions shall take instructions from the Director General.

Clause 32 of the Bill would provide for the employment of suitably qualified persons to be wreck receivers and the Chief Receiver of Wrecks. The Chief Receiver of Wrecks will be responsible for the general direction and supervision over all matters relative to receivers, wrecks and salvage under this Act. The wreck receivers will assist the Chief Receiver of Wrecks in the exercise of his functions and, in his absence, act in his stead. Both the Chief Receiver of Wrecks and the wreck receivers shall be subject to the directions of the Director General and where there is doubt in the exercise of their functions shall take instructions from the Director General.

Clause 33 of the Bill would provide for the employment of suitably qualified persons to be the Chief Surveyor. The Chief Surveyor will be responsible for all matters relating to the safety, security and environmental protection of ships and offshore installations. Both the Chief Surveyor and the ships surveyors shall be subject to the directions of the Director General.

Clause 34 of the Bill would provide for the employment of suitably qualified and experienced persons to be the Chief Harbour Master, Harbour Officers and Assistant Harbour Officers. The Chief Harbour Master will be responsible for managing and supervising harbours, Maritime Search and Rescue and the Vessel Traffic System. The Chief Harbour Master will be the Harbour

Master for the Port-of-Spain Harbour and will be responsible for the general direction and supervision over all matters relating to all harbours, Harbour Officers and Assistant Harbour Officers. The Authority is required to also employ suitably qualified and experienced persons to be Harbour Officers and Assistant Harbour Officers who shall be responsible for specific harbours in Trinidad and Tobago and the management of the Vessel Traffic System in the relevant harbour.

Clause 35 of the Bill would require the Authority to create a list of medical practitioners approved to conduct medical examinations and issue medical fitness Certificates on behalf of the Authority. The Authority would, every six months, be required to cause to be published in the *Gazette* and two daily newspapers and on the website of the Authority, the list of approved medical practitioners.

Clause 36 of the Bill would provide that officers of the Authority or persons appointed, nominated or authorised to perform a function under the Act are immune from suit in respect of anything done or omitted to be done in good faith.

Clause 37 of the Bill would provide that the Authority may be subject to the performance of independent evaluations for monitoring purposes. These shall include a systematic and independent examination of all of the activities of the Authority. The Act requires the Authority to also conduct self-audits prior to the conduct of the independent audit.

Clause 38 of the Bill would provide that all real and personal property listed in Schedule 3 which was held by or vested in the Maritime Services Division will now be held by and vested in the Authority.

Part III of the Bill would set out the financial provisions for the Authority and would contain 9 clauses.

Clause 39 of the Bill would provide for the establishment of a statutory fund to be known as the Maritime Authority Fund, the monies for which would come from monies appropriated by Parliament, revenue from charges or fees for use of any facility, anchorage or services provided by the Authority, sums borrowed by the Authority, monies provided by a foreign State, international organization, multilateral or bilateral lending agency, corporation of private individual, monies received from the owner or master of a Trinidad and Tobago ship in relation to a seafarer's wages or effects, sums received from administrative fines and such other property that becomes payable to or vested in the Authority.

The clause goes on to prohibit the Authority from receiving monies into the Maritime Fund from a corporation or individual who is regulated or seeking to be regulated under the Act.

Clause 40 of the Bill would provide for how monies in the Maritime Fund are to be applied. The application would include for the acquisition of property by the Authority in the course of performing its functions, the remuneration and allowances for members of the Board, the remuneration, allowances, advances, loans, pensions and gratuities payable or made to the Director General and other members of staff, contributions to the pension fund plan, capital and operating expenses including maintenance and insurance of property of the Authority, the payment of wages received by the Authority on behalf of a seafarer, research and development projects, training and certification and other related matters and any other expenditure authorised by the Board in the performance of the functions of the Authority.

Clause 41 of the Bill would require the Authority to prepare a budget in accordance with the International Financial Reporting Standards or such other as required by the Minister of Finance for each financial year and the Authority is required to submit estimates to the Treasury Department of the Ministry with responsibility for finance, no later than the date required by the Minister of Finance upon getting his approval for the estimates. The Authority would be required to provide the Minister of Finance with any further information he may require.

Clause 42 of the Bill would provide that the financial year of the Authority shall begin on 1st October and end on the 30th September of the following year and may vary the financial year with the approval of the Minister of Finance.

Clause 43 of the Bill would require the Authority to keep proper books of accounts and records in accordance with the International Financial Reporting Standards of all monies received and expended and record the matters in respect of which sums were received and expended. The Authority is required to prepared within three months of the end of each financial year, a report setting out the activities of the Authority and financial statements prepared in accordance with the International Financial Reporting Standards.

The clause provides that the accounts of the Authority are public accounts for the purposes of section 116 of the Constitution and are required to be audited annually. Provision is also made in respect of the Auditor General or an auditor appointed by him to

immediately inform the Ministry of Finance and the Board of any irregularity disclosed by the audit. The Authority is also empowered to employ external auditors but is required to change the external auditor every four years.

Clause 44 of the Bill would provide for the Authority to borrow from the Government.

Clause 45 of the Bill would provide for the Authority to borrow from non-government entities with the approval of the Minister of Finance.

Clause 46 of the Bill would provide that the Authority would not be subject to any public procurement legislation in procuring goods and services. The Board is required to make Rules subject to the approval of the Minister relating to the award of tenders and contracts.

Clause 47 of the Bill would provide that the Authority is exempt from Value Added Tax, stamp duty, corporation tax, customs duties, motor vehicle tax and any other taxes, fees, charges, provisions of assessments, levies and imposts on its income or assets.

Part IV of the Bill would provide for the trading of ships, the registration of ships and offshore installations, the national character of ships and the use of flags on ships and would contain 37 clauses.

Clause 48 of the Bill would provide that the Port of Port-of-Spain is the Port of Registry for the registration of ships and the Minister may declare other ports as a Port of Registry. He does this by Order.

Clause 49 of the Bill would provide that the owner, operator or agent of a ship is prohibited from using or operating the ship in the waters of Trinidad and Tobago unless the ship is a Trinidad and Tobago ship, it is provided with the Certificate of Registry from another country or other similar document and is authorised to trade in the waters of Trinidad and Tobago by the Authority. The prohibition would also not apply where evidence is provided for insurance of the ship against the risk of damage to third parties and insurance to cover seafarers in the employ of the Trinidad and Tobago ship that the insurance. Breach of this section would constitute a shipping violation for which the administrative fine is \$75,000.00 as set out in Schedule 5 and Certificates of the Trinidad and Tobago ship may be withdrawn and the foreign ship may be detained. If the administrative fine is not paid, the person commits

an offence and is liable, as is set out in Schedule 5, on summary conviction to a fine of one hundred thousand dollars and Certificates of the Trinidad and Tobago ship may be withdrawn and the foreign ship may be detained.

Clause 50 of the Bill would provide that Trinidad and Tobago Government ships operated for non-commercial purposes and Trinidad and Tobago warships are deemed to be registered under the Act and there is therefore no need for an application to be made, however, where applicable, certain provisions would signal its applicability to Trinidad and Tobago Government ships operated for non-purposes and Trinidad and Tobago warships.

Clause 51 of the Bill would provide for the application to trade or operate in the waters of Trinidad and Tobago of a foreign ship or an offshore installation. Once approved, a Local Trade Certificate would be issued to the applicant.

Clause 52 of the Bill would prohibit the construction or operation of an offshore installation unless the offshore installation is registered under and complies with the Act. Breach of this section would constitute a shipping violation, for which the administrative fine is \$1,000,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$2,000,000.00.

Clause 53 of the Bill would provide for who is qualified to own a Trinidad and Tobago ship. Namely, a national of Trinidad and Tobago, a company registered in Trinidad and Tobago, a CARICOM citizen individuals or corporations owning ships hired out on bareboat charter to nationals of Trinidad and Tobago, individuals or corporations in on a *bona fide* joint venture shipping enterprise relationships with nationals of Trinidad and Tobago and such other person as the Minister may by Order prescribe.

Clause 54 of the Bill would require persons who are entitled to own a Trinidad and Tobago ship and who come into possession of a ship not registered in Trinidad and Tobago and who wish to operate under the laws of Trinidad and Tobago to register the ship in Trinidad and Tobago. The clause also requires the owner or operator of an offshore installation who wishes to operate the offshore installation in the waters of Trinidad and Tobago, prior to constructing or placing the offshore installation into operation, to apply to register the offshore installation with the Authority. The clause goes on to provide that ships required to be registered and registered under the Act are entitled to the rights and privileges accorded to Trinidad and Tobago ships under the Act.

The clause provides that the Act would apply to Government ships operated for non-commercial purposes as if they were registered under the Act. Breach of this section would constitute a shipping violation, for which the administrative fine is \$20,000.00 for a ship and \$400,000.00 in respect of an offshore installation, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction in respect of a ship to a fine of \$40,000.00 and in respect of an offshore installation to a fine of \$4,000,000.00.

Clause 55 of the Bill would provide for the application for the registration of ships and offshore installations. The Registrar of Shipping is responsible for receiving and processing all applications for registration of ships and offshore installations. The clause also provides that the Registrar of Shipping is required to call for proof of ownership before proceeding with the registration of a ship or offshore installation.

Clause 56 of the Bill would provide that, before the Registrar of Shipping registers a ship or offshore installation, the Authority shall cause an inspection of the ship or offshore installation to be conducted to ensure that the ship or offshore installation is seaworthy. Once the inspection is completed on the ship and the Authority is satisfied that the ship is seaworthy, a survey is to be conducted by a ship surveyor to determine the dimensions of the ship, the machinery on board the ship and the tonnage of the ship and once completed, the ship surveyor would issue a Certificate of Survey and Tonnage Certificate in respect of the ship. On that basis, the Registrar of Shipping would now issue a Certificate of Registry to the ship.

The clause goes on in respect of offshore installations to provide that after the inspection is completed and the Authority is satisfied that the offshore installation is structurally sound, it shall cause a survey conducted by a ship surveyor to determine the dimensions of the offshore installation, the machinery and the fire-fighting equipment and life-saving equipment on board. Where these have been determined, the ship surveyor would issue an Offshore Installation Certificate of Survey and the Registrar shall, on that basis, issue a Certificate of Registry in respect of the offshore installation.

Clause 57 of the Bill would require the owner of a Trinidad and Tobago ship, in order to be registered as the owner of the Trinidad and Tobago ship, to make and sign a declaration of ownership in respect of the ship. This clause also applies in respect of offshore installations. The declarations are required to be made before a Commissioner of Affidavits, Consular Officer or Justice of the Peace.

Clause 58 of the Bill would require that, in addition to the declaration of ownership, a number of evidential requirements are to be produced to the Registrar of Shipping on first registration. The clause sets out these evidential requirements.

Clause 59 of the Bill would provide for the registration of a ship or offshore installation where they meet the requirements of the Act or regulations made thereunder and the issue of the Certificate of Registry.

However, the registration of a ship or offshore installation does not entitle the owner or operator of the ship or offshore installation to operate the ship or offshore installation unless the relevant Certificates required under the Act have also been issued. The clause goes on to set out what the Certificate of Registry would contain, and allows the Registrar of Shipping to issue a Certificate of Registry for a short period of time in certain circumstances. The Certificate of Registry is required to be kept on board the ship or offshore installation at all times and is to be used only for lawful navigation. Where the owner or master of a Trinidad and Tobago ship issued a Certificate of Registry but not the other necessary Certificates, and he proceeds to sea he commits a shipping violation for which the administrative fine is \$15,000.00 as set out in Schedule 5 and the relevant Certificate of the ship may be withdrawn. If the administrative fine is not paid an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00 and the relevant Certificate of the ship may be withdrawn.

The clause also provides that a person who has in his possession the Certificate of Registry of a ship or offshore installation cannot refuse or omit, without lawful excuse, to deliver it on demand by certain persons. If he does so he commits a shipping violation for which the administrative fine is \$4,500.00, as set out in Schedule 5 and the relevant Certificate of the ship may be withdrawn and where it is an offshore installation, the administrative fine is \$4,500.00 and the offshore installation would be required to cease operations. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction for both a ship or offshore installation to a fine of \$5,000.00 and the Certificates of the ship may be withdrawn and the offshore installation would be required to cease operations.

The clause goes on to deal with circumstances where the Certificate of Registry is lost. The Certificate of Registry requires that an annual fee be paid to the Authority. Failure to pay the annual fee can result in the cancellation of the Certificate of Registry. A Certificate of Registry is valid for five years and may be renewed.

Clause 60 of the Bill would provide for where a Certificate of Registry is used improperly. The penalty for this improper use is a fine of \$150,000.00 and imprisonment for two years and the ship is liable to have other Certificates withdrawn where it is a Trinidad and Tobago ship and where it is a foreign ship, it may be detained.

Clause 61 of the Bill would prohibit the registration of a ship in Trinidad and Tobago which has a current registration from another State still in effect and has not been deregistered.

Clause 62 of the Bill would empower the Authority to issue Provisional Certificates of Registry to the owner of a ship registered outside of Trinidad and Tobago who applies to have the ship registered in Trinidad and Tobago, while the ship is outside of Trinidad and Tobago, through the Registrar of Shipping or a proper officer. The provisional Certificate of Registry will have effect for six months from the date of issue.

Clause 63 of the Bill would require a ship seeking to be registered under the Act to be surveyed for use as a cargo ship, passenger ship, pleasure craft, fishing vessel or for such other use as determined by the Authority. Offshore installations may be certified as manned oil producing, unmanned oil producing, manned natural gas producing, unmanned natural gas producing, manned other function or unmanned other function. The clause would allow the Authority to certify a ship for more than one area of use and the owner or master of a ship who wishes to change the use of the ship can apply to the Authority to change the use of the ship. The owner or master of a ship who proceeds to sea without a Certificate issued under this clause commits a shipping violation for which the administrative fine is \$15,000.00, as set out in Schedule 5 and the relevant Certificate of the ship may be withdrawn. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00 and the Certificates of the ship may be withdrawn.

Clause 64 of the Bill would provide for the refusal of the Authority to register a ship or offshore installation having regard to the condition of the ship relevant to the safety or to the risk of pollution, safety, health and welfare if persons are engaged or employed in any capacity on board the ship or offshore installation or if there is a possibility that the ship or offshore installation may be used for criminal purposes. The clause goes further to require that an offshore installation should first be issued with a licence to operate under the Petroleum Act, Chap. 62:01 before it is registered under the Act. The clause requires the applicant to be informed of the refusal to register.

Clause 65 of the Bill would require the owner of a Trinidad and Tobago ship or offshore installation to apply to the Authority to have the Trinidad and Tobago ship or offshore installation deregistered. Where this is done, the Authority may cancel the registration of the Trinidad and Tobago ship or offshore installation. The Authority is also empowered to cancel the registration of a Trinidad and Tobago ship or offshore installation where the Director General, on the advice of the Registrar of Shipping, is satisfied that having regard to certain matters listed, it would be detrimental to the interests of Trinidad and Tobago or international shipping for the Trinidad and Tobago ship or offshore installation to continue to be registered or if any penalty is imposed on the owner of the ship or offshore installation and it remains unpaid for a period of more than six months and no appeal against the penalty is pending. Provision is also made for where subclauses 2(a), (b) and (c) all apply to Trinidad and Tobago ships and offshore installations in relation to a summons having been served on the owner of a Trinidad and Tobago ship or offshore installation and the owner fails to appear for the trial and three months have elapsed since that time or where the annual fee for the Trinidad and Tobago ship or offshore installation has remained unpaid for one year. In those instances, the Authority is required to serve notice on the owner or representative of the Trinidad and Tobago ship or Offshore Installation Manager requiring him to produce evidence that the Trinidad and Tobago ship or offshore installation is eligible to remain on the relevant register and where there is a mortgage in existence in relation to the Trinidad and Tobago ship or offshore installation, the Authority is required to serve notice on the mortgagee. If, however, the owner of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation or their representative produces evidence which is not satisfactory to the Authority as to the continued eligibility of the Trinidad and Tobago ship or offshore installation, the Authority is empowered to extend the period of the notice and request further information or evidence or serve final notice of cancellation stating the date on which the cancellation would take effect. Provision is also made for where the owner of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation knowingly provides false information, he commits an offence and is liable to a fine of \$200,000.00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 66 of the Bill would empower the Registrar of Shipping, on the application of the owner of a Trinidad and Tobago ship, to

delete the Trinidad and Tobago ship from the Register of Vessels and to issue a Certificate of Deletion where the owner of the Trinidad and Tobago ship wishes to apply to another State to have the ship registered there or for the purposes of breaking the ship.

Clause 67 of the Bill would provide for the deregistration of Trinidad and Tobago ships or offshore installations registered in Trinidad and Tobago. The registered owner of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation can apply to the Authority to have the ship or offshore installation deregistered. The Authority may also deregister a Trinidad and Tobago ship or offshore installation registered in Trinidad and Tobago where it has become a wreck and the owner of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation cannot be found. The Authority may issue a Deregistration Certificate where the Trinidad and Tobago ship or offshore installation is in such a condition that is a wreck. However, the Registrar of Shipping must ensure that all mortgagees and persons holding preference rights are informed before a Certificate of Deregistration is issued.

Clause 68 of the Bill would require the Authority to keep various Registers. These include a register book for ships, fishing vessels, ships under construction, Government ships operated for non-commercial purposes, offshore installations, pleasure craft and Trinidad and Tobago warships. The clause would require the owner of a ship or offshore installation that becomes a total loss to inform the Registrar, who would make an entry in the relevant register. The clause make it clear however that the creation of and entry of warships in a Register does not mean that warships are subject to the provisions of this Act other than for the purposes of deregistration and removal from the Register. Provision is made for how entries in the Register are to be made and the particulars that are to be entered in the Register. The clause provides that only those individual owners, joint owners, and corporations recorded as owners in the register books shall be regarded as owners of the ship or offshore installation. There are a number of documents that are required to be kept by the Registrar of Shipping on the Registration of a ship and these are set out in subclause (9). The register books are open to the public at reasonable times during the hours of official attendance of the Authority on the payment of a fee and the Registrar of Shipping is required to keep the Registers of Ships up to date. No notice of trusts, express, implied or constructive are to be entered in the Registers of ships.

Clause 69 of the Bill would provide for the Registration of warships and would also provide that the President may, on the

commissioning of a warship, issue it with a unique number which will be provided to the Authority by the Chief of Defence Staff. The Registrar of Shipping will then enter the name and number of the warship in the appropriate Register. The fact that a warship is registered under this Act does not mean that the war ship is subject to this Act except in relation to deregistration and removal from the register. This is to ensure that at all times a ship is registered for the purposes of sale thereafter.

Clause 70 of the Bill would provide for the Registrar of Shipping to issue to every ship and offshore installation registered under the Act a unique number. At the time of registration of the ship or offshore installation, the owner thereof is required to propose a name for the ship or offshore installation for the approval of the Registrar of Shipping. The Registrar of Shipping may refuse the proposed name, if the name already exists in the Registers of Ships or if the name can deceive or offends the public interest. A person who knowingly causes a Trinidad and Tobago ship or offshore installation to be described by any name other than that by which the Trinidad and Tobago ship or offshore installation is registered commits an offence and is liable on summary conviction to a fine of \$50,000.00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 71 of the Bill would provide for where the owner of a Trinidad and Tobago ship wishes to change the name of the Trinidad and Tobago ship. He is required to propose a name for the approval of the Registrar of Shipping who must be satisfied that all registered mortgagees have been notified of the proposed name change. The change of name of a Trinidad and Tobago ship does not mean that the unique number assigned to the Trinidad and Tobago ship will be changed, but the new name once approved has to be affixed to the Trinidad and Tobago ship. If the owner of a ship changes the name of the Trinidad and Tobago ship without the approval of the Registrar of Shipping, he commits an offence and is liable on summary conviction to a fine of \$20,000.00 and the Certificate of Registry may be suspended until the contravention is rectified.

Clause 72 of the Bill would provide for a register book for Fishing Vessels. Upon registration of the fishing vessel, the Registrar of Shipping is required to allocate to the fishing vessel a combination and sequence of letters and numerals called the "official number" and the Registrar of Shipping shall cause the

official number to be entered in the Register book for fishing vessels. Each fishing vessel shall have its own unique official number which the owner of the fishing vessel is required to display on the fishing vessels in accordance with Regulations.

Clause 73 of the Bill would provide that ships and offshore installations, once the names have been approved and numbers issued the owners of the Trinidad and Tobago ships and Offshore Installation Managers of offshore installations, are required to permanently mark the ships and offshore installations in accordance with the regulations.

Clause 74 of the Bill would provide that where it is intended for a ship to be constructed, the owner of the ship is required to apply to the Registrar of Shipping to register the construction of the ship. The application is to be made before the commencement of the construction of the ship and must indicate the date of signing of the contract for construction. The registration under this section would be valid up to the date of the completion of the construction of the ship, until the ship is placed on another Register.

Clause 75 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to ensure that where the Trinidad and Tobago ship or offshore installation is equipped with either a wireless radio transmitting station, satellite transmitting station, radio telephony installation or other method of ship to shore transmitting station, that it has a registered code designation assigned by the Telecommunications Authority of Trinidad and Tobago under the Telecommunications Act Chap. 47:31.

Clause 76 of the Bill would provide for the tonnage of Trinidad and Tobago ships. The clause requires the Registrar of Shipping to enter the tonnage of the Trinidad and Tobago ship on the Certificate of Registry of the Trinidad and Tobago ship once it has been ascertained unless it is discovered that the tonnage has been erroneously computed. The Trinidad and Tobago ship is then required to be re-measured in order for the tonnage to be determined and registered. The clause also requires the owner of the Trinidad and Tobago ship to notify the Registrar of Shipping where an alteration is made in the form or capacity of a Trinidad and Tobago ship during construction, so that the Trinidad and Tobago ship may be re-measured to determine the correct tonnage. The clause also requires the owner or Offshore Installation Manager of an offshore installation to ensure that the tonnage of an offshore installation relates to the weight of the offshore installation with or without equipment in tons.

Clause 77 of the Bill would provide for the registration of alterations on a Trinidad and Tobago ship or offshore installation. It requires the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation within thirty days after the completion of the alteration to give notice of the alteration to the Registrar of Shipping where a Trinidad and Tobago ship or an offshore installation is so altered as not to correspond with the particulars relating to the tonnage or description in the register. This Notice must be accompanied by a Certificate of Survey stating the particulars of the alterations. Once the Notice is received, the Registrar of Shipping is required to register the alteration, once it has not changed the use of the Trinidad and Tobago ship. However, where the alteration causes a change in use as contained in the Notice, the owner of the Trinidad and Tobago ship shall apply to have the ship registered anew. If a direction is not complied with the Registrar of Shipping, may suspend the Certificate of Registry of the Trinidad and Tobago ship.

Clause 78 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who registers the alteration to a Trinidad and Tobago ship or offshore installation, to produce the Certificate of Registry of the ship or offshore installation, within sixty days after the alteration, to the Registrar of Shipping. Once this is done, the Registrar of Shipping is required to either endorse and sign on that Certificate a statement of the alteration or retain that Certificate and issue a new Certificate of Registry that contains a description of the ship or offshore installation as altered. The requirements under this section, however, do not apply where an alteration occurs under proposed sections 297 and 298 of the Act.

Clause 79 of the Bill would set out the procedures where a Trinidad and Tobago ship or offshore installation is to be registered anew. Where it is the case of first registration, on the delivery to the Director General of the existing Certificate of Registry and on compliance with requirements for first registration.

Clause 80 of the Bill would provide that where a Trinidad and Tobago ship or an offshore installation is deregistered because it is a wreck or has been abandoned, the Registrar of Shipping is not permitted to re-register the Trinidad and Tobago ship or offshore installation until the Trinidad and Tobago ship or offshore installation is surveyed by a surveyor and certified by him to be in a satisfactory structural and watertight condition.

Clause 81 of the Bill would provide for the flying of the national flag. It also permits ships, which are exempt from registration, to fly the national flag.

Clause 82 of the Bill would provide that where any colour or pendant used by the Trinidad and Tobago Defence Force or the national colour of any State is hoisted on board a Trinidad and Tobago ship, the master or owner of the Trinidad and Tobago ship commits a shipping violation for which the administrative fine is \$25,000.00, as set out in Schedule 5, and the colours or pendants may be seized. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00 and the colours or pendants may be seized.

Clause 83 of the Bill would provide that a person who uses a Trinidad and Tobago flag and assumes a Trinidad and Tobago character on board a ship which is owned by a person not qualified to own a Trinidad and Tobago ship commits a shipping violation for which the administrative fine is \$25,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00 and the colours or pendants may be seized. This section does apply, however, if the assumption was for the purpose of escaping a capture by an enemy or by a foreign warship. The clause shifts the burden of proof to the person using and assuming the Trinidad and Tobago character.

Clause 84 of the Bill would provide for the hiding of the character of ship as a Trinidad and Tobago ship from persons entitled to enquire about a Trinidad and Tobago ship or with the intention to assume a foreign character for the Trinidad and Tobago ship. The ship is liable for forfeiture and the master is liable to a fine of \$50,000.00 and imprisonment for ten years.

Part V of the Bill would provide for shipbuilders and offshore installation builders and would contain 9 clauses.

Clause 85 of the Bill would prohibit the building or any agreement to build, or cause to be built, a ship in Trinidad and Tobago for the transport of people or cargo unless that person complies with all the requirements under any written law and is registered with the Authority as a ship builder under the Act. The clause, therefore, would also prohibit the building or any agreement to build or cause to be built an offshore installation in Trinidad and Tobago unless that person complies with all the requirements under any written law and is registered with the Authority as a ship builder under the Act. A person who contravenes this clause commits a shipping violation for which the administrative fine is \$75,000.00, as set out in Schedule 5. If the

administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and a further fine of \$20,000.00 for every day he remains in contravention.

Clause 86 of the Bill would require a person who wishes to build a ship or offshore installation to apply to the authority to be registered as a shipbuilder or offshore installation. The applicant's requirements are set out in Regulations made under the Act. The application is to be accompanied by liability insurance and information as to the location of the site, including proper planning permission and environmental clearance Certificates.

Clause 87 of the Bill would require the Registrar of Shipping, on receiving an application for registration as a ship builder, cause the premises of the applicant to be inspected to ensure that the location and site where the ship or offshore installation to be constructed meet the requirements of the Act. Once the Registrar of Shipping is satisfied that the location meets the requirements of the Act, he shall issue the applicant a Ship Builder Registration Certificate or an Offshore Installation Builder Registration Certificate under clause 88. The clause provides that where the location and site do not meet the requirements of the Act, the Registrar of Shipping may, if he sees fit, give the applicant sufficient time to meet the requirements of the or refuse the application.

Clause 88 of the Bill would provide for the registration of a shipbuilder or offshore installation builder and the issue of a Ship Builder Registration Certificate or an Offshore Installation Builder Registration Certificate by the Authority, where the Registrar of Shipping is satisfied that the location or site meets the requirements of the Act.

Clause 89 of the Bill would provide that where the Registrar of Shipping refuses an application for a Shipbuilder Registration Certificate or an Offshore Installation Builder Registration Certificate, it would notify the applicant of its decision, in writing, and provide reasons for its refusal.

Clause 90 of the Bill would provide that a Shipbuilder Registration Certificate or an Offshore Installation Builder Registration Certificate would be valid for a period of five years from the date of its issue or renewal and is subject to annual inspection. A person who wishes to renew his Shipbuilder Registration Certificate or an Offshore Installation Builder Registration Certificate is required to apply for such renewal thirty days before the expiration of the Certificate. The clause

provides for the Registrar General to renew the Shipbuilder Registration Certificate or an Offshore Installation Builder Registration Certificate.

Clause 91 of the Bill would provide for the revocation of a Shipbuilder Registration Certificate or an Offshore Installation Builder Registration Certificate by the Authority where the holder of the Certificate fails to comply with the Act. The clause goes further to provide that where Shipbuilder Registration Certificate or an Offshore Installation Builder's Registration Certificate has been revoked, the holder shall cease to conduct operations. A person who contravenes this section commits a shipping violation for which the administrative fine is \$75,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and a further fine of \$20,000.00 for every day he remains in contravention.

Clause 92 of the Bill would provide for the appeal from a refusal of an application for a Shipbuilder's Registration Certificate or an Offshore Installation Builder Registration Certificate can appeal to the Authority. An appeal shall be made in writing to the Authority within sixty days of the decision and the Authority can appoint an officer to hear any representations made by the applicant. The officer who hears the representations would then report his findings to the Director General, in writing, who would then determine the appeal.

Clause 93 of the Bill would provide that once the building of the ship or offshore installation is completed, the ship builder or offshore installation builder is required to issue a Shipbuilder's Certificate or an Offshore Builder's Certificate to the owner of the ship or offshore installation. The Shipbuilder's Certificate or an Offshore Builder's Certificate is required to contain a true account of the proper dimension and tonnage of the ship or offshore installation and the unique hull number for the completed ship, the date when and place where the ship or offshore installation was built, the name of the person for whom the ship or offshore installation was built and the name of the person on record on the ship building or offshore building contract. The penalty for failing to comply with the requirement to issue a Shipbuilder's Certificate or an Offshore Builder's Certificate is that the Shipbuilder Registration Certificate or an Offshore Builder Registration Certificate may be revoked and if he makes a false statement on a Shipbuilder's Certificate or an Offshore Builder Certificate, he commits an offence and is liable on summary conviction to a fine of \$50,000.00.

Part VI of the Bill would provide for ship breaking and the decommissioning of offshore installations and would contain 6 clauses.

Clause 94 of the Bill would prohibit the breaking of any ship unless he is registered with the Authority to do so. The clause would also prohibit the decommissioning of any offshore installation within the waters of Trinidad and Tobago unless he is registered with the Authority to do so. Contravention of this clause is a shipping violation for which the administrative fine is \$75,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction, in relation to subclause (1), to a fine of \$100,000.00 and, in relation to subclause (2), to a fine of \$750,000.00.

Clause 95 of the Bill would require that persons who wish to engage in the breaking of ships apply to the Authority in the prescribed form and pay the prescribed fee. Where the Authority is satisfied that the applicant to be a shipbreaker meets the requirements of the Act, he shall enter the name of the person and the location of the site of the shipbreaking in the relevant register.

Clause 96 of the Bill would provide for the decommissioning of an offshore installation and pipelines. The owner of the offshore installation is required to remove all parts of the offshore installation and pipelines where it is no longer serving the primary purpose for which it was designed and installed, or where there is no approval for such use. The clause would also require the disposal of the offshore installation or its pipelines, in whole or in part, to be done in accordance with any written law for the disposal of waste at sea. The clause goes on to provide that where an offshore installation is to be decommissioned, the Offshore Installation Manager is required to submit a decommissioning plan to the Authority for approval before permission is granted for the offshore installation to be abandoned or no longer used for the purpose approved. The clause also provides that once approval is granted for the decommissioning of an offshore installation, the shipbreaker is required to do so in accordance with Regulations made under the Act. The owner of an offshore installation who contravenes this clause commits a shipping violation for which the administrative fine is \$400,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$700,000.00.

Clause 97 of the Bill would provide that where a ship is brought before a shipbreaker to break up the ship, the ship

breaker is required, prior to breaking the ship, to apply to the Authority to break up the ship. The clause also provides that once approval is granted for the breaking up of a ship, the shipbreaker is required to do so in accordance with Regulations made under the Act. The clause also provides that where a ship has been scrapped to such an extent that it can no longer be used as a ship, and the ship is a Trinidad and Tobago ship, the owner of the Trinidad and Tobago ship is required to apply for the Trinidad and Tobago ship to be deregistered also where the ship is a foreign ship, the Authority is required to inform the maritime authority responsible for registration of the foreign ship of that fact. The clause would provide that where the owner of an offshore installation intends to decommission an offshore installation or its pipelines, he is required to notify the Authority of that fact. Where a person commences the breaking of a Trinidad and Tobago ship or offshore installation without obtaining approval, he commits a shipping violation for which the administrative fine is \$30,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$50,000.00.

Clause 98 of the Bill would provide for the disposal of a ship, part or material or the decommissioning of an offshore installation as a result of the breaking of a ship or the decommissioning of an offshore installation is to be in compliance with any written law.

Clause 99 of the Bill would require a shipbreaker, where he receives approval, to break up a ship or offshore installation and after he breaks up a ship or offshore installation to inform the Authority of the breaking up or decommissioning. A shipbreaker who breaches this clause commits a shipping violation for which the administrative fine is \$10,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$50,000.00.

Part VII of the Bill would provide for offshore installations and would contain 4 clauses.

Clause 100 of the Bill would require that where an offshore installation is operating in Trinidad and Tobago waters, it shall be in the charge of a person appointed to be or act as an Offshore Installation Manager. The owner of the offshore installation is required to appoint an Offshore Installation Manager with the necessary skills and experience and any other person or person to act in the absence of the Offshore Installation Manager. The Minister is empowered to make Regulations relative to requirements to be fulfilled with respect to the Offshore

Installation Manager, including requirements as to qualifications, experience, health or age and the different provisions for managers of different types of offshore installations whose responsibilities differ in other respects. The clause goes on to allow the owner of an offshore installation to appoint two or more persons to be Offshore Installation Managers in rotation and where he determines at any time that the Offshore Installation Manager is not in possession of the requisite skills and experience, the owner of the offshore installation is required to terminate his employment and give the Authority notice of such termination. The owner of an offshore installation who fails to employ an Offshore Installation Manager commits a shipping violation for which the administrative fine is \$75,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and a further fine of \$20,000.00 for every day the breach continues.

Clause 101 of the Bill would set out the duties of an Offshore Installation Manager to have general responsibility for matters affecting safety, health or welfare, the maintenance of order or discipline and for the discharge of that responsibility. The Offshore Installation Manager is empowered to exercise authority over all persons in or about the offshore installation. The clause would empower the Offshore Installation Manager to put any person on board an offshore installation on ashore where he has reasonable cause to believe that is necessary and expedient for the purpose of securing the safety and security of an offshore installation or maintaining order and discipline on the offshore installation. The clause goes further to provide that where the person to be put to shore has done or is likely to do anything which is likely to endanger the safety of the offshore installation or persons on or about the offshore installation or the maintenance of order and discipline among those persons, the Offshore Installation Manager can cause to be taken such other reasonable measures to restrain the person as he thinks necessary for up to twenty-four hours.

Clause 102 of the Bill would provide that where an offshore installation is built outside of Trinidad and Tobago for use in the waters of Trinidad and Tobago, the Authority on being satisfied that the offshore installation is fit for use and has a Certificate from a Recognised Organization stating fitness for use as an offshore installation, the Authority will register the offshore installation.

Clause 103 of the Bill would prohibit the operation of a ship, or aircraft within 500 metres of an offshore installation except with the permission of the Offshore Installation Manager of the offshore installation. A person who contravenes this section commits a

shipping violation for which the administrative fine is \$75,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00.

Part VIII of the Bill would provide transfers and transmissions, mortgages and maritime liens on vessels and would contain 18 clauses.

Clause 104 of the Bill would provide that all transfers, transmissions, mortgages and maritime liens in respect of Trinidad and Tobago ships are to be conducted in accordance with this Part of the Act.

Clause 105 of the Bill would provide that the transfer of a Trinidad and Tobago ship is to be effected by a Bill of Sale which would contain the description of the ship as contained in the Certificate of Registry or some other description sufficient to identify the ship to the satisfaction of the Registrar of Shipping. A Bill of Sale is required to be executed by the transferor in the presence of at least one witness who is required to add his occupation, address and signature.

Clause 106 of the Bill would provide that where a Trinidad and Tobago ship is registered and it, or any share, in the Trinidad and Tobago ship is transferred, the transferee is not entitled to be registered as owner of the Trinidad and Tobago ship until a declaration is made in respect of the ship. The declaration is required to have a qualification of the transferee to own a Trinidad and Tobago ship, whether as an individual or a corporation, and a statement from the owner of the ship that, to the best of his belief, the transferee is a person qualified to own a Trinidad and Tobago ship.

Clause 107 of the Bill would require a duly executed Bill of Sale for the transfer of a Trinidad and Tobago ship to be provided to the Registrar of Shipping together with the declaration of transfer. Upon receipt of the Bill of Sale and declaration of transfer, the Registrar of Shipping is required to enter the name of the transferee as the owner of the Trinidad and Tobago ship or share in the Trinidad and Tobago ship in the relevant register book and endorse on the Bill of Sale the fact that the entry has been made with the date and time of the acceptance.

Clause 108 of the Bill would require a person, where the entitlement to the property in a Trinidad and Tobago ship is upon death or bankruptcy of any registered owner or by any lawful means other than by a transfer under the Act, to provide

the Registrar of Shipping with a declaration to be known as “a declaration of transmission”. The requisite documents required to accompany the declaration of transmission are set out in the subsequent subclauses.

Clause 109 of the Bill would provide for where the transmission, on death or bankruptcy or otherwise, is not to a person authorised to own a Trinidad and Tobago ship. The clause would authorize the High Court, on the application of the unqualified person, to order the sale of the property and direct that the proceeds of the sale, after expenses are deducted, is to be paid to the person entitled under the transmission. The time frame for the application is set out in the subsequent subclauses.

Clause 110 of the Bill would provide that where the High Court orders the sale of any Trinidad and Tobago ship or share therein, the order of the Court shall contain a declaration vesting in some person named therein the right to transfer that Trinidad and Tobago ship or share and the person would be entitled to transfer the Trinidad and Tobago ship or share in the same manner as if the person was the registered owner of the Trinidad and Tobago ship. The Director General would then be required to comply with the requisition of the person named as if that person was the registered owner.

Clause 111 of the Bill would empower the High Court, on the application of any interested person, to make an order prohibiting for a time specified in the order, any dealing with a ship or a share therein. The Court is empowered to make the order or any terms or conditions it thinks just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as it determines where it determines justice requires. The clause also provides that the Director General, without being made a party to the proceedings, on being served with an order or an official copy thereof is required to obey the order. Finally, the clause provides that an application under this clause may be made by summons or otherwise, and either *ex parte* or upon service of notice on any person.

Clause 112 of the Bill would provide that a Trinidad and Tobago ship can be used as security for a loan or other valuable consideration by mortgage, which would be on the prescribed form in Schedule 2 to the Act. Where a mortgage document is presented to the Director General in respect of a Trinidad and Tobago ship, the Director General is required to direct the Registrar of Shipping to record the mortgage in the relevant Register book. The clause goes further to require mortgages be recorded by the Registrar of

Shipping in the order in which they are produced to him for that purpose, and the Registrar of Shipping is required to endorse and sign a statement of each mortgage, stating the date and time of acceptance.

Clause 113 of the Bill would require the Registrar of Shipping, where a registered mortgage is discharged, on the production of the mortgage document, with a receipt indicating full payment of the mortgage or other release endorsed thereon duly signed and attested, to make an entry in the register book to the effect that the mortgage has been discharged.

Clause 114 of the Bill would set out the priority of mortgages where there are more than one registered mortgages, in respect of a Trinidad and Tobago ship by the date and time each mortgage is recorded in the register book and not in accordance with the date of each mortgage itself. The clause goes on to provide that a registered mortgage of a Trinidad and Tobago ship or share is not to be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor, at the commencement of his bankruptcy, had the Trinidad and Tobago ship or share in his possession, order or disposition, or was the reputed owner thereof.

Clause 115 of the Bill would provide that a mortgagee is not to be treated, by reason of the mortgage, as the owner of the Trinidad and Tobago ship or share in the Trinidad and Tobago ship.

Clause 116 of the Bill would provide that every registered mortgagee is entitled, if any money due as a mortgage payment or any part thereof is due, to sell the Trinidad and Tobago ship or share in respect of which he is registered, and to give effectual receipts for the purchase money. The clause would provide that where two or more mortgagees are registered in respect of the same Trinidad and Tobago ship or share, a subsequent mortgagee is prohibited from, except under an Order of the High Court, selling the Trinidad and Tobago ship or share without the concurrence of every prior mortgage.

Clause 117 of the Bill would provide that a registered mortgage in a Trinidad and Tobago ship may be transferred to any person. Where a mortgage in a Trinidad and Tobago is transferred and the instrument affecting the transfer is produced to the Registrar of Shipping, the Registrar of Shipping is required to enter the name of the transferee as the mortgagee of the Trinidad and Tobago ship or share in the relevant register book and, endorse and sign the mortgage and on the instrument a statement that a transfer has been recorded.

Clause 118 of the Bill would provide that where the interest of a mortgagee in a Trinidad and Tobago ship, or any share therein, is transmitted to any person on the death or bankruptcy of the mortgagee or by any lawful means, other than by a transfer, the person to whom the interest is transmitted is required to provide the Registrar of Shipping with a declaration to be known as “a declaration of transmission of mortgage”. The declaration is to be accompanied by evidence, as required by this Part, in the case of a transmission of the ownership of a Trinidad and Tobago ship or share. The Registrar of Shipping is thereafter required, on receipt of the declaration, to enter the name of the person entitled under the transmission in the relevant register book as the mortgagee of the Trinidad and Tobago ship or share.

Clause 119 of the Bill would provide that the rules, legal and equitable, applicable to maritime and other liens on a Trinidad and Tobago ship, cargo and other maritime property, at present, in operation in the waters of Trinidad and Tobago would continue in force, except as so far as they are inconsistent with the provisions of the Act.

Clause 120 of the Bill would provide for the ranking of liens against a Trinidad and Tobago ship in the following order: firstly, expenses incurred for seizure and forfeiture of the Trinidad and Tobago ship by the Court, seafarer wages, salvage, tort liens, pre-mortgage liens for necessities, preferred ship mortgage liens, liens for necessities, State created liens of a maritime nature, liens for penalties and forfeiture under any written law, preferred non-maritime liens, including tax liens, attachment liens and maritime liens in bankruptcy.

Clause 121 of the Bill would provide that a person’s beneficial interest in a Trinidad and Tobago ship or any share therein by way of mortgage and the Trinidad and Tobago ship or share is registered in the name of another person as owner, the person so interested, as well as the registered owner, is subject to all pecuniary penalties imposed by the Act.

Part IX of the Bill would provide for manning and certification and would contain 8 clauses.

Clause 122 of the Bill would require the owner or master of every Trinidad and Tobago ship and Offshore Installation Manager of every offshore installation to ensure that the Trinidad and Tobago ship and offshore installation has sufficient crew holding the appropriate Certificates in accordance with the minimum safe

manning requirements under the Act. Breach of this clause by the owner or master of a Trinidad and Tobago ship or an Offshore Installation Manager of an offshore installation would mean that the Trinidad and Tobago ship would not be allowed to proceed to sea and the offshore installation would be required to cease operations.

Clause 123 of the Bill would require the Authority to provide to the owner or master of a Trinidad and Tobago ship or an Offshore Installation Manager of an offshore installation with the minimum safe manning requirements for the Trinidad and Tobago ship or offshore installation.

Clause 124 of the Bill would empower the Director General, in certain circumstances of exceptional necessity and where the Trinidad and Tobago ship or offshore installation does not cause danger to persons, property or the environment, to grant to a member of the crew of a Trinidad and Tobago ship or offshore installation, dispensation, in accordance with Regulations, to act in a position that he is qualified for but for which he does not hold a Certificate on the Trinidad and Tobago ship or offshore installation, for a particular period. The grant of a dispensation in respect of the post of master of a Trinidad and Tobago ship would only be in cases of *force majeure*. The qualification of the term “circumstance of exceptional necessity” is contained in subclause (4).

Clause 125 of the Bill would empower the Authority to recognise the certificates of a person for the posts of master, deck officer or engineer which were obtained from a country outside of Trinidad and Tobago through the issuance of an endorsement in respect of the foreign Certificate of Competency which would authorize the person to serve on a Trinidad and Tobago ship in the same capacity as if the foreign Certificate of Competency was issued under the Act. The clause goes on to provide that an endorsement issued under this clause would be valid for the period of validity of the foreign certificate of competency and may be renewed having the same force as a Certificate of Competency issued under the Act.

Clause 126 of the Bill would empower the Authority to suspend or cancel a Certificate of Competency where there is an allegation of misbehaviour or contravention of the Act by the holder of a Certificate of Competency. The Authority would first appoint a board of inquiry to be held by one or more person qualified to be part of a board of inquiry. The members of a board of inquiry who are appointed will have all the powers of a person holding an inquiry under Part XXVIII and are required, at the conclusion of their investigation, send a full report of the proceedings and

evidence to the Board. Where the board, on receipt of a report, is of the opinion that the person against whom the allegations were made was guilty of such misconduct or contravention, it may suspend or cancel the Certificate or endorsement of the person. The Authority is also empowered to suspend or cancel a Certificate of Competency, licence or endorsement if the holder is convicted in Trinidad and Tobago of an offence relating to, or connected with shipping matters or where the holder is determined by a medical practitioner to be medically unfit. A person aggrieved by a decision of the Board can appeal to the High Court. The clause also empowers the Director General, where a Certificate of Competency, licence or an endorsement of a person serving on a Trinidad and Tobago ship is suspended or cancelled, to demand from the person his Certificate of Competency or other document of evidence of his qualification and the person shall produce the Certificate of Competency or document. If a person does not produce the Certificate of Competency or document when requested, he commits a shipping violation for which the administrative fine is \$7,500.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00 and to imprisonment for one year.

Clause 127 of the Bill would prohibit any person engaged as a seafarer to go to sea, in any capacity if he does not have the applicable and required Certificates for. The seafarer who operates in a position for which he does not have the applicable and required Certificates and a person who engages a seafarer in a position for which he does not have the applicable and required Certificates both commit a shipping violation for which the administrative fine is \$5,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00 and imprisonment for one year.

Clause 128 of the Bill would set out offences relating to Certificates of Competency or Certificates of Proficiency. The clause would make it an offence to make any false representation for the purpose of obtaining a Certificate of Competency or a Certificate of Proficiency, to forge or fraudulently alter a Certificate of Competency or a Certificate of Proficiency, fraudulently lend a Certificate of Competency or a Certificate of Proficiency or fraudulently uses a Certificate of Competency or a Certificate of Proficiency. The penalty for committing such offences is a fine of \$10,000.00 and imprisonment for one year. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 129 of the Bill would provide that if a master or owner of a Trinidad and Tobago ship or of a foreign ship goes to sea or attempts to do so without carrying the officers and seafarers required to be on board, the relevant Certificates of the Trinidad and Tobago ship may be withdrawn and the foreign ship may be detained under Part XXIX of the Act.

Part X of the Bill would provide for recognised training institutions and seafarers and would contain 52 clauses.

Clause 130 of the Bill would provide for the interpretation of certain words and phrases used in Part X of the Bill.

Clause 131 of the Bill would require the owner or operator of a maritime training institution, who wishes to provide training programs in maritime studies or training courses in maritime studies, to apply to the Authority giving the full details of the course content and delivery methods for review and approval. The Authority is required, on receipt of an application by the owner or operator of a maritime training institution to provide training programs or training courses in maritime studies, to conduct a verification audit at the physical address of the training institution, which shall be performed with satisfactory results before the training institution can be recognized with respect to training courses and programs required by the regulations for the certification seafarers. The clause goes on to provide that only a maritime training institution holding a Certificate of Recognition can deliver training courses and programs to seafarers who wish to obtain Trinidad & Tobago discharge books, identification documents, Certificates of Competency and Certificates of Proficiency. Once a Recognised Training Institution is approved under this clause, the Minister of Works, on the advice of the Authority, is required publish an Order containing the list of such institutions and he may add to, remove from or amend the list.

Clause 132 of the Bill would set out the functions of the Registrar of Seafarers. The Registrar of Seafarers is responsible for processing documents relative to the engagement and discharge of all persons who serve on board Trinidad and Tobago ships or offshore installations and all the seafarers who are citizens of Trinidad and Tobago who serve on foreign ships. The Registrar of Seafarers is also required to afford facilities for engaging and discharging seafarers by keeping registers of the names and valid Certificates of Competency and Certificates of Proficiency of seafarers who apply to him for engagement, who produce continuous discharge Certificates as proof of service on foreign ships or Trinidad and Tobago ships or offshore installations and who serve on Trinidad and Tobago ships or offshore installation.

The Registrar of Seafarers is also required to record where he has read and explained a crew agreement to a seafarer in accordance with regulations, cause copies of the to be kept at the Authority, perform such other duties relating to seafarers, apprentices, ships and offshore installations as are by, or in pursuance of this or any other written law relating to shipping entrusted to him and keep the registers required by clause 135.

Clause 133 of the Bill would set out the types of Registers required to be kept by the Registrar of Seafarers. These include a Register of Ratings, Register of Ratings at Support Level, Register of Deck Watch-Keepers, Register of Engineering Ratings, Register of Engineering Ratings at Support Level, Register of Engineering Watch Keepers, Register of Holders of Restricted Radio Operators' Certificate, Register of Holders of General Operators Certificates for Radio Watch Keepers, Register of Holders of General Maritime Distress Safety System Certificates, Register of Offshore Installation Managers and such other Registers as the Director General may require to be established from time to time. The Registrar of Seafarers is not allowed to enter the name of any person onto any of the Registers under this clause who is not a citizen of Trinidad and Tobago of a CARICOM country. The Registrar of Seafarers also cannot enter the name of any person as a seafarer in any of the registers established under this clause, unless that person provides to the Registrar of Seafarers evidence of his qualifications and training as such and his medical records.

Clause 134 of the Bill would provide that where a seafarer wishes to be issued with an initial seafarer identification document, he is required to submit to the Registrar of Seafarers his relevant Training Completion Certificate, issued by a Recognised Training Institution indicating that he has completed the relevant training programme or training course and the Registrar of Seafarers will issue the seafarer with an initial seafarer identification document. Also, where a seafarer obtains further foreign certificates of proficiency, foreign certificates of competency or endorsements issued by a foreign jurisdiction, he is required to produce the certificates to the Registrar of Seafarers for entry onto his seafarer identification document.

Clause 135 of the Bill would provide that where a person wants to obtain a Certificate of Competency, he is required to apply to the Authority in the approved form and also submit proof that he is a citizen of Trinidad and Tobago or of a CARICOM country, a Training Completion Certificate from a Recognised Training Institution, documentary evidence of qualifying sea service, a

Certificate of good character and a valid medical Certificate from a medical practitioner. Once the Director General is satisfied that the applicant meets the requirements for the issue of a Certificate of Competency, he would issue to the applicant a Certificate of Competency.

Clause 136 of the Bill would provide that where a person wants to obtain a Certificate of Proficiency, he is required to apply to the Authority in the approved form and also submit a Training Completion Certificate from a Recognised Training institution, documentary evidence of qualifying sea service and a valid medical certificate from a medical practitioner. The Director General may also require the applicant to supply a certificate of good character. Once the Director General is satisfied that the applicant meets the requirements for the issue of a Certificate of Proficiency, he would issue to the applicant a Certificate of Proficiency.

Clause 137 of the Bill would provide that where a person wishes to get an endorsement on his Certificate of Competency, he is required to apply to the Authority in the approved form and accompanied by a Training Completion Certificate from a Recognised Training institution, a certificate of good character and a valid medical certificate from a medical practitioner. Once the Director General is satisfied that the applicant meets the requirements for the issue of an endorsement on his Certificate of Competency, he would endorse the Certificate of Competency.

Clause 138 of the Bill would provide that a Certificate of Competency is valid for a period of five years, whereas a Certificate of Proficiency would be valid for a period set out in Regulations in respect of the particular type of Certificate of Proficiency issued. An endorsement of a Certificate of Competency would only be valid for the period of validity of the Certificate of Competency.

Clause 139 of the Bill would prohibit the employment of a person as a seafarer on board a Trinidad and Tobago ship or offshore installation unless the seafarer is trained or certified as competent or otherwise qualified to perform his duties and has successfully completed training for personal safety on board a Trinidad and Tobago ship or offshore installation. A person who contravenes this clause commits a shipping violation for which the administrative fine is \$5,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 140 of the Bill would require the master of a Trinidad and Tobago ship over five metres to enter into an agreement with

every seafarer whom he employs and carries to sea as one of his crew. This requirement may be waived by the Director General if he considers it expedient to do so. If, however, the master of a Trinidad and Tobago ship fails to enter into an employment agreement, he commits a shipping violation for which the administrative fine is \$10,000.00, as set out in Schedule 5 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn.

Clause 141 of the Bill would provide for the requirements of crew agreements.

Clause 142 of the Bill would provide that crew agreements are to be displayed in some part of the Trinidad and Tobago ship or offshore installation which is accessible to the crew on the commencement of every voyage or engagement. The clause goes on to provide that if the crew agreement contains erasures, amendments or alterations, other than those required for the purpose of shipping substitutes or persons engaged after first departure of the Trinidad and Tobago ship or operation of the offshore installation. Provision is made for where the Trinidad and Tobago ship changes flag, and requires the master, owner or operator of the Trinidad and Tobago ship to deliver or transmit to the Director General the crew agreement made out up to the time the Trinidad and Tobago ship ceased to be a Trinidad and Tobago ship. The clause goes on to make it an offence for any person to make a false entry in or deliver a false copy of a crew agreement punishable on summary conviction to a fine of \$50,000.00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 143 of the Bill would require a person who engages or employs a seafarer to work on a Trinidad and Tobago ship or offshore installation to provide the seafarer with an employment agreement. Failure to do so is a shipping violation for which the administrative fine is \$10,000.00, as set out in Schedule 5 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn. The employment agreement must be clear and legible and the seafarer must be given an opportunity to review it and freely sign it. The employment agreement is required to provide for provisions for the settlement of wage

disputes and mediation, cancellations and arbitration. It is also required to be signed by the ship owner or his representative.

Clause 144 of the Bill would prohibit the employment of a person, in any capacity, on a Trinidad and Tobago ship or an offshore installation unless a medical certificate granted by a duly qualified medical practitioner certifying that such person is fit to be employed in that capacity is delivered to the master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation, The medical certificate must be valid for a maximum period of two years from the date of issue and may be revoked by the medical practitioner if he is satisfied that the person is no longer fit for work. The clause goes on to provide that the Authority can in urgent cases and only on the application of the owner or master of the Trinidad and Tobago ship or the Offshore Installation Manager, permit a seafarer to work without a valid medical certificate, where the period of such permission does not exceed three months and the seafarer concerned is in possession of an expired medical certificate, which has not expired for more than three months. Provision is also made for where a medical certificate expires during a voyage of a Trinidad and Tobago ship, to allow the Certificate to remain valid until the Trinidad and Tobago reaches the next port of call where he can obtain another medical certificate which can only be valid for three months.

Clause 145 of the Bill would require a person who engages or employs a seafarer to work on a Trinidad and Tobago ship or offshore installation to provide the seafarer with a record of his employment, failing which the person commits a shipping violation where the administrative fine is \$5,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00. The record of employment is not to state the seafarer's wages or the quality of his work.

Clause 146 of the Bill would require a person who engages or employs a seafarer to work on a Trinidad and Tobago ship or offshore installation to provide the seafarer with a discharge book. If a seafarer loses his discharge book, he is required to make a declaration to the Registrar of Seafarers of the loss and the full details of the loss. Upon receipt of the declaration and payment of the prescribed fee, a replacement Trinidad and Tobago discharge book would be issued to the seafarer.

Clause 147 of the Bill would empower the Registrar of Seafarer, at any time, to request a seafarer produce his Trinidad and Tobago Discharge Book for any circumstances as may be

prescribed by regulations made under the Act, the interrogation or validation of recorded sea service, the purpose of calculating qualifying sea service, in response to allegations or investigation of fraud and the purpose of casualty investigation. The seafarer is required to produce the Trinidad and Tobago Discharge Book within fourteen days of the request by the Registrar of Seafarers. The seafarer who fails to produce the Trinidad and Tobago Discharge Book within the fourteen-day period commits a shipping violation for which the administrative fine is \$3,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$5,000.00.

Clause 148 of the Bill would require a seafarer who has been issued with a Trinidad and Tobago Discharge Book to maintain the Trinidad and Tobago Discharge Book in a condition that allows for the easy recognition of all personal details and sea service records by the Registrar of Seafarers. The seafarer is required to not allow the defacement or fraudulent entry of service details in his Trinidad and Tobago Discharge Book. A seafarer who contravenes subclause (1)(a) commits a shipping violation for which the administrative fine is \$3,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$5,000.00. A seafarer who contravenes subclause (1)(b) commits a shipping violation for which the administrative fine is \$5,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00. Provision is also made for the seafarer to be issued with a new Trinidad and Tobago Discharge Book if the Trinidad and Tobago Discharge Book cannot accommodate any more records of his sea service.

Clause 149 of the Bill would require the master of a Trinidad and Tobago Ship or Offshore Installation Manager of an offshore installation to issue to a seafarer, upon his discharge, a Certificate of Discharge specifying the period of his service and the time and place of discharge. The clause also requires the master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation, upon the discharge of every certificated officer whose Certificate of Competency has been delivered to and retained by him, to return the Certificate to the officer. Once a Certificate of Discharge is issued to a seafarer, the master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation is required to stamp the seafarer's Trinidad and Tobago Discharge Book.

Clause 150 of the Bill would prohibit the employment or engagement as a seafarer of any person under the age of eighteen years where the work is likely to jeopardize their health and safety. The clause goes on to prohibit the employment of a person under the age of sixteen years on any Trinidad and Tobago ship except on work approved by the Director General on board a school ship or on an offshore installation. The clause also provides that a person under the age of eighteen is not to be employed to work in the engine room of a ship or machinery space of an offshore installation. A person who breaches this clause commits a shipping violation for which the administrative fine is \$15,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$25,000.00 and imprisonment for 3 years.

Clause 151 of the Bill would require the master of every Trinidad and Tobago ship trading on international voyages, before leaving the port, to sign and send the Director General a full and accurate statement of every change which takes place in the crew before finally leaving the port and the statement is admissible in evidence. The Offshore Installation Manager of an offshore installation is also required to send to the Director General a full and accurate statement of every change that takes place in his crew and the statement is admissible in evidence. Non-compliance with this clause would constitute a shipping violation for which the administrative fine is \$10,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00.

Clause 152 of the Bill would require that all correspondence, documents, form or other writings in the English language and in the case of the crew agreement, Official Log Book and muster lists, in a prescribed form save that a foreign language version of any document may be appended to the English language version. The clause also requires that all written signs displayed on board a Trinidad and Tobago ship or offshore installation in the English language with, if it is considered necessary by the master, a foreign language version appended.

Clause 153 of the Bill would provide that where the Director General is of the view that the crew on board a Trinidad and Tobago ship does not speak sufficient English to be able to understand orders given to them in the course of their duty and there are no arrangements to transmit the orders in a understandable language, he would inform the master of the Trinidad and Tobago ship of his opinion and the master is not to allow the ship to proceed to ship and the Trinidad and Tobago ship

may be detained. The clause also provides that where the Director General is of the view that the crew on board an Offshore Installation Manager of the offshore installation does not speak sufficient English to be able to understand orders given to them in the course of their duty and there are no arrangements to transmit the orders in a understandable language, he would inform the Offshore Installation Manager of his opinion and the Offshore Installation Manager shall cause all the operations of the offshore installation to cease. The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation who fails to comply with this clause commits a shipping violation, for which the administrative fine is \$10,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00.

Clause 154 of the Bill would require the master of every Trinidad and Tobago ship trading from and beyond the waters of Trinidad and Tobago or the Offshore Installation Manager of an offshore installation to subject any collective agreement to regularly pay to each seafarer belonging to the Trinidad and Tobago ship of offshore installation his wages in accordance with his employment agreement and at no time should the period exceed three months. The clause also requires the master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation to provide the seafarer with a monthly account of the payments due and the amount paid, including wages, additional payments and rate of exchange and where the payments have been made in a currency or at a rate different from the one agreed to and ensure that seafarers are provided with the means to transmit all or part of their earnings to their families, dependents or legal beneficiaries.

Clause 155 of the Bill would require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, before paying off or discharging a seafarer or before changing flag, to deliver to the seafarer, at the time and in the manner provided by this Act or Regulations made hereunder, a full and true account of the wages of the seafarer and all deductions to be made therefrom for any reason whatever. The account is required to be delivered to the seafarer not less than twenty-four hours before his discharge or paying off.

Clause 156 of the Bill would prohibit a deduction from the wages of a seafarer unless the deduction is included in the account to be delivered to the seafarer. The clause also requires the master of a Trinidad and Tobago ship or the Offshore Installation Manager

of an offshore installation to enter the various matters relative to the deductions with the amount of the deductions as they occur in a book kept for that purpose.

Clause 157 of the Bill would require, when a seafarer is discharged and the settlement of his wages completed, to sign a release, of all claims in respect of past voyages or engagement, which is also to be signed by the master or owner of the ship or the Offshore Installation Manager of the offshore installation. The clause provides that the release signed and attested would operate as a mutual discharge and settlement of all demands between the parties thereto in respect of past voyages or engagements and is required to be delivered to and retained by, the owner for a period of seven years after the expiration of the agreement and produced on demand made therefrom by the Registrar of Seafarers on other proper officer.

Clause 158 of the Bill would provide for where the payment or account of any wages is to be made in any other currency than what is contained in the agreement between the seafarer and the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation.

Clause 159 of the Bill would provide for where there is a question as to the wages of a seafarer raised between the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, the decision on the question would be decided by the Registrar of Seafarers and the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation and the seafarer are required to abide by the decision of the Registrar of Seafarers. The clause provides that where a wage dispute arises, the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation is required to report the dispute and the settlement of the dispute to the Registrar of Seafarers who is required to record this information. Provision is also made for appeals to the High Court from a decision of the Registrar of Seafarer under this clause but requires the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation and the seafarer to abide by the decision of the Registrar of Seafarers until the appeal is determined.

Clause 160 of the Bill would prohibit the rights of any seafarer relative to his wages, right to wages in the case of a wreck or loss of a Trinidad and Tobago ship, or an offshore installation or any lien of the seafarer to be renounced by agreement. The clause requires

that when a seafarer is discharged illegally from a Trinidad and Tobago ship, any rights that he may have obtained in the nature of salvage cannot be renounced by agreement. Any provision in any agreement that would run afoul of these prohibitions would be void.

Clause 161 of the Bill provides that the Family Law (Guardianship of Minors Domicile and Maintenance) Act, would apply to all masters and seafarers of Trinidad and Tobago ships.

Clause 162 of the Bill would provide that the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation would have the same rights, liens and remedies for the recovery of his wages as a seafarer has for his wages.

Clause 163 of the Bill would provide that the right to wages of a seafarer is not dependent on the earning of freight and the seafarer can demand and recover his wages if the ship on which he served could have earned but did not earn freight.

Clause 164 of the Bill would provide for the payment of the wages of a seafarer upon death. The clause provides that where the seafarer who would, but for death, be entitled to demand and recover any wages, dies before the wages are paid, the wages are to be paid and applied in the same way as the wages of a seafarer who dies during a voyage.

Clause 165 of the Bill would provide for the improper discharge of a seafarer without fault and without his consent and before the commencement of the voyage or engagement or before one month's wages are earned by him. In those instances, he is entitled to receive from the owner or master or Offshore Installation Manager, as the case may be, in addition to the wages he would have earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages and he can also recover that compensation as if they were wages duly earned. This provision does not apply to the master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation. The clause goes on to provide for the improper discharge of master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation without fault and without his consent and before the commencement of the voyage or engagement or before one month's wages are earned by him. In those instances, he is entitled to receive from the owner of the Trinidad and Tobago ship or offshore installation, as the case may be, in addition to the wages he would have earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages and he can also recover that compensation as if they were wages duly earned.

Clause 166 of the Bill would provide for what happens to the property of a seafarer where he dies either on a Trinidad and Tobago ship or on an offshore installation. In those instances, the master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation required to take charge of all of the money and effects belonging to the seafarer that is on board and enter in the Official Log Book a statement of the amount of money and description of the effects and wages due to the deceased seafarer, the amount of any deductions and balance of wages due. These entries are required to be signed by the master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation and attested by another seafarer. Where he thinks fit, the master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation may cause any of the effects to the deceased seafarer to be sold. The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation is required to furnish the Registrar of Seafarers with a statement of the property of the deceased seafarer.

Clause 167 of the Bill would require the property of a deceased seafarer to be delivered by the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, by the most practicable means, to the personal representative of the deceased. The clause goes on to provide that where the deceased seafarer has no personal representative, the master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation is required to deliver the property of the seafarer to the Registrar of Seafarers or the proper officer, as the case may be, for disposal in accordance with the relevant written law or the order of the Court. The master of a Trinidad and Tobago ship or of an offshore installation is authorised to deduct from the proceeds of the sale of the property of the seafarer, any expenses properly incurred. The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation is required to deliver a statement of account to the Registrar of Seafarers respecting the property of seafarers.

Clause 168 of the Bill would provide that where a person attempting to obtain either for himself or another person the property of a seafarer forges or fraudulently alters any document purporting to show or assist in showing the right to that property, or makes use of any document that has been forged or fraudulently altered to show or assist in showing the right to that property, or gives false evidence or makes a false representation or assists in procuring a false evidence or representation commits an offence which is punishable on summary conviction to a fine of

\$100,000.00 and to imprisonment for ten years. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 169 of the Bill would require the owner or master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to take reasonable precautions to prevent occupational accidents, injuries and diseases on board the Trinidad and Tobago ship or offshore installation, including taking reasonable precautions to prevent risk of exposure to harmful levels of ambient factors and chemical, as well as the risk of injury and disease that may arise of the use of equipment and machinery on board the Trinidad and Tobago ship or offshore installation. Contravention of this section is a shipping violation for which the administrative fine is \$375,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$500,000.00.

Clause 170 of the Bill would require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to ensure that proper and sufficient and adequate provisions and water are supplied to the crew failing which, the contravention is a shipping violation for which the administrative fine is \$7,000.00, as set out in Schedule 5. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$15,000.00.

Clause 171 of the Bill would require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to ensure that there are adequate measures for the protection of their health of seafarers and that they have access to prompt and adequate medical care (which includes dental care) while on board the Trinidad and Tobago ship or offshore installation, at no financial cost to the seafarer. Where the medical attention required cannot be provide on board, the Trinidad and Tobago ship or offshore installation, the owner, master or agent of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation is required to provide seafarers with prompt and adequate care onshore at no cost to the seafarer.

Clause 172 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to ensure that a Trinidad and Tobago ship or offshore installation carries medicines, medical stores, appliances and books in accordance with the scales laid down in regulations made under the Act. The clause goes on to provide that where an inspector or surveyor is of the opinion that the medicines, medical stores, appliances and books on a Trinidad and Tobago ship or the

offshore installation are deficient in quantity or quality or are placed in improper receptacles, he is required to give notice in writing to the master, owner or agent of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation, and the Trinidad and Tobago ship may be detained or the offshore installation may be required to cease operations in accordance with Part XXIX of the Act.

Clause 173 of the Bill would provide that where the master of a Trinidad and Tobago ship, the Offshore Installation Manager of an offshore installation or a seafarer on board a Trinidad and Tobago ship or the offshore installation, receives any surgical or medical treatment, or such dental or optical treatment, including the repair or replacement of any appliance, as cannot be postponed without impairing the efficiency of the master, Offshore Installation Manager or seafarer, the reasonable expenses is to be borne by of the owner of the Trinidad and Tobago ship or the owner of the offshore installation. The clause also provides that where the master of a Trinidad and Tobago ship, the Offshore Installation Manager of an offshore installation or a seafarer dies and is buried or cremated outside his State of residence, the expenses of his burial or cremation is also be borne by the owner of the Trinidad and Tobago ship or the owner of the offshore installation.

Clause 174 of the Bill would require the owner or master of every Trinidad and Tobago ship registered as a passenger ship on an international voyage of more than seventy-two hours to ensure that there is on board the ship, as part of the complement for the Trinidad and Tobago ship, a registered medical practitioner at a ratio of one medical practitioner to every one hundred persons. The clause goes on to require the Offshore Installation Manager of an offshore installation to ensure that there is on the offshore installation as part of the complement, a registered medical practitioner at a ratio of one medical practitioner to every one hundred persons on the offshore installation. The clause goes further to provide that notwithstanding the ratio requirements for Trinidad and Tobago ships in relation to medical practitioners, the Authority is authorised to vary the requirements for a Trinidad and Tobago ship or offshore installation from the requirement to have one medical practitioner per one hundred passengers to require other persons with medical care training to be on board the Trinidad and Tobago ship or offshore installation save the requirement to have at least one registered medical practitioner on board. The clause also provides that where a Trinidad and Tobago ship proceeds from a port in contravention of this clause, the owner of the Trinidad and Tobago ship commits a shipping violation for in respect of every day of every voyage of the Trinidad and Tobago ship for which the administrative fine is \$5,000.00, as set out in Schedule 5 and \$2,000.00 for every day thereafter. If the

administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00 and \$2,000.00 for every day thereafter. The term “medical care training” is defined for the purposes of this clause means competency to provide medical care to sick or injured persons while they remain on board the ship or offshore installation in accordance with the STCW Convention.

Clause 175 of the Bill would provide that where the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, by wilful breach or by neglect of duty or by reason of being under the influence of alcohol or dangerous drugs, does any act tending to cause the immediate loss, destruction or serious damage of the ship or tending to endanger immediately the life or limb of a person belonging to, or on board, the ship or refuses or omits to do any lawful act proper and required to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb, he commits an offence and is liable to a fine of \$150,000.00 and to imprisonment for twenty-five years. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 176 of the Bill would contain a number of various offences against discipline. These include assaulting the master or any mate or officer of the Trinidad and Tobago ship or the offshore installation for which he commits an offence and is liable to one year imprisonment. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Where he combines with any of the crew to disobey a lawful command or to neglect duty or to impede the navigation of the ship or progress of the voyage, he commits a shipping violation for which the administrative fine is \$7,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00. Where he combines with any of the crew to disobey a lawful command or to neglect duty or to impede the operations of an offshore installation, he commits a shipping violation for which the administrative fine, is \$750,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$1,000,000.00. Where the person wilfully damaging the Trinidad and Tobago ship or the offshore installation, or dishonestly misappropriates or converts to his own use, or commits criminal breach of trust in respect of, or wilfully damages, any of its stores or cargo, he commits an offence and the penalty on

summary conviction is imprisonment for one year. The clause goes further to provide that where any conduct is both a disciplinary offence and an offence against the Act and it is dealt with as a disciplinary offence it shall not then be treated as an offence against the Act. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 177 of the Bill would provide that it is an offence for the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation or a member of the crew of the Trinidad and Tobago ship or offshore installation to leave a seafarer behind, either intentionally or not, wrongfully force a seafarer ashore and leaves him behind or otherwise cause a seafarer to be wrongfully left behind at any place. The penalty is that, provided under the general penalties clause, of \$20,000.00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 178 of the Bill would provide for the repatriation of seafarers. The clause provides that it is an implicit term of every employment agreement of a seafarer on a Trinidad and Tobago ship that where the agreement terminates at a port other than the port of engagement, the seafarer is to be returned to the proper return port of the seafarer at the expense of the master or owner of the Trinidad and Tobago ship or the offshore installation and the owner, master or agent of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation is required to make the necessary arrangements to defray all expenses incurred to the return of the seafarer. The clause sets out what the obligations of the owner, master or agent of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation, in this regard, which include the responsibility to pay the cost of maintenance and medical treatment necessary for the seafarer until his arrival at his proper return port and to ensure that the seafarer does not become a charge upon the State. For the purpose of this clause, it does not matter if the agreement is terminated by effluxion of time, an act of one or more of the parties, shipwreck, sale of the ship, the inability of the seafarer to proceed on the ship by reason of sickness or injury or any other cause.

Clause 179 of the Bill would provide that where a Trinidad and Tobago ship is lost or has floundered, a seafarer who suffers loss or unemployment as a result thereof he is entitled to adequate compensation from the owner or the Trinidad and Tobago ship.

Clause 180 of the Bill would provide that where a seafarer is eligible to receive and he receives medical aid or payments at the

expense of his employers under the terms of any written law providing for compensation to injured or sick workers, he is not thereafter entitled to receive medical treatment or maintenance under clause 178(3).

Clause 181 of the Bill would provide that the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation is not liable for any loss or any damage to the effects of a seafarer that is left behind on board a ship who was left behind or discharged at a port under than at this proper port or left behind on an offshore installation where the master or Offshore Installation Manager proves to the Registrar of Seafarers or proper officer that the loss or damage occurred without the neglect or consent of the master after the seafarer left his Trinidad and Tobago ship or offshore installation.

Clause 182 of the Bill would provide that the Government of Trinidad and Tobago is not liable in respect of the wages or effects of a seafarer who has been left behind or discharged at a port other than his return port.

Clause 183 of the Bill would require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to retain any sums retained after sale of the effects under regulations made under this Act to deal with wages or effects of a seafarer from a Trinidad and Tobago ship, who is left behind or from an offshore installation who leaves his wages or effects behind, or arising from the sale of effects, and not disposed of and then sent to the Authority. The clause goes on to provide that, where wages are sent to the Authority by the master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation as required by this clause, the Authority is required to retain the wages for return to the seafarer or his family or personal representative. The clause makes it an offence for a master of Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to not comply with this section. The penalty under the general penalties provision would be a fine of \$20,000.00. This breach is not a shipping violation therefore would not be the subject of an administrative fine.

Clause 184 of the Bill would provide for the return from service of a seafarer belonging to a Trinidad and Tobago ship or offshore installation where his service is terminated otherwise than with his consent. In those instances, the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation is required to give the seafarer a Certificate of Discharge required by this Act and pay to the seafarer the wages to

which he is entitled. The clause also requires the master of a ship or the Offshore Installation Manager of the offshore installation to make adequate provision in accordance with the Act for maintenance and return of the seafarer to a proper return port and record the details of those provisions in the Official Log Book. The clause goes further to provide that in circumstances where the master of a Trinidad and Tobago ship fails, without reasonable cause, to make adequate provision in accordance with the Act for maintenance and return of the seafarer to a proper return port, the living expenses of maintenance during the journey to the proper return port, if defrayed by the seafarer, are recoverable as wages due to him and are a charge upon the Trinidad and Tobago ship to which the seafarer belonged and if defrayed by the Registrar of Seafarers or the proper officer or any other person, are a charge upon the Trinidad and Tobago ship to which the seafarer belonged. The clause goes on to provide that a charge upon a Trinidad and Tobago ship, where the Registrar of Shipping or the proper officer defrays the living expenses and maintenance of the seafarer, may also be recovered from the person who is the owner of the Trinidad and Tobago ship for the time being, if the Trinidad and Tobago ship has been lost, from the person who was the owner of the Trinidad and Tobago ship or the offshore installation at the time of the loss, if the Trinidad and Tobago ship has been transferred to some other person, from the owner of the Trinidad and Tobago ship for the time being or from the person who was the owner of the Trinidad and Tobago ship at the time of the transfer at the suit of the Registrar of Seafarers or the proper officer or other persons defraying the expenses, or, if the expenses have been defrayed out of public monies, as a debt to the State, by ordinary process of law and in the manner in which wages are recoverable by a seafarer.

Clause 185 of the Bill would require the owner or master of a Trinidad and Tobago ship to which a seafarer belongs to discharge the seafarer unless he consents, in writing, to complete the voyage of the Trinidad and Tobago ship if it is continued, where the Trinidad and Tobago ship is transferred to a person entitled to own a Trinidad and Tobago ship, disposed of in accordance with Part VI or where it is intended that a Trinidad and Tobago ship be deregistered under Part IV and entered on the register of another State.

Clause 186 of the Bill would require the master of a Trinidad and Tobago ship who leaves a seafarer behind at any foreign port or place on the ground of his unfitness or inability to proceed to sea, to deliver to the seafarer or the person appointed by the master to represent the seafarer, a full account of the wages due to the

seafarer and if that person is the proper officer, the master is required to deliver the account in duplicate. Where a master of a Trinidad and Tobago ship, under this clause, contravenes this clause he commits an offence and is liable on summary conviction to a fine of \$20,000.00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 187 of the Bill would require the master of a Trinidad and Tobago ship to pay to the proper officer the wages due to a seafarer who is left behind on the ground of his unfitness or inability to proceed to sea and where a payment is made and the proper officer, if satisfied with the account, the proper officer shall furnish a receipt for payment. The clause provides that the payment under this clause shall be made, whenever practicable, in cash, and where not so practicable, by bank draft. Also where master fails, without reasonable cause, to pay wages as provided by this section, he commits an offence and is liable on summary conviction to a fine of \$20,000.00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 188 of the Bill would require that the owner or master of the Trinidad and Tobago ship to pay to the Authority, the wages due to a seafarer of a Trinidad and Tobago ship who is left behind on the grounds of his unfitness or inability to proceed to sea and the Authority shall pay the wages to the seafarer and deliver an account of the money received on his behalf. The clause also provides that, where wages are due to a seafarer of a Trinidad and Tobago ship left behind in a port outside of Trinidad and Tobago on the grounds of his unfitness or inability to proceed to sea, the owner or master of the Trinidad and Tobago ship is required to pay the wages to the proper officer at that port and the proper officer shall pay to the seafarer his wages and deliver to him an account of the money received on his behalf, where the seafarer dies before the Trinidad and Tobago ship leaves the port, the proper officer will deal with the money as part of the property of a deceased seafarer and where the seafarer is sent to a proper return port at the public expense under this Act, the proper officer is require to account for the money to the Director General, and after retaining any expenses duly incurred in respect of the seafarer except such expenses as the owner, master or agent of the Trinidad and Tobago ship is required by this Act to defray, the money is to be dealt with as wages of the seafarer.

Clause 189 of the Bill would provide that where the master or owner of a Trinidad and Tobago ship fails to comply with the requirement under section 185 to discharge the seafarer, he

commits a shipping violation for which the administrative fine is \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00.

Clause 190 of the Bill would provide for where a seafarer is found in any place outside Trinidad and Tobago after having been shipwrecked from a Trinidad and Tobago ship or where, by reason of having been discharged or left behind from a Trinidad and Tobago ship in any place outside Trinidad and Tobago is in distress in that place and the owner or master of the ship is unwilling to provide relief to the seafarer, the Registrar of Seafarers or the proper officer may provide relief to that seafarer in accordance with the Act. The relief is said to be provided to a seafarer when provision is made for the return of the seafarer at the expense of the Government of Trinidad and Tobago to a proper return port and also for his necessary clothing and maintenance until his departure for such a port, in case of death, provision is made for burial expenses and in the case of a shipwrecked seafarer for the repayment of any expenses incurred in his conveyance to port after his shipwreck and his maintenance while being so covered.

Clause 191 of the Bill would provide that where any expenses are incurred by a consular officer on behalf of the Government of Trinidad and Tobago or are incurred by the government of a foreign State and are repaid to such foreign State by the Government of Trinidad and Tobago, the Authority may pay to the consular officer or foreign government the amount of the expenses out of the monies available for the purpose or out of any money appropriated for that purpose by Parliament. All monies paid by the Authority under subsection (1), together with the wages, if any, due to the seafarer, is a charge upon the Trinidad and Tobago ship to which the seafarer belonged, and is a debt due to the Government of Trinidad and Tobago from the owner, master or agent of the Trinidad and Tobago ship at the time of the loss and, where the ship has been transferred, either from the owner for the time being or from the person who was the owner of the Trinidad and Tobago ship at the time of the transfer. The clause also provides that a debt under this section, in addition to any fines and consular fees incurred, may be recovered by the Authority on behalf of the Government of Trinidad and Tobago by ordinary process of law in the manner in which wages are recoverable by the seafarer. The clause also provides that, where in any proceedings for recovery of a debt under this section, the production of an official account of the expenses incurred in accordance with this Act, and proof of payment of the

expenses by, or on behalf of the Government of Trinidad and Tobago is *prima facie* proof that the expenses were incurred or repaid under this Act by, or on behalf of that Government.

Part XI of the Bill would provide for Trinidad and Tobago Labour Certification and would contain 12 clauses.

Clause 192 of the Bill would provide that Part XI of the Bill would apply to Trinidad and Tobago ships of two hundred gross tonnage and over, offshore installations and seafarers and would set out the interpretation of the phrase “international voyage”.

Clause 193 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to carry and maintain a Trinidad and Tobago Labour Certificate in relation to the Trinidad and Tobago ship or offshore installation which would certify that the working and living conditions of seafarers on the ship or offshore installation have been inspected and audited and meets the requirements of the Act and any other written law for the work conditions. This breach is a shipping violation and would be the subject of an administrative fine of \$25,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00.

Clause 194 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation wishing to obtain a Trinidad and Tobago Labour Certificate to apply to the Authority. Once the application is received, the Authority may, when an inspection is conducted, issue an Interim Trinidad and Tobago Labour Certificate or a Trinidad and Tobago Labour Certificate. The Authority, upon being satisfied that the Trinidad and Tobago ship or offshore installation meets the required working and living conditions, can issue a Trinidad and Tobago Labour Certificate in respect of the Trinidad and Tobago ship or offshore installation which would be valid for no more than five years and can be renewed.

Clause 195 of the Bill would require the Authority keep a record of all Interim Trinidad and Tobago Labour Certificates and Trinidad and Tobago Labour Certificates issued under this Part which is open to the public at any reasonable time on the payment of a fee.

Clause 196 of the Bill would provide for the matters to be inspected for when the Authority is deciding whether to issue an Interim Trinidad and Tobago Labour Certificate or a Trinidad and

Tobago Labour Certificate. These would include *inter alia* minimum age, medical certificates, qualifications of seafarers, use of any licensed or certified or regulated private recruitment and placement services, hours of work and rest, manning levels, accommodation. The Authority is required to conduct the inspection into those matters prior to issuing an Interim Trinidad and Tobago Labour Certificate under section 197.

Clause 197 of the Bill would provide that if a new ship is delivered or a Trinidad and Tobago ship changes flag or where the owner or managing owner of a Trinidad and Tobago ship assumes responsibility for the operations of a Trinidad and Tobago ship for which he was not previously responsible, the Authority can issue to the owner or managing owner of the Trinidad and Tobago ship an Interim Trinidad and Tobago Labour Certificate. The clause goes on to provide that if an offshore installation is brought into the waters of Trinidad and Tobago, the Authority may also issue an Interim Trinidad and Tobago Labour Certificate which is valid for a period not exceeding six months during which time, any deficiencies is required to be rectified and it cannot not be renewed or the period extended. The clause sets out further requirements on the issuing of an Interim Trinidad and Tobago Labour Certificate.

Clause 198 of the Bill would provide that where a Trinidad and Tobago Labour Certificate is issued, its validity is subject to intermediate inspections and the owner or master of the Trinidad and Tobago ship and the Offshore Installation Manager of an offshore installation is required to make the Trinidad and Tobago ship or offshore installation available for such intermediate inspection. Failure to do this, constitutes a shipping violation for which the administrative fine is \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00. The purpose of an intermediate inspection is for issuing continued compliance with the Act or any other written law relating to basic labour conditions. The clause would set out when intermediate inspections and audits are to be carried out. Where an intermediate inspection is to be carried out, it would be in respect of scope and depth similar to that required for an inspection for renewal.

Clause 199 of the Bill would provide that an Interim Trinidad and Tobago Labour Certificate or Trinidad and Tobago Labour Certificate loses its validity in certain circumstances. These include, where the relevant inspections and audits have not been completed within the periods specified, where the Trinidad and Tobago Labour Certificate is not endorsed, when a ship changes

flag, when the owner of a Trinidad and Tobago ship or offshore installation ceases to assume responsibility for the operation of the Trinidad and Tobago ship or offshore installation, when substantial change, have been made to the structure or equipment or accommodation and recreational facilities and where a complaint has been made that the operations on a ship or offshore installation is not compliant with the Act, that has been substantiated by the Authority.

Clause 200 of the Bill would empower the Authority to cancel or withdraw a Trinidad and Tobago Labour Certificate in circumstances. These include, where there is evidence that the Trinidad and Tobago ship or offshore installation does not meet the requirements and any corrective action required by the Authority has not been taken and where the intermediate inspection has not been conducted on the set date.

Clause 201 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to ensure that the Trinidad and Tobago Labour Certificate for the Trinidad and Tobago ship or offshore installation is on board and in a conspicuous place available to the seafarers. The clause would also require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to ensure that a copy of a Trinidad and Tobago Labour Certificate is made available, upon request, to seafarers, inspectors of the Authority, officers in port States and representatives of the owners of the Trinidad and Tobago ship or offshore installation. Where the master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation fails to have the Trinidad and Tobago Labour Certificate on board the ship or offshore installation, he commits a shipping violation for which the administrative fine is \$25,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00.

Clause 202 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation, where the Trinidad and Tobago Labour Certificate is about to expire, to apply to the authority to renew the Trinidad and Tobago Labour Certificate. Before the Trinidad and Tobago Labour Certificate is renewed the Authority is required to conduct an inspection of the matters in section 198 and thereafter if satisfied that the Trinidad and Tobago ship meets the requirements it may issue a Trinidad and Tobago Labour

Certificate. If the inspection is completed within three months before the expiration of the existing Trinidad and Tobago Labour Certificate, the new Trinidad and Tobago Labour Certificate would be valid from the date of the completion of the inspection or audit for a period not exceeding five years from the date of expiry of the existing Certificate. If, however, the inspection is completed more than three months before the expiry date of the existing Trinidad and Tobago Labour Certificate, the new Trinidad and Tobago Labour Certificate would be valid for a period not exceeding five years starting from the date of completion of the renewal inspection or audit.

Clause 203 of the Bill would require the Authority to conduct additional inspections where a complaint is received from a seafarer about matters relative to a Trinidad and Tobago ship or offshore installation.

Part XII of the Bill would provide for the Official Log Book and ordinary ship log and would contain 8 clauses.

Clause 204 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to keep an Official Log Book issued by an Authority which is required to be kept separate and distinct from any other record book. The Director General can exempt any category of ship from the requirement to keep an Official Log Book. If an entry is required to be made in the Official Log Book, the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation is required to make the entry as soon as possible after the occurrence and where the entry is not made on the same day as the occurrence, he is required to make and date the log book to show the date of the occurrence and the entry respecting it and if it is made in respect of an occurrence happening within twenty-four hours before the arrival of the ship at a port of discharge, make the entry within twenty-four hours after that arrival. The Official Log Book is to be signed by the owner or master of a Trinidad and Tobago ship, an Offshore Installation Manager of an offshore installation or an officer of designated member of the crew and a medical practitioner in the case of illness, injury or death. Entries in the Official Log Book are admissible as evidence as to proof of fact.

Clause 205 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation where no further entries can be made in the

Official Log Book, deliver the completed Official Log Book to the Director General or a person designated by him for that purpose within six months of its completion failing which, the owner or master commits a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00. The Official Log Book is required to be retained for a period of seven years and be produced upon demand and if not delivered, the owner or master commits a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00.

Clause 206 of the Bill would require the owner or master of a Trinidad and Tobago ship where there is a change of flag and the Official Log Book ceases to be required and the ship is within a port of Trinidad and Tobago deliver the Official Log Book within one month. If the Trinidad and Tobago ship is elsewhere he is required to deliver the official log book within six months after the Official Log Book ceases to be required. Breach of this clause would constitute an offence punishable under the general penalty clause on summary conviction with a fine of \$20,000.00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 207 of the Bill would set out some further offences in respect of the log book. These include, not keeping the Official Log Book in a manner required by the Act or if entries are not made in the time and manner directed by the Act which is a shipping violation which carries an administrative fine \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$25,000.00. The second offence provided for under this clause is where a person makes an entry in an Official Log Book in respect of any occurrence happening previous to the arrival of a Trinidad and Tobago ship at a port, within twenty-four hours after that arrival, which is a shipping violation, which carries an administrative fine \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$25,000.00. The third offence provided for under this clause is where a person wilfully destroys, mutilates or renders illegible an entry in an Official Log Book, or wilfully makes a false or fraudulent entry in, or omission from, an Official Log Book which is a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$25,000.00.

Clause 208 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to carry on board an ordinary log book wherein he is required to record the daily activities of the ship of offshore installation and such other particulars as may be prescribed. The ordinary book is to be kept for seven years and is to be produced on demand by the Registrar if shipping or the proper officer. Failing to keep an ordinary log book or produce it on demand is a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00. The Director General can exempt any category of ship from the requirement to keep an ordinary log book.

Clause 209 of the Bill would require the master of a Trinidad and Tobago ship of twenty-four metres or more or an Offshore Installation Manager of an offshore installation to make out and sign a list of the crew of the Trinidad and Tobago ship or offshore installation, in the approved form. The crew list, in relation to a Trinidad and Tobago ship trading exclusively within the waters of Trinidad and Tobago or within the Caribbean Trading area, is required to be delivered or transmitted by the master or owner of the Trinidad and Tobago ship, to the Director General or a person designated by him for that person, in relation to an offshore installation, be delivered or transmitted by the Offshore Installation Manager to the Director General and in the case of Trinidad and Tobago ships other than those before are required to be delivered or transmitted by the master or owner of the ship to the relevant maritime authority. The crew list is required to be kept for seven years and should be produced on demand to the Director General or a person designated by him within forty-eight hours after the arrival of the Trinidad and Tobago ship at its final port of destination in Trinidad and Tobago or upon the discharge of the crew, whichever happens first.

The clause provides for if there is a change in the crew list and requires the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to record the change and deliver it to the Director General or the proper officer within forty-eight hours of the arrival of a Trinidad and Tobago ship at its final port of destination in Trinidad and Tobago or, upon the discharge of the crew, whichever happens first.

If a Trinidad and Tobago ship or an offshore installation is lost or abandoned, the owner or master of the ship is required, if practicable and as soon as possible, to deliver the crew list duly made out to the time of the loss or abandonment to the Director

General or a person designated by him for that purpose. The same applies to an offshore installation. Failing to deliver the changes in a crew list is a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 210 of the Bill would require the master of a Trinidad and Tobago ship, on arrival at a port in Trinidad and Tobago, to deliver a return on every birth or death that has occurred on board the Trinidad and Tobago ship. The Offshore Installation Manager of an offshore installation is also required to deliver to the Director General the return of every birth or death on board an offshore installation. The Director General, on receipt of a return under this clause, is required to forward it to the agency or department with responsibility for the registration of births or deaths. Breach of this clause would constitute a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 211 of the Bill would require the master or owner of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to cause a statement to be entered in the Official Log Book or ordinary log book of a Trinidad and Tobago ship or offshore installation as to every occasion and every type of drill carried out on board and appliances or equipment are examined to see whether they are fit and ready for use. If the drill is not carried out or the appliances or equipment is not examined, the master or owner of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation is required to cause a statement to be entered in the Official Log Book and the ordinary log book with the reasons which the drill was not carried out or the appliances or equipment not examined. Breach of this clause would constitute a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00.

Part XIII of the Bill would provide for inspectors, surveyors, auditors and examiners and would contain 20 clauses. Clauses 212 to 218 would contain provisions relative to inspectors. Clauses 219 to 226 would contain provisions relative to surveyors, while clauses 227 to 230 would apply to auditors and clause 231 would apply to examiners.

Clause 212 of the Bill would require the Authority, through its inspectors employed or appointed under this Part, to carry out inspections on all ships within the waters of Trinidad and Tobago and at a port facility, jetty and port-ship interface at a port in Trinidad and Tobago.

Clause 213 of the Bill would empower the President to appoint persons with the appropriate knowledge, qualifications and experience as ship inspectors to conduct inspections for the purposes of Port State Control, Coastal State Control and casualty investigation on any ship or offshore installation and in respect of offshore ship to ship transfers. The clause would go on to provide that a ship inspector is to be appointed for a term not exceeding seven years and is eligible for reappointment. The salaries and conditions of ship inspectors are to be reviewed by the Salaries Review Commission and are not to be altered to the disadvantage of the ship inspectors. The salaries, remuneration and allowances are to be a charge on the Consolidated Fund. The ship inspectors are required to inspect a port facility, jetty and port-ship interface at any port, the nature and causes of any accident or damage to any ship, port facility, jetty, or offshore installation, in addition to any persons injured or killed in any incident or accident occurring or reported to have occurred within the waters of Trinidad and Tobago, whether any requirements, restrictions or prohibitions imposed by or under this Act for the purpose of Port State Control, under the Caribbean Memorandum of Understanding, have been complied with or contravened, compliance monitoring of Trinidad and Tobago ships and offshore installations, measures on any ship or offshore installation located or operating within the waters of Trinidad and Tobago relating to coastal state control for the prevention or mitigation against oil, air pollutants, chemicals, sewage, garbage inclusive of ballast water or any other pollutant causing damage to the marine environment and security measures relating to ports and port facilities and ships and offshore installations within the waters of Trinidad and Tobago.

Clause 214 of the Bill would empower the President to appoint persons with the appropriate knowledge, qualifications and experience as marine ship inspectors, who would conduct inspections for the purposes of Port State Control, Flag State Control, casualty investigations, maritime security and ship to ship transfers. The clause would empower the Authority to appoint a Recognised Organisation to also conduct inspections for the purposes of flag state control and ship to ship transfers. A marine ship inspector is required to not only have the qualification and experience to be employed as a ship surveyor, but also is required to be an Attorney-at-law with at least ten years' experience in

maritime investigations and would be appointed for a term not exceeding seven years and may be reappointed. The salaries and conditions of ship inspectors are to be reviewed by the Salaries Review Commission and are not to be altered to the disadvantage of the ship inspectors. The salaries, remuneration and allowances are to be a charge on the Consolidated Fund.

Clause 215 of the Bill would set out the powers of inspectors. Specifically, a marine ship inspector is first limited to any limitation set out in his letter of appointment and is empowered to inspect a port facility, jetty and port to ship interface, the nature and causes of any accident or damage to any ship, port facility, jetty or offshore installation, in addition to any persons injured or killed in any incident or accident occurring or reported to have occurred within the waters of Trinidad and Tobago, ship to ship transfers, whether any requirements, restrictions or prohibitions imposed by or under this Act for the purpose of Port State Control, under the Caribbean Memorandum of Understanding, have been complied with or contravened, compliance monitoring of Trinidad and Tobago ship, measures on any ship or offshore installation located or operating within the waters of Trinidad and Tobago relating to coastal state control for the prevention or mitigation against oil, air pollutants, chemicals, sewage, garbage inclusive of ballast water or any other pollutant causing damage to the marine environment and security measures relating to ships and offshore installations within the waters of Trinidad and Tobago.

The clause goes on to provide that where an inspector is requested by the Authority to perform an inspection or investigation, the investigator may board any Trinidad and Tobago ship or an offshore installation within the waters of Trinidad and Tobago, require any person to answer reasonable questions, provide reasonable assistance or put into operation or cease operating any machinery or equipment being inspected, require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to prohibit or limit access by the crew or passengers to any part of the ship or offshore installation, for as long as necessary, in order to effectively complete an inspection or investigation, require the master of a ship or the Offshore Installation Manager of an offshore installation not to move the Trinidad and Tobago ship or operate the offshore installation until the inspection is completed, require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, to muster the crew or to carry out any emergency, anti-pollution, or safety drills procedures required by the scope of the inspection, require any person who is at the place where the inspection is being carried out to produce for inspection,

or for the purpose of making copies or taking extracts, any document that they are required to have that is relevant to the inspection being performed, take photographs and make video recordings and sketches as is necessary and reasonable, take or remove for analysis or as samples any material or substance or, chemical or item, review the data contained on a voyage data recording system at the place where the inspection is being carried out, reproduce or cause to be reproduced any record from the data in the form of a print-out or voyage data recorder, take any document or record book from the place where the inspection is being carried out for examination or, in the case of a document or record, copying and inspect any port facility, jetty and port-ship interface at any port. Subclause (4) of the clause would set out the powers of a marine ship inspector when conducting a casualty investigation.

Clause 216 of the Bill would require an inspector to record any deficiencies he encounters during an inspection and provide the master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation with the list of deficiencies revealed by the inspection.

Clause 217 of the Bill would require an inspector to provide the reports, documentation and Certificate as required on instructed by the Authority or Director General. All originals are to be deposited with the Authority.

Clause 218 of the Bill would empower an inspector to detain a foreign ship where he determines that the foreign ship is unsafe or is not compliant with any provisions of the Act. The clause also provides that where the Certificate of a foreign ship relative to its registration has expired or ceases to be valid, the foreign ship is not to be granted clearance and can be detained. If, however, the foreign ship is unduly detained the owner or master is entitled to compensation for any loss or damage suffered as a direct result of the due detention or delay.

Clause 219 of the Bill would empower the Authority, through its surveyors, to carry out surveys on Trinidad and Tobago ships and offshore installations and foreign ships at the request of the maritime administration under which the foreign ships are registered.

Clause 220 of the Bill would empower the Authority to employ persons who have the appropriate knowledge, expertise and qualifications to be ship surveyors to conduct surveys on Trinidad and Tobago ships and offshore installations.

Clause 221 of the Bill would empower the Authority to appoint Recognized Organizations and persons with appropriate knowledge, qualifications and experience to be marine ship surveyors to conduct surveys on Trinidad and Tobago ships and offshore installations.

Clause 222 of the Bill would set out the powers of surveyors and limits the surveyor's powers to surveys for certification of Trinidad and Tobago ships and offshore installations for the type and scope of survey for which he is authorised to perform and subject to any limitations the Authority sets. A surveyor would have the power to board a Trinidad and Tobago ship or offshore installation, survey a Trinidad and Tobago ship hull afloat and on dry-dock, survey the operational or dismantled machinery on Trinidad and Tobago ships and offshore installations as required, survey the lifesaving and firefighting appliances on Trinidad and Tobago ships or offshore installations, survey the navigation and dynamic positioning systems, survey the anti-pollution measures for protection of the marine environment provided on board ships or offshore installations, survey the areas and equipment provided for berthing, mooring, anchor handling, cargo and cargo handling provided aboard ships or offshore installations, survey all the areas relative to the welfare of crew and passengers on a Trinidad and Tobago ship or offshore installation, survey the areas used for the storage and handling of dangerous or hazardous cargoes in solid or liquid form on Trinidad and Tobago ship and offshore installations, survey the areas and equipment used for emergency evacuation or search and rescue on Trinidad and Tobago ships or offshore installations, survey the submersible or semi-submersible craft manned or unmanned and survey the equipment used as a mode of transport for any good, cargo or commodities.

The clause goes on to require a surveyor, where he is of the opinion that the Act is not being complied with, to give written notice to the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation stating in what respect there is deficiency, what action, in his opinion, is required to rectify such deficiency and the time frame by which the deficiency should be rectified.

The surveyor is authorised to carry out such interrogations, as required, concerning a Trinidad and Tobago ship or offshore installation when visiting the Trinidad and Tobago ship or offshore installation as he thinks fit and persons are required to answer every question fully and truthfully. Persons are required to activate or provide access to any machinery, equipment or appliance on a Trinidad and Tobago ship or offshore installation. If the owner of a

Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation does not rectify deficiencies identified by a surveyor, the relevant Certificate of the Trinidad and Tobago ship may be withdrawn and the offshore installation may be required to cease operations. The owner of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who refuses to answer any questions posed, give access to any machinery, equipment or appliance commits constitute a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 223 of the Bill would require a surveyor where he considers a Trinidad and Tobago ship or an offshore installation unsafe or not compliant with any of the provisions of the Act or in relation to an offshore installation if he considers the machinery or equipment defective in any ways so as to expose person on board to serious danger, he may withdraw the relevant Certificates of the Trinidad and Tobago ship or cause the operations of the offshore installation to cease. If the Authority receives instruction relative to a foreign ship, it is required to carry out the instructions relative to detention of or clearance for the foreign ship.

Clause 224 of the Bill would require a surveyor to forward a report to the Director General on completion of a survey and provides that the report would contain the matters set out in the regulations.

Clause 225 of the Bill would require a surveyor to record deficiencies during a survey and on completion, provide the master of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation with a list of deficiencies revealed by the survey. If the surveyor is satisfied that the deficiencies cannot be rectified immediately but the Trinidad and Tobago ship or offshore installation can continue in service without danger to life or the environment for a short period, the surveyor may allow the Trinidad and Tobago ship or an offshore installation to continue in service with an indication of the time period for rectification and any applicable conditions and requirements for rectification.

Clause 226 of the Bill would require the surveyor to provide the reports, documentation and Certificates as required by the Authority, as specified or directed by the Director General.

Clause 227 of the Bill would empower the authority to employ persons with appropriate knowledge, qualifications and experience as ship auditors.

Clause 228 of the Bill would empower the Director General to appoint persons or organisations with the appropriate knowledge, qualifications and experience as marine ship auditors.

Clause 229 of the Bill would set out the powers of auditors to perform audits for the verification of the quality systems and procedural documents or systems required by ships, ship management companies, placement and crewing companies, training institutions, technical service suppliers, port facilities, offshore installations or any maritime related company to be certified or verified by the Authority. The type or scope of audit that an auditor is authorised to perform would be indicated by the Director General.

Clause 230 of the Bill would require an auditor to provide the reports and documents required by the Authority as specified or directed by the Director General

Clause 231 of the Bill would empower the Authority, through its examiners employed or assigned under this Part, to conduct examinations on behalf of the Authority. The clause would empower the Director General to appoint persons or organisations with the appropriate knowledge, qualifications and experience as examiners. The clause would also require an examiner for a Certificate of Competency or a Certificate of Proficiency to ensure that examinations are administered at centres approved by the Authority and the administration of all applicable exams are conducted in accordance with regulations made under this Act.

Part XIV of the Bill would provide for Certificates, inspections, surveys, audits and examinations and would contain 25 clauses.

Clause 232 of the Bill would require the Director General to keep a record of all inspections, survey reports of surveyors, auditors and Recognised Organisations in respect of Trinidad and Tobago ships and offshore installations.

Clause 233 of the Bill would set out the circumstances where Certificates issued to a Trinidad and Tobago offshore installation would cease to be valid.

Clause 234 of the Bill would set out the circumstances under which an inspection may be performed on a Trinidad and Tobago ship or offshore installation when information is received or reported by any person. The instances would be where there is any anomaly with respect to certification issued to the Trinidad and Tobago ship or offshore installation, the occurrence of any incident

or accident on board any ship or offshore installation within the waters of Trinidad and Tobago, where there is the occurrence of any incident or accident on board a Trinidad and Tobago ship wherever located, any collision between a ship and offshore installation within the waters of Trinidad and Tobago, any injury to crew or passengers on board a ship or offshore installation, any unsafe condition or practice which exist aboard a ship or offshore installation, any condition existing aboard a ship or offshore installation that would affect the stability, structural or watertight integrity of the ship or offshore installation, any condition which would adversely affect the health and welfare of crew or passengers or any condition on board a ship or offshore installation which would negatively affect the safe passage of ships within the waters of Trinidad and Tobago.

Clause 235 of the Bill would empower an inspector or other marine officer to board any ship within the waters of Trinidad and Tobago, a Trinidad and Tobago ship or an offshore installation and the inspector or marine officer to demand the production of any Certificate in force in respect of the ship or offshore installation. The clause provides that if a valid Certificate issued by another State is produced to the inspector in respect of a foreign ship, the powers of the inspector or marine officer to inspect the ship or offshore installation is not to be limited to that Certificate. Also where a valid Certificate issued by another State is not produced to the inspector when required, the inspector or marine officer may detain the foreign ship. If a ship has been dealt with under this clause, the ship can be inspected by an inspector or other marine officer for any defects or deficiencies believed to exist. Also an inspector or any other marine officer acting under this clause is required, as soon as practicable, after action is completed in connection therewith, to forward a full report thereof to the Director General with copies of any reports made upon inspection.

The clause goes further to provide that where a person wishes to make a complaint as to the safety of a ship within the waters of Trinidad and Tobago, or an offshore installation, the complainant is required to submit the complaint in writing to the Authority. Upon receipt of a complaint, the Authority is required to cause an inspector to conduct an inspection of the ship or offshore installation stating the name and address of the complainant, the nature of the complaint and a copy of the complaint, which is to be given to the owner or master of the ship or Offshore Installation Manager if action is taken under this section.

Clause 236 of the Bill would require an inspector, during the course of an inspection, to determine whether all unsafe practices

on board a Trinidad and Tobago ship or offshore installation identified by him or another inspector are rectified.

Clause 237 of the Bill would provide a Trinidad and Tobago ship or an offshore installation and its equipment to be maintained in such a condition so as to conform with the Act to ensure that it remains fit for service to proceed to sea without damage to the Trinidad and Tobago ship, offshore installation or persons on board. If, after an inspection, an accident occurs on board the ship or offshore installation and a deficiency results, the master of the ship or Offshore Installation Manager of the offshore installation is required to inform the Authority of the deficiencies as soon as possible after the accident. If the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation fails to report the deficiency, the owner or master or Offshore Installation Manager commits a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

If an accident occurs on a Trinidad and Tobago ship or offshore installation or a deficiency is discovered that would affect the safety of Trinidad and Tobago ship or offshore installation or deficiency or completeness of its life saving appliances or other equipment, the master or owner of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation is required to report the accident or deficiency to the Authority at the earliest opportunity and the Authority would then determine if any inspection is necessary. The Authority is empowered to entrust the inspection of an offshore installation to a Recognized Organization.

Clause 238 of the Bill would set out the types of surveys that may be conducted by a surveyor. These are an initial survey, annual survey, additional or unscheduled survey, a periodic survey or a renewal survey.

Clause 239 of the Bill would set out the requirement in relation to the conduct of initial surveys. It would provide that an initial survey would be for the purpose of certification under the Act. The clause goes on to provide that where a surveyor conducts a survey on a Trinidad and Tobago ship before it is put into service, the survey is to include a complete survey of the hull, machinery and equipment. In respect of an offshore installation, where the survey is conducted before it is put into service, the survey should include the machinery and equipment, auxiliary machinery electrical installations, radio installations, radio installations in

motor-life boats, portable radio apparatus for survival craft, life-saving appliances, fire-detection, fire-extinction and fire-protection appliances, pilot ladders and other equipment so as to ensure they fully comply with the requirements of the Safety Convention and the Act. In doing an initial survey, the surveyor is required to look into the workmanship of the ship or offshore installation. If the surveyor determines that the Trinidad and Tobago ship or the offshore installation meets the requirements of the Act for the issue of a Certificate, he can issue the relevant Certificate which would be valid for five years from the date of issue.

Clause 240 of the Bill would require a surveyor to conduct an annual survey in certain circumstances. These include during the period of six months extending from three months before and three months after the anniversary date in each year until the renewal date of the Certificate and to establish that the Trinidad and Tobago ship or offshore installation continues to meet the requirements of this Act. Once the annual survey is completed, the surveyor who conducted the survey is required to endorse the relevant Certificate of the Trinidad and Tobago ship or offshore installation. If an annual survey is not conducted within the time frame required for the conduct of an annual survey, the Certificate relative to the annual survey would be invalid.

Clause 241 of the Bill would require a surveyor to conduct a survey of a Trinidad and Tobago ship or offshore installation to renew a Certificate, not more than five years after the initial survey is conducted. The clause requires a surveyor, in carrying out a renewal survey to determine whether the hull, boiler and other pressure vessels, the main and auxiliary machinery, electrical installations, radio installations, radio installations in motor-life boats, portable radio apparatus for survival craft, life-saving appliances, fire-detecting, fire-extinction and fire-protection appliances, pilot ladders and other equipment are in a satisfactory condition and fit for service for which they are intended and that they comply with the requirements of the Safety Convention and any regulations. The clause also provides that the lights and sound signals and distress signals carried by a Trinidad and Tobago ship or offshore installation are to be subject to renewal surveys.

Clause 242 of the Bill would require a surveyor to conduct a survey, as the circumstances require, every time an accident occurs or a defect is discovered which affects the safety of the Trinidad and Tobago ship or offshore installation, the efficiency or completeness of its life-saving appliances or other equipment or whenever important repairs or replacements are made, to ensure that the

Trinidad and Tobago ship or offshore installation maintains its compliance with the Regulations for the continuance of its certification. The clause goes further to provide that a surveyor, in conducting a survey, is required to determine whether the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or replacements are in all respects satisfactory and that the Trinidad and Tobago ship or the offshore installation complies with Regulations.

Clause 243 of the Bill would empower a surveyor to conduct periodic surveys during the period extending from three months before or after the second annual survey is done and three months before or after the third annual survey is due for the purpose of determining continued compliance with the Act and regulations and a periodic survey may take the place of an annual survey. Once a periodic survey is conducted, the surveyor who conducted the survey is required to endorse the relevant Certificate of the Trinidad and Tobago ship or offshore installation.

Clause 244 of the Bill would provide that if a renewal survey is completed within three months before the expiration date of an existing Certificate, the new Certificate is valid from the date of completion of the renewal survey to a date not exceeding five years from the date of the expiration of the existing Certificate. Also where the renewal survey is completed after the expiry date of the existing Certificate, the new Certificate is valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiration of the existing Certificate. If, however, the renewal survey is completed more than three months before or after the expiration date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey. Finally, if the renewal survey has been completed and a new Certificate cannot be issued or placed on board the Trinidad and Tobago ship or offshore installation before the expiration date of the existing Certificate, the Authority is empowered to endorse the existing Certificate and the Certificate can be accepted as valid for a further period, which shall not exceed one month from the expiration date. Once a renewal survey is completed, the new Certificate would be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted and if an annual or renewal survey is completed before the period specified in regulations made under the Act, the anniversary date shown on the relevant Certificate shall be amended, by endorsement, to a date which shall not be more than three months later than the date on which the survey was completed. The subsequent annual or intermediate or renewal survey shall be completed at the intervals prescribed under this Part using the new anniversary date and the

expiry date may remain unchanged, provided one or more annual or renewal surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed are not exceeded.

Clause 245 of the Bill would set out the procedure to be followed on the completion of an annual or renewal survey. The clause provides that if the annual or renewal survey is completed before the period specified in Regulations, the anniversary date shown on the relevant Certificate would be amended, by endorsement, to a date which cannot be more than three months later than the date on which the survey was completed. The subsequent annual or renewal survey is required to be completed at the intervals prescribed under this Part using the new anniversary date and the expiry date may remain unchanged provided one or more annual or renewal surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed are not exceeded.

Clause 246 of the Bill would require a surveyor, where he determines that the condition of the Trinidad and Tobago ship or the equipment does not correspond substantially with the particulars of the Certificate or is such that the Trinidad and Tobago ship is not fit to proceed to sea without danger to the Trinidad and Tobago ship or persons on board, to immediately ensure that corrective action is taken and notify the Authority.

Clause 247 of the Bill would set out the requirements for surveys in relation to Radio Safety Certificates.

Clause 248 of the Bill would set the penalty for a person who knowingly and wilfully makes or assists in making a false or fraudulent survey report or fraudulently endorses a Certificate under this Part. The penalty for committing the offence is a fine, on summary conviction, of \$300,000.00 and to imprisonment for five years, the relevant Certificate of the Trinidad and Tobago ship may be withdrawn and the offshore installation may be required to cease operations. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 249 of the Bill would provide that where a survey is conducted of a Trinidad and Tobago ship or offshore installation for the purpose of certification, the survey may be based on information, specification, drawing and calculations made available to and verifiable by the Authority.

Clause 250 of the Bill would provide that if a Certificate is not endorsed showing that an annual, periodic or renewal survey has been conducted, the Certificate is invalid and the owner or master

of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation is required to present the Trinidad and Tobago ship or make the offshore installation available for a renewal survey and the issue of a new Certificate.

Clause 251 of the Bill would provide that if the owner or master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation fails to provide any Certificate or document or manual when requested by a surveyor, or prevents a surveyor from accessing any of all parts of a Trinidad and Tobago ship or offshore installation, the Trinidad and Tobago ship can be detained or the offshore installation may be required to cease operations.

Clause 252 of the Bill would make it an offence for a person to assault a surveyor in the exercise of his duties punishable on summary conviction to a fine of \$50,000,00. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 253 of the Bill would require, the Authority that conduct inspections of Trinidad and Tobago small commercial vessels.

Clause 254 of the Bill would require the initial survey of a Trinidad and Tobago Small Commercial Vessel to include the competence and composition of seafarers. Whilst the clause empowers a ship surveyor to conduct a survey of a Trinidad and Tobago Small Commercial Vessel, the Authority is also empowered to entrust the survey of cargo ships to marine ship surveyors. Where a survey is conducted on a Trinidad and Tobago Small Commercial Vessel and corrective action is recommended, the Certificate is to be withdrawn and the Authority is required to be notified immediately.

Clause 254 of the Bill would empower the Authority to conduct inspection and surveys of cargo ships such as initial, periodic and annual surveys to be conducted, in accordance with clauses 239 to 243, using ship surveyors.

Clause 256 of the Bill would require the Authority, in respect of Trinidad and Tobago ships and offshore installations and maritime training institutions, conduct initial audits, intermediate audits and renewal audits. If the Authority conducts an audit and is satisfied that the system to be audited has been fully implemented and verified that records are in conformity with the system to be audited, it shall issue either a Safety Management Certificate, a Document of Compliance Certificate, a Trinidad and

Tobago Maritime Labour Certificate or a Certificate of Recognition or authorisation which will be valid for not more than five years.

Part XV of the Bill would provide for quality systems and would contain 5 clauses.

Clause 257 of the Bill would require the Authority to establish a quality management system for the training and assessment of competence, certification including medical certification, endorsements and validation activities for ratings, officers and engineers which would be internally and externally audited on a periodic basis. The clause requires the Authority to ensure that all training, assessments of competence, certifications, including medical certification endorsements and revalidation activities performed by non-governmental agencies or maritime training institutions are continuously monitored through an implemented Quality Management System.

Clause 258 of the Bill would require the Authority to ensure that marine surveyors are audited on a periodic basis.

Clause 259 of the Bill would require the Authority to ensure that the technical services suppliers of goods and services relating to the safety of ships and offshore installations are monitored through audits which are to be conducted on a periodic basis.

Clause 260 of the Bill would require the Authority to ensure that a maritime training institution is periodically monitored through a verification audit under Part X of the organizational structure of maritime training institution, its personnel, procedures and physical resources for the issuance of Training Completion Certificates and its retention of its Certificate of Recognition. The quality management standards are required to meet national and international training objectives, provide that instructors and assessors are duly qualified and possess the requisite experience for the training courses or programs they deliver and that maritime training institutions have procedures and equipment for the consistent delivery of training courses, in accordance with the required standards for obtaining Certificates of Competency and proficiency. Quality Management systems are also required to ensure that standards are maintained for the required physical environment and conditions used by the maritime training institution for the delivery of courses and internal audits are performed on a periodic basis. The Quality Management systems should provide for the development of new courses and review of existing courses, the examination system—including procedures for appeals and re-sits—staff recruitment, training, development,

appraisal and promotion, feedback from students and from industry and staff involvement in research and development.

Clause 261 of the Bill would require the Authority to ensure that Recognized Organizations are monitored through the audit of personnel, systems for the survey of ships and offshore installations and reporting of the survey of ships and offshore installations, auditing of ships and offshore installations, record keeping, competency of personnel, system of issuing Certificates and its document retention policy which are required to be conducted on a periodic basis.

Part XVI of the Bill would provide for safety precautions and navigational safety and would contain 6 clauses.

Clause 262 of the Bill would provide for the interpretation of the terms “Collision Convention” and “Collision Regulations”.

Clause 263 of the Bill would require the owner or master of a Trinidad and Tobago ship to ensure that the Trinidad and Tobago ship is equipped with the necessary lights, shapes and means of making sounds signals, as required by the Collision Regulations. The clause goes on to provide that if the owner or master of the Trinidad and Tobago ship breaches this requirement, he would be required by the Authority to rectify the contravention within a specified time. Where the owner or master of a Trinidad and Tobago ship does not rectify the contravention within the specified time, the Authority can withdraw the relevant Certificates of the Trinidad and Tobago ship.

Clause 264 of the Bill would require the surveyor of ships to determine whether a Trinidad and Tobago ship is properly provided with lights and shapes and the means of making sound signals as required by the Collision Regulations and empowers and inspector to inspect a ship of any nationality in a port in Trinidad and Tobago to determine whether the ship is properly provided with lights and shapes and the means of making sound signals as required by the Collision Regulations. Further, where a surveyor finds that a Trinidad and Tobago ship does not meet the requirements of that subsection, he is required to specify the action required to rectify the deficiency and withdraw the relevant Certificates of the Trinidad and Tobago ship until the deficiency is rectified to his satisfaction and where an inspector finds that a foreign ship does not meet the requirements, he is required to specify the action required to rectify the deficiency and detain the foreign ship until the deficiency is rectified to his satisfaction.

Clause 265 of the Bill would require the Director General, on receipt of a report from a surveyor in respect of a Trinidad and Tobago ship, where he is satisfied that the Trinidad and Tobago ship is eligible for an exemption from any or all of the requirements of the Collision Regulations, he is required, on the application of the owner or master of the Trinidad and Tobago ship, to issue a Collision Regulations Exemption Certificate in respect of any or all of the Requirements of the Collision Regulations. The Director General is authorized to delegate his power to grant a Collision Regulations Exemption Certificate to the Chief Surveyor or a surveyor. A Collision Regulations Exemption Certificate is required to state from which of the provisions of the Collision Regulations the Trinidad and Tobago ship is exempted.

Clause 266 of the Bill would require the Director General to take appropriate steps to advise the seafaring community and the public of any developing or existing situation which may adversely affect maritime safety. The information would take the form of Maritime Safety Information Bulletin which can be issued and communicated by any means as the circumstances may warrant.

Clause 267 of the Bill would require that if an accident, collision or allision involving a ship in the waters of Trinidad and Tobago or with a Trinidad and Tobago ship wherever it is located occurs, the inquiries thereof shall be dealt with under section 475.

Part XVII of the Bill would provide for Aids to Navigation and would contain 7 clauses.

Clause 268 of the Bill would provide for the interpretation of the terms “aid to navigation” and “aid”.

Clause 269 of the Bill would require the Authority to establish such aids to navigation, as are necessary, to facilitate the safe navigation of ships within the waters of Trinidad and Tobago. Privately owned aids to navigation are to be approved by the Authority and established and maintained in accordance with the provisions of the Act. Aids to navigation are required to conform to the specifications stipulated by the Authority. A navigational aid is to not be discontinued or have its lighting characteristics or other distinguishing features altered without the prior written approval of the Authority and the Authority is required, by shipping notice, to cause a list of aids to navigation to be published and updated, as necessary.

Clause 270 of the Bill would require the Director General to exercise general supervision over all aids to navigation and in

particular, is responsible for the establishment and maintenance of all aids to navigation established by the Authority and such other government owned aids to navigation that may be under the control of the Authority. The Authority is also required to ensure that all other aids to navigation are established in compliance with the stipulated conditions and specifications and are maintained in proper working order and bring to the attention of the public, information on changes to, or deficiencies, in any aid to navigation.

Clause 271 of the Bill would set out the offences for a person who wilfully or negligently damages, destroys or allows a ship to foul an aid, wilfully or negligently does anything which causes the view of an aid to be obstructed in such a manner as to lessen its efficiency, wilfully or negligently or without lawful authority does anything which interferes with an aid so as to hinder the effective use of the aid, trespasses on, or without lawful excuse, is found in an aid or on any land upon which an aid is situated and damages or fouls an aid to navigation and fails to notify the Director General, as soon as practicable, after the aid is damaged, destroyed or fouled. The penalty for such contravention on summary conviction is a fine of \$20,000.00, in addition to the expenses of making good any damage so occasioned. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 272 of the Bill would provide that if a ship damages, destroys or fouls an aid, the ship shall, if it is a Trinidad and Tobago ship, is liable for the cost of repairing or replacing the aid or rendering the aid effective again or if it is a foreign ship, it can be detained until the cost of repairing or replacing the aid or rendering the aid effective again is paid.

Clause 273 of the Bill would empower the Director General or a person authorised by him, for the purpose of extinguishing false or unauthorised lights, to enter the place where the fire or light is and forthwith extinguish the same without causing unnecessary damage, and recover any expenses incurred.

Clause 274 of the Bill would require the owner or master of a Trinidad and Tobago ship to pay aids to navigation dues to the Authority. The clause would provide that where the owner or master of a Trinidad and Tobago ship fails, without reasonable cause, to pay the navigational aid dues, the owner and master each commit an offence and is liable on summary conviction to a fine equivalent to four times the dues and the relevant Certificates of the ship may be withdrawn until the dues are paid.

Part XVIII of the Bill would provide for the Vessel Traffic System and would contain 7 clauses.

Clause 275 of the Bill would provide for the interpretation of the terms “vessel traffic management system” or “VTMS”, “vessel traffic service” or “VTS” and “Vessel Traffic Service Unit”.

Clause 276 of the Bill would require that there shall be a Unit in the Authority for the purpose of operating and managing the VTMS Service on behalf of the Authority.

Clause 277 of the Bill would require the Authority establish and manage a vessel traffic service to facilitate the safe navigation of ships within the territorial sea and archipelagic waters and establish and manage local vessel traffic services to facilitate the safe navigation of ships within the internal waters of Trinidad and Tobago and the waters of a harbour.

Clause 278 of the Bill would require the owners and operators of harbours and port facilities within the territorial waters of Trinidad and Tobago to establish and manage vessel traffic services within the limits of their ports, to be referred to as “local vessel traffic services” and, where they wish to do so, they are required to apply to the Authority. The clause provides that if the applicant meets the requirements of the Act for the operation of a local VTS service, the Authority is empowered to authorise the operation of the local VTS in accordance with this section and regulations made under this Act. The clause goes further to require the owner or operator of a port facility to ensure that a local VTS meets such conditions as may be established by the Authority and prohibits a local VTS from coming into operation unless it is approved by the Authority or any other person authorised by the Authority for the purpose. If the owner or operator of a port facility wishes to discontinue a local vessel traffic service, he is required to notify the Authority in writing. The Authority is also required to cause a Notice containing a list of established local VTS to be published and updated as necessary.

Clause 279 of the Bill would require the Director General to exercise general supervision over all vessel traffic services and is responsible for the establishment, management and operation of vessel traffic services managed and operated by the Authority and such other government operated services as may be under the control of the Authority and is required to ensure that all other vessel traffic services are established in accordance with the requirements of this Act or regulations made hereunder and bring to the attention of the public, information on changes in any vessel traffic services.

Clause 280 of the Bill would require the owner or master of a ship, while in the waters of Trinidad and Tobago, to allow for the receipt of, and follow instructions from the Vessel Traffic Management System. Where the owner or master of a ship fails to follow instructions of the Vessel Traffic Management System, he commits a shipping violation which carries an administrative fine of \$20,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00.

Clause 281 of the Bill would provide for the instances where the master, owner or any other person who is required by regulations to provide a report or information to a Vessel Traffic Service Authority and does not so provide, provides a report of information that is false or misleading in a material particular or in any manner fails to comply with the directives of the Vessel Traffic Service Authority, an offence is committed punishable on summary conviction to a fine of \$30,000.00 and to imprisonment for one year. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Part XIX of the Bill would provide for the application of the Convention on the Safety of Life at Sea and would contain 32 clauses.

Clause 282 of the Bill would provide for the interpretation of the terms and phrases used in Part XIX.

Clause 283 of the Bill would provide that this Part would apply to a Trinidad and Tobago warship, cargo ships of less than five hundred gross tons, ships not propelled by mechanical means, wooden ships of primitive build, pleasure craft not engaged in trade, and fishing vessels and in certain instances, to offshore installations.

Clause 284 of the Bill would provide that if a Trinidad and Tobago ship is required to have appliances and the Trinidad and Tobago ship proceeds to sea or the offshore installation commences operations without the appliances which meet the requirements of the Safety Convention or other Regulations, the ship is liable to the withdrawal of its Certificates or the offshore installation may be required to cease operations.

The clause also provides for the withdrawal of the Certificates of a Trinidad and Tobago ship or the requirement for the operations of an offshore installation, to cease operations if the appliances become lost or are rendered unfit for service while at sea through the wilful fault or negligence of the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore

installation, or if the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation wilfully neglects to repair or replace any appliance which was lost or rendered unfit or if the appliances are not kept serviceable and ready for use at all times.

Clause 285 of the Bill would empower the Authority to issue a Safety Certificate in respect of a Trinidad and Tobago ship or offshore installation where it is satisfied that the Trinidad and Tobago ship or offshore installation meets the requirements of this Part. There are twelve specific Safety Certificates that may be issued and the Authority may issue other Safety Certificates as it determines necessary.

The clause requires the owner or Offshore Installation Manager of an offshore installation to have the applicable Ship Radio Certificate for the offshore installation, the requirements for which would be set out in Regulations. The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation would be required to make an application to the Authority for the Ship Radio Certificate, providing evidence of a Ship Radio Licence issued by the Telecommunications Authority of Trinidad and Tobago. Once the Authority is satisfied that the Trinidad and Tobago ship or offshore installation meets the requirements for the issue of a Radio Safety Certificate, it would issue the Certificate. Safety Certificates under this clause would be valid for no more than five years from date of completion of the survey upon which the Safety Certificate is based and Exemption Certificates would not be valid beyond the life of a Safety Certificate.

Clause 286 of the Bill would empower the Director General to issue a Short Term Certificate to a Trinidad and Tobago ship where it is necessary for the Trinidad and Tobago ship to go on a short voyage or to engage in a short international voyage if it is a passenger ship.

Clause 287 of the Bill empowers the Director General, where he receives a report from a surveyor and is satisfied that the Trinidad and Tobago ship or offshore installation is eligible for an exemption, on the application of the owner of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation issue a Safety Exemption Certificate setting out what the exemption is for. This power can be delegated to the Chief Surveyor or a surveyor. This exemption extends to ships of a novel kind, if the provision would seriously impede research into the

features of the ship. In the case where the exemption is granted the Trinidad and Tobago ship is still required to comply with safety requirements which the Director General is of the opinion are adequate for service and to ensure overall safety of the Trinidad and Tobago ship. For an exemption to be granted, there must be in existence a current corresponding Safety Certificate for the exemption.

Clause 288 of the Bill would provide that if a Trinidad and Tobago ship or offshore installation is required to be fitted with or carry a particular fitting, material, appliance or apparatus, the Director General can allow the Trinidad and Tobago ship or offshore installation to carry any other fitting, material, appliance or apparatus if, through trial, he is satisfied that the substituted fitting, material, appliance or apparatus is as effective.

Clause 289 of the Bill would require that the owner or master of a Trinidad and Tobago ship to have valid applicable Safety Certificates on board before plying or proceeding to sea from any port.

Clause 290 of the Bill would provide that if a Trinidad and Tobago passenger ship carries a number of passengers which is greater than that is allowed under the current Safety Certificate of the Trinidad and Tobago passenger ship, the owner or master of the Trinidad and Tobago passenger ship commits a shipping violation which carries an administrative fine of \$10,000.00 for every passenger the Trinidad and Tobago passenger ship is in excess. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00 for every passenger the Trinidad and Tobago passenger ship is in excess.

Clause 291 of the Bill would provide that a Safety Certificate issued under the Act is admissible as evidence.

Clause 292 of the Bill would provide for the extension of the period of validity of a Safety Certificate for an additional month if it expires while the Trinidad and Tobago ship is not in a port in Trinidad and Tobago so as to enable the ship to get to a Trinidad and Tobago port.

Clause 293 of the Bill would provide that in situations where an Exemption Certificate has been issued in respect of a Trinidad and Tobago ship and conditions are specified and the conditions are not complied with, the owner or master of the Trinidad and Tobago

ship commits a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00.

Clause 294 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to ensure that all original Safety Certificates are available and accessible on board the Trinidad and Tobago ship or offshore installation. The requirement also is that a copy of the Safety Certificate is displayed in a conspicuous place on board the Trinidad and Tobago ship or offshore installation, failing which the Certificates of the Trinidad and Tobago ship may be withdrawn and the offshore installation may be required to cease operations.

Clause 295 of the Bill would empower a ship surveyor, inspector or auditor or another marine officer to board a ship or offshore installation to ascertain whether the condition of the hull, equipment and machinery of the ship or offshore installation corresponds substantially with the Safety Certificate and any conditions contained in a Safety Exemption Certificate.

Clause 296 of the Bill would empower the Authority to cancel a Safety Certificate in certain circumstances and require the Safety Certificate be returned to the Authority once cancelled. Failure to return a cancelled Safety Certificate is a shipping violation which carries an administrative fine of \$25,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00.

Clause 297 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation in respect of which a Safety Certificate is in force, as soon as possible prior to any alteration which affects the relevant Safety Certificate, give written notice to the Authority containing full particulars of the proposed alteration. Failure to provide the notification is a shipping offence which carries an administrative fine of \$250,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$300,000.00.

Clause 298 of the Bill would provide for the approval or rejection of an application of a proposed alteration to a Trinidad and Tobago ship or offshore installation. Provision is made for where the alteration is still done even though approval was not given to make the alteration. In that instance, a shipping violation is committed which carries an administrative fine of \$250,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$300,000.00.

Clause 299 of the Bill would empower the Authority to survey a foreign ship, at the request of the Government of a State, to which a Safety Convention applies and issue Certificates to foreign ships, in accordance with the Safety Convention.

Clause 300 of the Bill would provide that the Authority could request the Government of State, to which the Safety Convention applies or an organisation it authorises, to issue to a Trinidad and Tobago ship, a Certificate.

Clause 301 of the Bill would provide that sections 302 to 305 would apply to Trinidad and Tobago ships of less than 500 gross tonnage conducting international voyages outside the Caribbean Trading Area.

Clause 302 of the Bill would require the owner or master of a Trinidad and Tobago ship to obtain from the shipper of solid bulk cargo, information on the cargo to be carried, which is to be provided in writing failing which, the shipper commits a shipping violation which carries an administrative fine of \$40,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$50,000.00.

Clause 303 of the Bill would prohibit the owner or master of a Trinidad and Tobago ship from blending bulk liquid cargo or conducting a production process while the Trinidad and Tobago ship is on a voyage failing which, a shipping violation is committed which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00.

Clause 304 of the Bill would require the owner or master of a Trinidad and Tobago ship to have information on the cargo and stability of the Trinidad and Tobago ship prior to loading solid bulk cargo failing which, he commits a shipping violation which carries an administrative fine of \$10,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$25,000.00.

Clause 305 of the Bill would require ship to ship transfers of bulk cargo in the waters of Trinidad and Tobago to be done in accordance with Regulations.

Clause 306 of the Bill would provide that sections 309 to 313 would also apply to Trinidad and Tobago ships less than 500 gross tonnage conducting international voyages outside of the Caribbean Trading Area, notwithstanding section 285 which says that Part would not apply to those ships. The Director General can, where he considers that the sheltered nature and conditions of voyage are

such as to render the application of any regulations unreasonable or unnecessary, authorise the owner or master of the Trinidad and Tobago ship to take other effective measures.

Clause 307 of the Bill would prohibit the owner or master of a Trinidad and Tobago ship from carrying or storing dangerous goods on a Trinidad and Tobago ship unless there has been issued a Certificate to transport dangerous goods. The clause would also prohibit the Offshore Installation Manager of an offshore installation from storing dangerous goods unless a Certificate has been issued for the storage of dangerous goods on the offshore installation. Breach of this clause is a shipping violation which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and to imprisonment for 10 years.

Clause 308 of the Bill would require the owner or master of a Trinidad and Tobago ship to have on board the necessary instruments or equipment, where there is on board the Trinidad and Tobago ship dangerous goods that can emit toxic or flammable gasses or cause oxygen deprivation failing which, he commits a shipping violation which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00.

Clause 309 of the Bill would require the owner or master of a Trinidad and Tobago ship, who is to transport or store dangerous goods to apply to the Authority for a Certificate to transport or store dangerous goods. The Offshore Installation Manager of an offshore installation is also required to apply to the Authority for a Certificate to transport or store dangerous goods.

Clause 310 of the Bill would require a Trinidad and Tobago ship, where it contains dangerous goods, to be so loaded, stowed and secured so as to prevent throughout the voyage, damage or hazard to the Trinidad and Tobago ship and persons on board or the shifting of cargo or loss of cargo overboard. The clause also requires that dangerous goods contained in cargo units or cargo transport units on an offshore installation are stowed and secured so as to prevent damage or hazard to the offshore installation and persons on board or the shifting of cargo or loss of cargo overboard of dangerous goods. Breach of this section is a shipping violation which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00.

Clause 311 of the Bill would require the owner or master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation who transports dangerous goods to label the dangerous goods as to its nature on the outside of the package. Breach of this section is a shipping violation, which carries an administrative fine of \$40,000.00 and the ship may be deemed unsafe and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$ \$60,000.00, the ship may be deemed unsafe and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn.

Clause 312 of the Bill would require the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation to apply to the Authority for the approval of the cargo security manual, where he wishes to transport dangerous goods. Provision is made for the Authority to grant or refuse to approve the cargo security manual. The cargo security manual is required to be kept on board the Trinidad and Tobago ship or offshore installation at all times. Breach of this section is a shipping violation which carries an administrative fine of \$40,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$ \$60,000.00 and imprisonment for six months.

Clause 313 of the Bill would require that, when dangerous goods on board a Trinidad and Tobago ship or offshore installation are lost, believed to be lost or stolen such loss or theft is to be reported to the Authority or where the Trinidad and Tobago ship is not in the waters of Trinidad and Tobago, to the nearest maritime administration. Breach of this section is a shipping violation which carries an administrative fine of \$40,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$60,000.00.

Part XX of the Bill would provide for Maritime Security and would contain 26 clauses.

Clause 314 of the Bill would provide for the interpretation of certain words and phrases used in Part XX of the Bill.

Clause 315 of the Bill would set out that Part XX of the Bill would apply to certain types of ships engaged in international voyages. These are passenger ships, cargo ships and mobile offshore drilling units. The Part would also apply to offshore

installations and port facilities serving ships engaged in international voyages and port facilities required to serve ships arriving from or departing on international voyages.

Clause 316 of the Bill would set out the responsibilities for the Director General in respect of enhanced security measures. The clause provides that the Director General may require a Declaration of Security from a ship or mobile offshore installation drilling unit. The clause also empowers the Director General to delegate some of his responsibilities under Part XX to a Recognized Security Organization and, in relation to port facilities, he may discharge some of his duties and responsibilities through the designated Authority.

Clause 317 of the Bill would empower the Director General to designate an agency to be the Designated Authority in relation to port facility security and offshore installations. Until an agency is designated, the Authority will function as the Designated Authority.

Clause 318 of the Bill would set out the responsibilities of the designated Authority.

Clause 319 of the Bill would provide for the establishment of a technical committee for the purpose of maritime security to be known as the Maritime Security Advisory Committee or “MASAC Committee”. The Committee would be appointed by the President for three years and would have representatives from the Trinidad and Tobago Defence Force, the Trinidad and Tobago Fire Services, Trinidad and Tobago Police Service, the Immigration Division of the Ministry of National Security, the Maritime Authority, the Customs and Excise Division, the Port Authority of Trinidad and Tobago, the Tobago House of Assembly and the Office of Disaster Preparedness and Management.

Clause 320 of the Bill would provide that the MASAC Committee would be responsible for advising the Authority on the maritime security level for all port facilities and offshore installations. The clause provides that if the MASAC Committee advises the Authority to raise the security level at a port or offshore installation, the Authority is required to change the security level accordingly.

The clause goes on to provide that the MASAC Committee is also required *inter alia* to receive and review all information about security threats to port facilities and offshore installations and channel that information as appropriate.

Clause 321 of the Bill would require the owner of a Trinidad and Tobago to engage a Company Security Officer who would have a number of responsibilities relative to the Trinidad and Tobago ship.

Clause 322 of the Bill would require the owner or master of a Trinidad and Tobago ship to prepare a Ship Security Plan on the basis of the Ship Security Assessment and submit the Ship Security Plan to the Director General for approval. Once the Ship Security Plan has been approved, the owner or master of the Trinidad and Tobago ship is required to implement the Ship Security Plan.

Clause 323 of the Bill would require the Director General to cause a review to be conducted of the Ship Security Plan of a Trinidad and Tobago ship or offshore drilling unit prior to the implementation of the Ship Security Plan. Once the Director General approves the Ship Security Plan, he would issue the Trinidad and Tobago ship with an Interim Ship Security Certificate.

Clause 324 of the Bill would require that once a Ship Security Plan is approved, the owner or master of the Trinidad and Tobago ship the Authority would cause an audit to be conducted. Once the auditor is satisfied that the Trinidad and Tobago ship has implemented an approved Ship Security Plan, he may issue an International Ship Safety Certificate which would be valid for five years from date of issue.

Clause 325 of the Bill would require the Offshore Installation Manager of an offshore installation to engage an Offshore Installation Security Manager, who would engage an offshore installation's security officer and ensure that the offshore installation has an Offshore Installation Security Plan.

Clause 326 of the Bill would require the offshore installation security officer to ensure that qualified persons carry out an Offshore Installation Assessment and prepare an Offshore Installation Security Assessment Report.

Clause 327 of the Bill would require the Offshore Installation Manager of an offshore installation to have prepared an Offshore Installation Security Plan, which is required to be submitted to the Designated Authority for approval and once approved is required to be implemented.

Clause 328 of the Bill would require the Designated Authority to cause a review to be conducted of the Offshore Installation's Security Plan of an offshore installation prior to the

implementation of the Offshore Installation's Security Plan. Once the Designated Authority approves the Offshore Installation's Security Plan, it would issue the offshore installation with an Interim Offshore Installation Security Certificate which would be valid for five months from date of issue.

Clause 329 of the Bill would provide that, once an Offshore Installation's Security Plan is approved, the Offshore Installation Manager of the Offshore Installation Manager of the offshore installation the Authority would cause an audit to be conducted. Once the auditor is satisfied that the offshore installation has implemented an approved Offshore Installation Security Plan, he may issue an Offshore Installation Security Certificate which would be valid for five years from date of issue.

Clause 330 of the Bill would require the Port Facility Operator of a Trinidad and Tobago Port Facility to engage a Port Facility Security Officer who would *inter alia* develop a Port Facility Security Plan.

Clause 331 of the Bill would require the Authority to ensure that qualified persons carry out a Port Security Assessment of a port within Trinidad and Tobago and a Port Security Assessment Report is prepared.

Clause 332 of the Bill would require a Port Facility Security Officer to prepare a Port Facility Security Plan which is required to be submitted to the Designated Authority for approval and once approved, is required to be implemented.

Clause 333 of the Bill would require the designated Authority to review a Port Facility Security Plan and approve it prior to implementation of the plan by a port facility. The clause would also require a Designated Authority, where it approves a Port Facility Security Plan of a port facility, to issue a port facility with an Interim Port Facility Security Certificate. If a port facility does not have a valid Interim Port Security Plan Certificate or Port Security Plan Certificate, it cannot accommodate ships over 500 gross tons engaged in international trade.

Clause 334 of the Bill would require the manager of a port facility and the Authority to conduct an audit of the port facility upon the approval of the Port Facility Security Plan. Once an audit is conducted and the auditor is satisfied that the port facility has met the requirements of the Act and Regulations, he may issue a Port Facility Security Certificate which would be valid for five years from date of issue. A Port Facility Security Certificate could

be withdrawn during an annual or intermediate audit, if there are major non-conformities with the Act and that withdrawal would be notified to the public by the Director General using a Notification in the *Gazette*.

Clause 335 of the Bill would provide for the audit of a port facility to be conducted once the approval of a Port Facility Security Plan is received.

Clause 336 of the Bill would provide that where the owner or master of a Trinidad and Tobago ship, Offshore Installation Manager of an offshore installation or manager of a port facility constructs operations without an approved Ship Security Plan, Offshore Installation Security Plan or Port Facility Security Plan, he commits a shipping violation which carries an administrative fine of \$40,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$50,000.00 and the offshore installation would be required to cease operations.

Clause 337 of the Bill would require the renewal, additional and intermediate audits to be conducted in accordance with Part XIV which deals with Inspections, Surveys, Audits, Examinations and Certificates.

Clause 338 of the Bill would provide that Ship Security Certificates and Offshore Installation Security Certificates and Port Safety Certificates can be done in electronic form.

Part XXI of the Bill would provide Load Lines and would contain 19 clauses.

Clause 339 of the Bill would provide for the interpretation of certain words and phrases in Part XXI.

Clause 340 of the Bill would provide that this Part on Load Lines is not to apply to Trinidad and Tobago Warships, pleasure craft and fishing vessels.

Clause 341 of the Bill would require the Authority to conduct an initial survey of a Trinidad and Tobago ship to determine whether it meets the load line requirements for this Part prior to the grant of an International Load Line Certificate or a Trinidad and Tobago Load Line Certificate.

Clause 342 of the Bill would require the owner or master of a Trinidad and Tobago ship to provide the Authority with stability

date relative to the Trinidad and Tobago ship so that the Authority is able to verify the stability of the vessel. Once the Authority verifies the stability of a Trinidad and Tobago ship, the Authority would approve the stability date in order to determine whether to issue an International Certificate.

Clause 343 of the Bill would provide the annual, renewal and additional surveys for load lines would be conducted in accordance with Part XIV which deals with Inspections, Surveys, Audits, Examinations and Certificates.

Clause 344 of the Bill would empower the Authority or any person or organisation authorised by it to issue a Load Line Certificate in respect of a surveyed ship and the Trinidad and Tobago ship is to be marked in accordance with the International Load Line Certificate or Trinidad and Tobago Load Line Certificate. The clause would also provide for the Authority or any person or organisation authorised by it to also issue to a Trinidad and Tobago ship an International Load Line Exemption Certificate or a Trinidad and Tobago Local Load Line Exemption Certificate where an exemption has been granted.

Clause 345 of the Bill would provide for the issue of Load Line Certificates by the Authority.

Clause 346 of the Bill would empower the Authority to request the maritime authority of another country to issue a Load Line Certificate for a Trinidad and Tobago ship.

Clause 347 of the Bill would empower the Authority to issue a Load Line Certificate for a foreign ship at the request of the flag state maritime authority of that foreign ship.

Clause 348 of the Bill would require a Load Line Certificate to indicate that the ship has been surveyed in accordance with the Regulations, the stability data has been approved and the marking descriptions of the ship which are to correspond with the deck lines and load lines specified in the Certificate.

Clause 349 of the Bill would provide for the duration of the Load Line Certificate which would not exceed five years from the date of the initial or renewal survey on which the Load Line Certificate was based and may be renewed.

Clause 350 of the Bill would provide for the application and issue of an exemption from the requirement of this Part of the Act of any requirements for a Load Line Certificate. The Director General would, on application and where the Trinidad and Tobago

ship is eligible for the exemption, issue a Load Line Exemption Certificate in respect of any or all of the requirements of this Part of the Act and it can contain such conditions as the Authority determines necessary. The clause would also then allow the grant of an International Load Line Certificate for single international voyages to Trinidad and Tobago ships which normally do not ply international voyages.

Clause 351 of the Bill would provide for endorsements to be made on Load Line Certificates relating to periodical inspections of Trinidad and Tobago ships and any extension or advancement of the period for which the Certificate was issued.

Clause 352 of the Bill would prohibit a Trinidad and Tobago ship from proceeding to sea unless on an international voyage, unless there is in force in respect of such ship a Load Line Certificate.

Clause 353 of the Bill would prohibit a ship from being so loaded that the ship is submerged below both of the load lines on each side of the ship. If a ship is loaded in contravention of this section, the owner or master commits a shipping violation which carries an administrative fine of \$20,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00 and any additional fine as the Court may see fit to impose, having regard to the extent to which the earning capacity of the ship was or would have been increased by reason of the submersion but the additional fine cannot exceed \$6,000.00 for every centimetre or part that the ship is submerged. Additionally, if a Trinidad and Tobago ship of foreign ship is loaded in contravention of the Act, the Trinidad and Tobago ship may be prevented from departing the port and the foreign ship may be detained until such time as the ship is loaded in compliance with its load line requirements.

Clause 354 of the Bill would provide that the owner or master of a Trinidad and Tobago ship, which has a Load Line Certificate who fails to keep the ship marked as required, commits an offence which carries a penalty of \$150,000.00. If a person conceals removes, alters, defaces or obliterates any mark placed on the ship under this Part or allows someone to do so, he commits an offence and the penalty is a fine of \$100,000.00 and imprisonment for ten years.

Clause 355 of the Bill would prohibit the owner or master of a Trinidad and Tobago ship, which has a Load Line Certificate, from allowing the Trinidad and Tobago ship to go to sea unless the

Trinidad and Tobago ship has been surveyed and has adequate stability for the proposed voyage. Contravention of this section is a shipping violation which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and Certificates can be withdrawn.

Clause 356 of the Bill would require the owner or master of a Trinidad and Tobago ship to ensure that the original Load Line Certificate is available in an accessible place in the Trinidad and Tobago ship and a copy should be in a conspicuous place on board the Trinidad and Tobago ship. Failure to comply with this section is a shipping violation which carries an administrative fine of \$50,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00.

Clause 357 of the Bill would provide that if an inspection is conducted and it is found that a ship is loaded in contravention of this Part the ship if it is a Trinidad and Tobago ship, the Certificate of the Trinidad and Tobago ship may be withdrawn and of it is foreign ship, the ship may be detained.

Part XXII of the Bill would provide for Flag State and Port State Control measures and would contain 8 clauses.

Clause 358 of the Bill would require the Authority to inspect all Trinidad and Tobago ships annually and the owner or master of the Trinidad and Tobago ship is required to make his ship available for inspection failing which, the owner or master of the Trinidad and Tobago ship commits a shipping violation which carries an administrative fine of \$20,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$40,000.00.

Clause 359 of the Bill would provide that if a ship is sent to sea, and the ship is in such an unsafe state that the life of any person on board is likely to be endangered the persons on board he commits an offence. The clause would provide defences for sending the ship to sea in the unsafe condition. Breach of this clause is an offence and the person is liable on summary conviction to a fine of \$100,000.00.

Clause 360 of the Bill would require the owner or master of a Trinidad and Tobago ship to ensure that the ship is a safe ship for the voyage at the time when the voyage commences and keep it in that condition for the voyage. Non-compliance with this section would be a shipping violation which carries an administrative fine

of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn.

Clause 361 of the Bill would provide that where the Director General or a surveyor receives a complaint or representation in respect of the safety of a Trinidad and Tobago ship, he is required to determine whether or not to withdraw the relevant Certificates of the Trinidad and Tobago ship.

Clause 362 of the Bill would empower a ship surveyor, an inspector, an auditor or other marine officer to board a foreign ship for the purposes of verifying that there is in force all the applicable Certificates.

Clause 363 of the Bill would provide that section 355 would apply to foreign ships while in the waters of Trinidad and Tobago and if it is found that the foreign ship has been materially altered or is manifestly unfit to proceed to sea, the foreign ship may be detained and where it is detained under Part XXIX, the Director General is required to release the foreign ship as soon as it is safe to proceed to sea without damage to human life.

Clause 364 of the Bill would require the master of a foreign ship, when departing from Trinidad and Tobago, to provide the appropriate authorities with all applicable Certificates, failing which the foreign ships will not be allowed to enter a Trinidad and Tobago port or it may be detained.

Clause 365 of the Bill would empower the Authority to board a foreign ship which is in the waters of Trinidad and Tobago for inspection if it receives a report that the foreign ship is not fit to proceed to sea or the Certificates of the foreign ship are not in conformity.

Part XXIII of the Bill would provide for Non-Convention Ships and would contain 36 clauses.

Sub-Part I of Part XXIII of the Bill would provide for Convention Safety Radio Certificates.

Clause 366 of the Bill would require the owner or master of a Trinidad and Tobago ship, between 300 and 500 gross tons, to have the applicable Convention Safety Radio Certificate.

Clause 367 of the Bill would require the owner or master of a Trinidad and Tobago ship between 300 and 500 gross tons, who

wishes to obtain a Convention Safety Radio Certificate, to apply to the Authority and provide evidence of a Convention Safety Radio Licence issued by the Telecommunications Authority of Trinidad and Tobago.

Clause 368 of the Bill would provide that where the Authority is satisfied that an applicant for Convention Safety Radio Certificate meets the requirements of the Act, it shall issue the Trinidad and Tobago ship with a Convention Safety Radio Certificate.

Sub-Part II of Part XXIII provides for Caribbean cargo ships.

Clause 369 of the Bill would provide for the interpretation of words and phrases words in this Sub-Part.

Clause 370 of the Bill would provide that sections 371 and 373 to 382 would apply to Trinidad and Tobago ships that are cargo ships less than five hundred gross tonnage, including oil tankers and tankers, irrespective of length, engaged on a voyage or trading in the Caribbean Trading Area which are twenty-four meters and above in length and conducting activities in the Caribbean Trading Area. However, sections 371 and 373 to 382 would not apply to Trinidad and Tobago warships and government ships not used for commercial purposes, cargo ships other than oil tankers and tankers of less than twenty-four meters in length, pleasure craft not engaged in trade or commercial charter, fishing vessels and unmanned un-propelled barges other than tanker barges and barges carrying dangerous goods as defined in this Part.

Clause 371 of the Bill would empower the Authority, where it conducts an initial or renewal survey of a Cargo ship and the ship complies with the Caribbean Cargo Code, to issue a Caribbean Cargo Ship Safety Certificate to that ship which can be in electronic form. Once issued the Caribbean Cargo Ship Safety Certificate must have attached to it permanently, a Record of Equipment and Cargo Ship Information. The clause goes on to empower the Authority to issue a Caribbean Cargo Ship Safety Certificate to a foreign cargo ship either on its own or on the request of the maritime administration of another territory. The Authority is also empowered to request that the maritime administration of a party to the any regional agreement on port state control, issue or endorse a Caribbean Cargo Ship Safety Certificate to a Cargo ship, on its behalf.

The clause also goes on to provide that the maritime authority party to the Caribbean Memorandum of Understanding or a Recognized Organization acting on or behalf of the Authority, the Authority shall be responsible for all Certificates issued or endorsements made on any such Caribbean Cargo Ship Safety Certificate.

Clause 372 of the Bill would require the owner or master of a Cargo ship, who wishes to have the ship exempt from all of the provisions of this Sub-Part, to apply to the Authority for such exemption. The Authority would grant the exemption, where it is of the view that it should be granted and issue the appropriate Certificate in respect of the Cargo ship.

Clause 373 of the Bill would prohibit that owner or master of a Cargo ship from allowing the ship to leave without a Caribbean Cargo Ship Safety Certificate.

Clause 374 of the Bill would provide that if this sub-Part requires that particular fitting, material, appliances or apparatus or type thereof, is to be fitted in a Cargo ship, the Authority could permit any other fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be fitted or carried, where it is satisfied that the alternative is at least as effective as that required by this Sub-Part or regulations made under the Act.

Clause 375 of the Bill would provide for the life of a Caribbean Cargo Ship Safety Certificate to be valid for five years and any exemption Certificates could not be issued for a period greater than the Certificate to which it refers. The clause also provides that where a survey has been carried out and a Caribbean Cargo Ship Safety Certificate has been issued for a period of five years, the Authority may extend the period of validity.

Clause 376 of the Bill would require the owner or master of a Cargo ship, where an alteration or modification is made to the ship, to ensure that the alteration, modification or outfitting meets the requirements of the Act. The clause goes on to define what alterations or modifications are recognised as being a major conversion.

Clause 377 of the Bill would set out the circumstances under which a Caribbean Cargo Ship Safety Certificate would cease to be valid.

Clause 378 of the Bill would provide that a Record of Equipment is required to be in the form approved by the Authority.

The clause also provides that where a Caribbean Cargo Ship Safety Certificate is issued the owner or master of the Cargo ship.

Clause 379 of the Bill would provide for the cancellation of a Caribbean Cargo Ship Safety Certificate, where the owner or master of the Cargo ship fails to maintain the ship in the condition under which the Caribbean Cargo Ship Safety Certificate was issued or fails to comply with the requirements for surveys, inspections or audits.

Clause 380 of the Bill would make it an offence for any person to fraudulently alter any Record of Equipment, Caribbean Cargo Ship Safety Certificate or anything contained in, or signature on any Record of Equipment or Caribbean Cargo Ship Safety Certificate issued under this Act and would carry a penalty of one hundred thousand dollars and to imprisonment for five years and the Certificates of the ship may be withdrawn by the Authority.

Sub-Part III of Part XXIII would provide for Small Commercial Vessels.

Clause 381 of the Bill would provide for the interpretation of the phrase “small commercial vessel”.

Clause 382 of the Bill would provide for the application of Sub-Part III. It provides that this Sub-Part applies to Trinidad and Tobago ships which are trading in the Caribbean Trading Area, five meters or more overall and less than twenty-four meters in length and operate only in the waters of Trinidad and Tobago and carry not more than one hundred and fifty passengers and where overnight accommodation is to be provided such accommodation should be for no more than fifty passengers. The sub-Part would not apply to fishing vessels, a vessel holding a valid International Passenger Ship Safety Certificate, a boat forming part of a vessel lifesaving equipment that is used to carry passengers only in emergencies or during emergency exercises, small commercial vessels which carry twelve passengers or less for which a valid Certificate has been issued under this Sub-Part, specifically designed for such vessels and a Trinidad and Tobago ship constructed and adapted for the carriage in bulk or liquid cargoes of a flammable or toxic nature such as a tanker.

Clause 383 of the Bill would empower the Authority to issue a Small Commercial Vessel Safety Certificate where after an initial or renewal survey the small commercial vessel is found to comply with the requirements to the Act which may be issued in electronic form.

Clause 384 of the Bill would provide that if this sub-Part requires that particular fitting, material, appliances or apparatus or type thereof, is to be fitted in a small commercial vessel, the Authority could permit any other fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be fitted or carried where it is satisfied that the alternative is at least as effective as that required by this Sub-Part or regulations made under the Act. Where the Authority permits an alternative to be used, it can endorse that fact on the Record of Life Saving Equipment and Fire Fighting Equipment and Small Commercial Vessel Information form attached to the Small Commercial Vessel Safety Certificate.

Clause 385 of the Bill would provide that a Small Commercial Vessel Safety Certificate is valid for a period of no more than five years.

Clause 386 of the Bill would empower the Authority to cancel a Small Commercial Vessel Safety Certificate where it is satisfied that the small commercial vessel does not comply with the Act or Regulations.

Clause 387 of the Bill would provide that a Small Commercial Vessel Safety Certificate that is not endorsed to show the completion of the required annual survey is invalid and the owner or master of the small commercial vessel relative to the Small Commercial Vessel Safety Certificate is required to present the small commercial vessel for a survey to be conducted and the revalidation of the existing Small Commercial Vessel Safety Certificate.

Clause 388 of the Bill would provide that where the owner or master of a small commercial vessel wants to be granted an exemption for any or all Parts of the Act or regulations, he is required to apply to the Authority for the exemption. The Authority would grant the exemption where it is of the view that the provisions of the act or regulations would be impracticable or unreasonable in the case of a small commercial vessel, and issue the appropriate Certificate in respect of the small commercial vessel.

Sub-Part IV of Part XVIII for apply to Watercraft.

Clause 389 of the Bill would provide for the interpretation of certain words and phrases in Sub-sections 390 to 393 of Part XVIII.

Clause 390 of the Bill would provide that Sub-Part IV would apply to all ships that are watercraft which are within the waters of Trinidad and Tobago and are not permanently anchored or affixed to the shore.

Clause 391 of the Bill would prohibit the owner or operator of Trinidad and Tobago ship that is a watercraft from operating the watercraft within the waters of Trinidad and Tobago unless he has a Watercraft Safety Certificate. Where the personal watercraft is a foreign ship, the owner or operator is prohibited from operating the personal watercraft within the waters of Trinidad and Tobago unless he has a safety Certificate in respect of that personal watercraft and a permit to operate the personal watercraft. The Authority, on the application of the owner or master of a foreign ship, that is a watercraft issue a temporary identification to the watercraft which will be valid for the period that the watercraft is in the waters of Trinidad and Tobago unless cancelled. A person who breaches this section commits a shipping violation which carries an administrative fine of \$10,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$15,000.00 and would be liable to a fine of \$15,000.00 and where there is a collision, to a fine of \$20,000.00.

Clause 392 of the Bill would empower the Authority, upon the initial or renewal survey of a watercraft and where the watercraft complies with regulations under the Act, issue a Watercraft Safety Certificate in respect of the watercraft.

Clause 393 of the Bill would provide that a Watercraft Safety Certificate would be valid for no more than five years.

Clause 394 of the Bill would empower the Authority to cancel a Watercraft Safety Certificate where it is satisfied that the watercraft does not comply with the Act or Regulations.

Sub-Part IV of Part XIX for apply to submersibles.

Clause 395 of the Bill would empower the Authority, upon the initial or renewal survey of a submersible, diving bell or apparatus and where the submersible, diving bell or apparatus complies with regulations under the Act, to issue a Submersible Craft Compliance Certificate in respect of the submersible, diving bell or apparatus. The clause goes on to provide that the Submersible Craft Compliance Certificate only authorises the submersible, diving bell or apparatus to operate within the waters of Trinidad and Tobago.

Sub-Part V of Part XX for apply to Fishing Vessels.

Clause 396 of the Bill would provide that Sub-Part V would not apply to fishing vessels (Trinidad and Tobago) under five metres.

Clause 397 of the Bill would empower the Authority, upon the initial or renewal survey of a fishing vessel and where the fishing vessel complies with regulations under the Act, to issue a Fishing Vessel Safety Certificate in respect of the fishing vessel which can be issued in electronic form.

Clause 398 of the Bill would empower the Authority to issue to a fishing vessel over five metres but under twenty-four metres in length, a Tonnage Certificate in accordance with Regulations made under this Act.

The clause would empower the Authority to assign to a fishing vessel over twenty-four metres in length, International Tonnage Certificate in accordance with the Act and Regulations made thereunder. The Authority is also empowered to issue to a fishing vessel over twenty-four metres in length a Load Line Certificate. The clause goes further to empower the Authority to issue a unique fishing identification mark before it issues a Fishing Vessel Safety Certificate.

Clause 399 of the Bill would provide that if this sub-Part requires that particular fitting, material, appliances or apparatus or type thereof, is to be fitted in a fishing vessel, the Authority could permit any other fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be fitted or carried where it is satisfied that the alternative is at least as effective as that required by this Sub-Part or regulations made under the Act.

Clause 400 of the Bill would prohibit the owner or master of a fishing vessel from operating the fishing vessel within the established lanes of the VTS or VTMS. The owner or master of a fishing vessel that contravenes this section commits a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00.

Clause 401 of the Bill would prohibit the operation of a fishing vessel within the waters of Trinidad and Tobago, notwithstanding the fact that a licence or permit authorising a person to fish in the waters of Trinidad and Tobago, unless the fishing vessel is registered under this Act.

Part XXIV of the Bill would provide for Wrecks and Salvage and would contain 23 clauses.

Clause 402 of the Bill would set out the definitions for a two words.

Clause 403 of the Bill would empower the Chief Receiver of Wrecks, in order to preserve shipwrecked persons, or a vessel, cargo or apparel, to require such persons as he thinks necessary to assist him or require the master or other person having charge of the vessel to give assistance to the Chief Receiver of Wrecks or to use such available machinery, vehicle or equipment.

Clause 404 of the Bill would require the owner of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation, where they become wrecked, to remove the wreck and pay for all associated costs. The owner of a foreign ship would also be required to remove the foreign ship when it becomes wrecked within the waters of Trinidad and Tobago. The owner of a wreck is required to inform the Authority before he removes the wreck. Failure to remove a wreck is a shipping violation which carries an administrative fine, in the case of a ship, of \$3,000,000.00 and a further fine of \$5,000.00 for every day the wreck remains in the waters of Trinidad and Tobago. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$5,000,000.00 and a further fine of \$10,000.00 for every day the wreck remains in the waters of Trinidad and Tobago. Where the wreck is an offshore installation, the administrative fine for the shipping violation is \$1,000,000.00. and \$75,000.00 for every day the wreck remains in the waters of Trinidad and Tobago.

Clause 405 of the Bill would set out the powers of the Chief Receiver of Wrecks, where a ship is about to become a wreck in the waters of Trinidad and Tobago. The clause therefore provides that where the Chief Receiver of Wrecks determines that a Trinidad and Tobago ship is about to, or may reasonably be expected to sink or strand, and effective measures to assist the ship or any property in danger are not already being taken, the Chief Receiver of Wrecks is required to notify the owner of the Trinidad and Tobago ship that the Trinidad and Tobago ship should either be repaired or broken. Failure of the owner of the Trinidad and Tobago ship to repair the ship or have it broken is a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00. The clause also provides that where a foreign vessel is reasonably expected to sink or strand within the waters of Trinidad and Tobago, the owner of the foreign

vessel will be required by the Authority to remove the foreign ship. The clause finally provides for ships or offshore installations that are abandoned within the waters of Trinidad and Tobago. The clause requires the Authority to notify the owner of the ship or Offshore Installation Manager that he is required to remove the ship or offshore installation so that it does not become a hazard to navigation or where the ship is a foreign ship that it should be removed from the waters of Trinidad and Tobago.

Clause 406 of the Bill would provide for the passing or re-passing. Any damage occasioned by such passage is a charge on the vessel, offshore installation, cargo or apparel over private lands for the purpose of rendering assistance to the vessel or offshore installation, its cargo or apparel. The owner or occupier of private lands who impedes or hinders any person in the exercise of the rights, impedes or hinders the deposit of any cargo or other article recovered from the vessel or offshore installation on any land or prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit commits a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 407 of the Bill would provide for the immunity of the Chief Receiver of Wrecks and any person acting under his orders engaged in the execution of his duties from action, suit of prosecution.

Clause 408 of the Bill would provide that every person who, without reasonable cause, fails to comply with any lawful request or order of the Chief Receiver of Wrecks or wilfully impedes or obstructs the Chief Receiver of Wrecks, he commits an offence and is liable on summary conviction to a fine of \$20,000.00 and imprisonment for one year. This breach is not a shipping violation therefore would not be the subject of an administrative fine.

Clause 409 of the Bill would provide that the power to remove wrecks applies to every article or thing being or forming part of the tackle, equipment, cargo or stores of a ship or offshore installation.

Clause 410 of the Bill would empower the Chief Receiver of wrecks, where he gave a notification to remove a wreck, abandoned vessel or abandoned offshore installation and the owner, master or Offshore Installation Manager fails to do so, to take possession of the wreck, abandoned vessel or abandoned offshore installation

within two weeks of the publication of the Notice and notify the owner or master of the ship or Offshore Installation Manager of the offshore installation within one week of coming into possession. If the ship is a foreign ship, the requirement would be to notify the flag State prior to taking possession of the ship.

Clause 411 of the Bill would provide that where a ship or offshore installation has come into the possession of the Chief Receiver of Wrecks, the owner or master or Offshore Installation Manager or his agent, once he establishes his claim to the wreck, abandoned vessel or abandoned offshore installation and within three months of it coming into the possession of the Chief Receiver of Wrecks and upon paying the Customs duties and salvage and expense fees, is entitled to have the wreck, abandoned vessel or abandoned offshore installation. If any articles belonging to or forming part of a foreign ship or the cargo of a foreign ship is found in the waters of Trinidad and Tobago, the consular officer of the state to which the ship or articles belong is deemed to be the agent of the master, owner or other agent of the owner so far as custody and disposal of the articles of the foreign ship are concerned.

Clause 412 of the Bill would empower the Chief Receiver of Wrecks, within three months of giving notice, to sell any wreck, abandoned vessel or abandoned offshore installation in the custody of a wreck receiver where, in his opinion, it is damaged to such an extent or is of so perishable in nature that it is not worthwhile to retain or it is not of sufficient value to pay for storage or where it has not been removed within a time, specified by the Chief Receiver.

Where the flag State has been notified of a wreck or abandoned foreign ship and the flag State gives permission to the Authority, it may sell the foreign ship, wreck or articles or cargo of the foreign ship or wreck. If, however, the flag State does not communicate with the Authority within six months of the notice being given, the Authority may approach the High Court for an Order to sell the foreign ship. Once the foreign ship, wreck, articles or cargo has been sold the Authority is required to notify the flag State and the proceeds of any sale is to be held by the Chief Receiver of Wrecks after defraying the expenses. The Authority is authorised by the clause to utilize auctions or private sales or treaties to dispose of a ship or offshore installation under this section and the proceeds are to be deposited into the Maritime Authority Fund.

Clause 413 of the Bill would provide that the State is entitled

to all unclaimed wrecks, abandoned vessels and abandoned offshore installations within the waters of Trinidad and Tobago or found or taken possession of outside Trinidad and Tobago and brought within Trinidad and Tobago except in any place where the State has granted to any person the right to any wreck and the State is deemed to be the owner of the wreck.

Clause 414 of the Bill would provide that once a wreck is delivered by the Chief Receiver of Wrecks or where payment of the proceeds of the sale of the wreck or abandoned vessel by the Chief Receiver of Wrecks, he is discharged from all liability in respect of the delivery, however, the delivery does not prejudice or affect any question which could be raised by third parties concerning rights in title to the wreck or abandoned vessel.

Clause 415 of the Bill would empower the Chief Receiver of Wrecks to take possession of and raise, remove or destroy the whole or any part of the vessel in accordance with this Act or regulations, light or buoy any such vessel or part thereof until it is raised, removed or destroyed, sell in such manner as the Chief Receiver of Wrecks thinks fit, any vessel or part thereof so raised or removed, and also any other property recovered in the exercise of its power under this section and out of the proceeds of the sale, reimburse itself for the expenses incurred by it in relation thereto under this section and hold the surplus of the proceeds or deposit for payment to the persons thereafter establishing a right to the surplus of the proceeds.

Clause 416 of the Bill would provide for the breaking up of a vessel or offshore installation. It requires the owner of a vessel or offshore installation or any wrecked, submerged, sunken or stranded vessel or offshore installation who desires to have the vessel or offshore installation broken up, to obtain a deletion Certificate and written permission of the Chief Receiver of Wrecks, prior to removal from the waters of Trinidad and Tobago. Breach of this clause is an offence, punishable on summary conviction to a fine of \$50,000.00.

Clause 417 of the Bill would provide that a person is prohibited, without the leave of the owner or master or Offshore Installation Manager of an offshore installation and the authorisation of the Chief Receiver of Wrecks, from boarding any vessel or offshore installation which is wrecked, stranded or in distress. A person who contravenes this section commits a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

The clause goes on to provide that if a person refuses to allow a person authorised by a wreck receiver from boarding any wreck or stranded or in distress vessel, he commits a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 418 of the Bill would prohibit a person from impeding or hindering the salvaging of any vessel or offshore installation which is stranded or in distress or from concealing any wreck of an abandoned vessel or offshore installation or defacing or obliterating any mark or wrongfully removing any part of a vessel stranded or in danger of being stranded or otherwise in distress. Breach of this clause is a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$50,000.00.

Clause 419 of the Bill would require that where a vessel is wrecked or stranded or a vessel or offshore installation is abandoned or in distress within the waters of Trinidad and Tobago, the cargo or other articles belonging to the vessel or offshore installation which are washed ashore or otherwise lost or taken from the vessel or offshore installation, be delivered to the Chief Receiver of Wrecks. A person who is not the owner of cargo or articles from a vessel that is wrecked or stranded or a vessel or offshore installation that is abandoned or in distress, who conceals or keeps possession of any such cargo or article or refuses to deliver any such cargo or article to the Chief Receiver of Wrecks or any person authorised by the Chief Receiver of Wrecks to demand such cargo or article, commits a shipping violation which carries an administrative fine of \$35,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$50,000.00.

Clause 420 of the Bill would empower the Chief Receiver of Wrecks, where he takes possession of a wreck, abandoned vessel or abandoned offshore installation, he may dispose of or sell the wreck.

Clause 421 of the Bill would provide that if a wreck is found outside the waters of Trinidad and Tobago, the person finding such wreck is required to seek the approval of the Authority before bringing the wreck into the waters of Trinidad and Tobago. Breach of this section is a shipping violation which carries an administrative fine of \$10,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00 and his claim to the salvage would be forfeit.

Clause 422 of the Bill would provide for the interpretation of certain words and phrases in sections 425 and 426.

Clause 423 of the Bill would provide for the register of salvage claims with the Authority by any person who rendered salvage operations to a vessel or cargo from a vessel stranded or in distress within the waters of Trinidad and Tobago. The clause goes on to provide for the payment of an amount of salvage, as agreed between the parties, to the salvor by the owner of the vessel or cargo. If the salvor is the Authority, the Authority is also entitled to the salvage amount. Any dispute as to the amount of salvage is to be heard by the High Court.

Clause 424 of the Bill would set the statutory limitation for actions in salvage matters to two years after the date when the salvage services were rendered. The High Court is, however, empowered to increase this statutory period.

Part XXV of the Bill would provide for Harbours and would contain 19 clauses.

Clause 425 of the Bill would provide for the interpretation of certain words and phrases in Part XXV.

Clause 426 of the Bill would empower the President, on the advice of the Authority, to establish any harbour and define limits therefore. This would be done by Order. The Order would define the limits and may alter the name or limits of any harbour. The clause goes on to allow for the continuation of harbours already created under the Harbours Act which is to be repealed under this Bill. The Harbours are listed in Schedule IV.

Clause 427 of the Bill would prohibit a person from obstructing or impeding navigation within the harbour and its approaches without the approval of the Authority. If a person wishes to place anything in the harbour which may obstruct navigation, he is required to apply to the Authority for approval. A person who obstructs or impedes navigation within the harbour and its approaches commits a shipping violation which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00.

Clause 428 of the Bill would empower the Chief Harbour Master to direct where vessels are to be moored or anchored and mooring arrangements or method of anchoring. The Chief Harbour Master is also empowered to direct the removal of any vessel from one berth or anchorage to another berth or anchorage and to direct the movement of vessels within a harbour and the approaches to a

harbour. The Chief Harbour Master is also empowered to declare by Notification in the *Gazette*, the berth, location, anchorages and fairways that may be used by vessels and the areas that are prohibited or restricted. The clause also empowers the Chief Harbour Master to issue Notices to Mariners.

Clause 429 of the Bill would set out the powers of Harbour Officers in relation to the Harbours for which they are responsible for the purposes of the effective management and control of the harbour. These powers include the power to direct where vessels are to be moored or anchored and mooring arrangements or method of anchoring, to direct the removal of any vessel from one berth or anchorage to another berth or anchorage and to direct the movement of vessels within a harbour and the approaches to a harbour. The Harbour Officer can direct vessels to leave a harbour or its approaches within a particular period of time if he is of the view that it would not be in the interest of Trinidad and Tobago for the vessel to remain within the harbour or its approaches.

Clause 430 of the Bill would prohibit the owner or master of a foreign ship, except where transiting, from entering or leaving a harbour or its approaches unless he first obtains approval from the Harbour Officer. The owner or master who breaches this clause would not be allowed to enter or leave any harbour or its approaches. Failure of the owner or master of a foreign ship to inform the Harbour Officer of his intention to enter or leave a harbour he commits a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 431 of the Bill would empower the Chief Harbour Master to order the master of a vessel, arriving in the harbour, to come to anchor at a particular place or which has already come to anchor to move to some other place. The master of a foreign ship is required to pay the prescribed fee for anchorage. Where the master or owner fails to follow the orders of the Chief Harbour Master, he commits a shipping violation which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 for every day the offence continues.

Clause 432 of the Bill would empower a Harbour Officer to visit any ship coming into the harbour before or immediately after it comes to anchor.

Clause 433 of the Bill would require data on all general information pertaining to the ship to be provided to the Harbour Officer when a ship visits a harbour. Failure to so provide is a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 434 of the Bill would require the owner or master or agent of a ship, upon arrival or departure, to provide such information as the Harbour Officer may require relative to the ship, its passengers and cargo and its estimated time of arrival and departure. Failure to so provide is a shipping violation which carries an administrative fine of \$7,500.00 for every passenger for whom information is not provided. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00 for every passenger for whom information is not provided.

Clause 435 of the Bill would prohibit any person, other than the officers of Customs, a visiting officer acting under the Quarantine Act or a pilot, from going on board a vessel or receiving any letters, papers or packages from a vessel without the written permission of the Harbour Officer before the vessel has been boarded by a Harbour Officer, Assistant Harbour Officer or some persons acting under the authority of one of them. Breach of this clause is a shipping violation which carries an administrative fine of \$30,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$50,000.00.

Clause 436 of the Bill would prohibit any person from placing a mooring buoy in a harbour or its approaches without the permission of the Harbour Master. Breach of this clause is a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 437 of the Bill would prohibit any person from hauling up or placing any vessel for repair on a public wharf or jetty or slip in the harbour without the permission of the Harbour Officer. Breach of this clause is a shipping violation which carries an administrative fine of \$5,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 438 of the Bill would prohibit any person from making fast or causing to be made fast, any vessel in such a manner that the vessel lies alongside or close to any wharf or jetty, unless the vessel is actually taking in or discharging cargo. Breach of this clause is a shipping violation which carries an administrative fine of \$5,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 439 of the Bill would prohibit the Comptroller of Customs and Excise or any of his officers from issuing clearance to any vessel unless a Certificate from the Harbour Officer is produced, certifying that all things required to be done prior to departure under this Act are complied with.

Clause 440 of the Bill would empower the Harbour Officer or Assistant Harbour Officer of a harbour to stop a ship from departing the harbour if he has grounds to believe that the ship is about to depart contrary to a direction given by the Harbour Officer or without being duly cleared by the Comptroller of Customs or Excise or other proper officer of Customs, the Harbour Officer or Assistant Harbour Master. Where the vessel is stopped under this section and the ship is a Trinidad and Tobago ship, the relevant Certificates of the vessel may be withdrawn and if it is a foreign ship, the ship may be detained. The Chief Harbour Master is empowered to review the decision of a Harbour Officer or Chief Harbour Officer to stop a vessel from leaving.

Clause 441 of the Bill would prohibit the owner or master of a Trinidad and Tobago ship from allowing the ship to proceed on an international voyage from a port in Trinidad and Tobago unless the ship has the applicable Certificates in force for the ship. Breach of this section is a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00 and the Certificates of the ship may be withdrawn.

Clause 442 of the Bill would provide for a penalty where the master of a vessel departs or sails for a port in Trinidad and Tobago or if the agent of a vessel clears a vessel without a clearance certificate from the Harbour Officer. Breach of this clause is a shipping violation which carries an administrative fine of \$5,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 443 of the Bill would provide the penalty of any person who forges or alters any report or certificate or anything contained in any report or certificate for the purpose of proceeding to sea. The penalty is a fine of \$300,000.00 and imprisonment for five years. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Part XXVI of the Bill would provide for Maritime Search and Rescue and would contain 14 clauses.

Clause 444 of the Bill would provide for the interpretation of certain words and phrases in Part XXVI.

Clause 445 of the Bill would provide that the Chief Harbour Master would be the Maritime Search and Rescue Administrator.

Clause 446 of the Bill would provide that the Director General may designate persons as rescue coordinators to organise search and rescue operations which are to be published in the *Gazette*.

Clause 447 of the Bill would provide that Trinidad and Tobago Defence Force (Coast Guard) would be a rescue coordinator to organise search and rescue operations for the maritime search and rescue area. The clause goes on to provide that where more than one search and rescue operation is being conducted the maritime search and rescue area and the Trinidad and Tobago Defence Force (Coast Guard) is involved in the operation, the Trinidad and Tobago Defence Force (Coast Guard) would take operational control of the maritime search and rescue operations.

Clause 448 of the Bill would provide that the Authority would be responsible for maritime search and rescue services, assistance to a person who is, or appears to be, in distress within the maritime search and rescue area, regardless of the nationality or status of such a person or the circumstances in which that person is found and for communication with persons in distress, with search and rescue facilities and other rescue co-ordination centres or rescue sub-centres. The Authority is required to ensure adequate shore-based communication infrastructure, efficient distress alert routing and proper operational co-ordination, are provided to effectively support search and rescue services.

Clause 449 of the Bill would provide for the powers of rescue coordinating centres to direct all ships within an area that the rescue coordinator specified to report their positions, direct any ships or aircraft to take part in a search for that person, ship or aircraft or to otherwise render assistance or give any other

directions that the rescue coordinator considers necessary to carry out search and rescue operations for that person, ship, offshore installation or aircraft.

Clause 450 of the Bill would require that the master of a ship or captain of an aircraft comply, when it is reasonable to do so, with any directions given. Failure of the master to comply with a direction is a shipping violation which carries an administrative fine of \$50,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00. If the ship is a foreign ship, the Authority is required to report the failure to the maritime administration with responsibility for the ship.

Clause 451 of the Bill would require the master of a ship, where he answers a distress signal from any source relative to a person, ship or offshore installation or aircraft, to proceed with speed to render assistance and it is an offence not to render assistance. It is, however, a defence to an offence under this clause that it would have imperilled life, the ship or another ship if the master of the ship were to proceed to assist any person, ship or offshore installation or aircraft in distress, he is required in those circumstances to record the reason in the Official Log Book of the ship. This breach is not a shipping violation, therefore would not be the subject of an administrative fine.

Clause 452 of the Bill would require the master of a ship in the waters of Trinidad and Tobago to render assistance to any person found at sea. It would be an offence not to render assistance and the master is liable to an inquiry under Part XXVI. It is, however, a defence to an offence under this clause that it would have imperilled life, the ship or another ship if the master of the ship were to proceed to assist any person at sea, he is required in those circumstances to record the reason in the Official Log Book of the ship.

Clause 453 of the Bill would prohibit the master of a ship in the waters of Trinidad and Tobago from impeding any rescue operation in progress in the waters of Trinidad and Tobago. The master who breaches this clause commits a shipping violation which carries an administrative fine of \$50,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and imprisonment for ten years. If the ship is a foreign ship, the Authority is required to report the failure to the maritime administration with responsibility for the ship.

Clause 454 of the Bill would empower the rescue coordinator to call for collaboration and support from a number of different sources and the Authority is empowered to enter into Memoranda of Understanding with various agencies concerning the provision of assistance for search and rescue.

Clause 455 of the Bill would set out the duties of Trinidad and Tobago ships in assisting in cases where there are collisions between two Trinidad and Tobago ships within the waters of Trinidad and Tobago in respect of rendering assistance to the ship, master, crew and passengers, as may be practicable, and in respect of giving the master or person in charge of the Trinidad and Tobago ship, the name of his own ship and the port of registry to which the ship belongs. The failure of a master or person in charge of the ship to render assistance is an offence and is punishable on summary conviction to a fine of \$60,000.00. If the master or person in charge of the ship fails to give the information required, he commits an offence and is liable to a penalty of \$30,000.00. If the master of the ship is a licensed officer, the officer is also liable to an inquiry into his conduct.

Clause 456 of the Bill would provide that this Part does not prevent the use by any ship, offshore installation or person in distress, of any means at their disposal to attract attention, make known their position and obtain help.

Clause 457 of the Bill would require all ships or offshore installations to be capable of transmitting ship-to-shore distress alerts by at least two separate and independent means, shore-to-ship distress alerts, in relation to an offshore installation, installation-to-air communications, and capable of receiving ship-to-ship distress alerts, search and rescue co-ordinating communications, on-scene communications, signals for locating beacons, maritime safety information, general radio communications to and from shore-based radio systems or networks and bridge to bridge communications.

Part XXVII of the Bill would provide for the Limitation of Liability in shipping matters and would contain 17 clauses.

Clause 458 of the Bill would provide for the interpretation of certain words and phrases in Part XXVII.

Clause 459 of the Bill would provide for the application of Part XXVII in respect of whenever a person seeks to limit his liability before the court or seeks to procure the release of a ship or other property or the discharge of any security given. The clause provides that this Part would not apply to offshore installations.

Clause 460 of the Bill would allow the owner or salvor of a ship to limit his liability in accordance with clause 463. The clause would provide further, that if a claim is made against any person for whose act, neglect or default the owner or salvor of the ship is responsible, the person is entitled to limit his liability in accordance with section 463.

Clause 461 of the Bill would set out the types of claims that would be subject to limitations. These include claims in respect of loss of life or personal injury or loss or damage to property, claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or luggage, claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations, claims in respect of the removal, destruction or rendering harmless of cargo of a ship and claims of a person other than a person liable in respect of measures taken in order to minimize loss for which the person liable may limit his liability in accordance with this Part and further loss caused by such measures.

Clause 462 of the Bill would provide for certain claims which are exempt from limitation. These are claims for salvage including, if applicable any claim for special compensation under Article 14 of the International Convention on Salvage, 1989, claims for oil pollution damage within the meaning of the International Convention on Civil Liability of Oil Pollution Damage, claims subject to any international convention or written law governing or prohibiting limitation for nuclear damage or against ship owners of a nuclear ship for nuclear damage. Limitation would also not apply to claims by servants of the ship owners or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependents or other persons entitled to make such claims where under the law governing the contract of service between the ship owner or salvor and such servants, the ship owner or salvor is not entitled to make the claim or where the law only permits limitation of liability to an amount greater than that provided for in clause 466.

Clause 463 of the Bill would prohibit a person from limiting his liability.

Clause 464 of the Bill would provide that where it is proved that the loss resulted from his personal act or omission, committed with intent to cause such loss or recklessly with knowledge that such loss would probably result.

Clause 465 of the Bill would provide the calculation of the limits of liability set out in the clause.

Clause 466 of the Bill would provide that the limit of liability of any salvor, not operating from any ship or operating solely on the ship, be calculated according to a tonnage of 1,500 tons in relation to the claims.

Clause 467 of the Bill would limit the liability of the owner of a ship for claims arising on any distinct occasion for loss of life or personal injury to passengers of the ship to an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorised to carry according to the Certificate of the ship.

Clause 468 of the Bill would provide the definition of "Unit of Account".

Clause 469 of the Bill would provide for the aggregation of claims which arise against person under clause 467(1) and any person for whose act, neglect or default he or they are responsible, against the owner of the ship rendering salvaging services from the ship and the salvor or salvors operating from the ship, any person for whose act, neglect or default he or they are responsible or against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

Clause 470 of the Bill would provide that a person could only invoke his right to limit liability of a limitation fund in certain instances.

Clause 471 of the Bill would provide for the constitution of a limitation fund.

Clause 472 of the Bill would provide for the distribution of the limitation fund once constituted.

Clause 473 of the Bill would provide that once a limitation fund is constituted and a person makes a claim against the limitation he is prohibited from exercising any rights in respect of the claim against any other asset of a person by or on whose behalf the fund has been constituted. The clause goes on to provide that if a limitation fund has been constituted and the ship or any other property belonging to a person on behalf of whom the limitation fund is constituted, has been arrested or attached within Trinidad and Tobago for a claim against the limitation fund, the Court is empowered to release the ship. The clause goes on to set out the circumstances under which the Court would release a ship.

Clause 474 of the Bill would provide that the governing laws relative to the constitution and distribution of a limitation fund

constituted in Trinidad and Tobago are the laws of Trinidad and Tobago.

Part XXVIII of the Bill would provide for Casualty Investigations and would contain 7 clauses.

Clause 475 of the Bill would empower the Authority to hold casualty investigations where an accident or incident occurs in the waters in Trinidad and Tobago or in respect of a Trinidad and Tobago ship.

Clause 476 of the Bill would require the master of a ship which is involved in an incident or accident within the waters of Trinidad and Tobago or the master of a Trinidad and Tobago ship which is involved in an incident or accident, whether or not it involved the loss of life or any serious injury to any person or the ship has received material damage affecting its sea worthiness to notify the Director General, in writing, of the accident or damage and probable cause stating the name of the ship, its official number, port of registry or port to which it belongs and its location. The clause would also require the owner of a ship or his agent to satisfy himself where an accident has occurred involving the ship that the matter has been reported to the Director General by the master and if not reported he is required to give the Director General a notice in writing of the same information. The master or owner or agent who fails to comply with this section commits an offence and is liable on summary conviction to a fine of \$50,000.00.

Clause 477 of the Bill would empower the Authority to suspend a Certificate or licence of a seafarer, where during a casualty investigation, it appears that the seafarer, who holds a licence or certificate under the Act, is either unfit to discharge his duties or has been seriously negligent in the discharge of his duties, pending the outcome of the inquiry. The seafarer would also be required to deliver the Certificate or licence to the Director General and where he fails to do so, he commits a shipping violation which carries an administrative fine of \$7,500.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 478 of the Bill would empower the Authority to cancel or suspend the Certificate or licence of a seafarer where, as a result of a casualty investigation, it is satisfied that the seafarer is unfit to discharge his duties or has been seriously negligent. The seafarer would also be required to deliver the Certificate or licence to the Director General and where he fails to do so he commits a shipping violation which carries an administrative fine of \$7,500.00. If the

administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$10,000.00.

Clause 479 of the Bill would empower the Authority to conduct a casualty investigation in the event of a death on board a Trinidad and Tobago ship.

Clause 480 of the Bill would provide for the appeal from the decision to cancel or suspend a Certificate of licence.

Clause 481 of the Bill would empower the Authority to reissue or grant new certificates or licences which were cancelled or suspended under this Part.

Part XXIX of the Bill would provide for the detention, seizure or forfeiture of ships and the ceasing of operations of offshore installations and would contain 9 clauses.

Clause 482 of the Bill would provide that where the Director General, an inspector, Chief Harbour Master, Harbour Officer or a surveyor is satisfied that a foreign ship is to be detained, he may adopt any means or measure he thinks suitable or necessary to prevent the ship from sailing while it is an unsafe ship and issue a Detention Order accordingly unless a Release Order is granted. The clause provides for appeals from the decision to issue a Detention Order and for the release of the ship. Where an application is made for the release of a ship and the Director General is satisfied that it should be released, he may cancel the Detention Order and issue a Release Order.

Clause 483 of the Bill would provide for the seizure and forfeiture of a Trinidad and Tobago ship for non-payment of any fine imposed under this Act.

Clause 484 of the Bill would empower the Court to order the arrest for non-payment of seafarer's wages or fines, under the Act ,for the purpose of compelling payment.

Clause 485 of the Bill would provide that if salvage is due to any person, the Chief Receiver of Wrecks is empowered, if it is in relation to services rendered in assisting any vessel or in saving life to detain the vessel, cargo or apparel and if it is in relation to the saving of a wreck, to detain the wreck until payment is made for salvage or process is issued for the arrest or detention thereof by a Court of competent jurisdiction. Once security is given to the satisfaction of the Chief Receiver of Wrecks, he may release the detained property.

Clause 486 of the Bill would provide that where the owner or master of a foreign ship allows the foreign ship to leave or attempt to leave any port in Trinidad and Tobago while under detention, the owner or master commit a shipping violation which carries an administrative fine of \$75,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$100,000.00 and imprisonment for five years.

Clause 487 of the Bill would set out the procedures on the forfeiture of a Trinidad and Tobago ship.

Clause 488 of the Bill would provide for the forfeiture of an offshore installation by the High Court by order.

Clause 489 of the Bill would empower the Director General, an inspector of a surveyor, once satisfied that an offshore installation does not meet the requirements of the Act, to issue a Cessation of Operations Order for the offshore installation to cease all of its operations. The Offshore Installation Manager of an offshore installation may appeal to the Authority against a Cessation of Operations Order for the release of the offshore installation back into operation. Where the Director General is satisfied that an offshore installation should be released back into operation it will cancel the Cessation of Operations Order and issue a Release Order for the offshore installation.

Clause 490 of the Bill would provide that if a Trinidad and Tobago ship is detained and the ship was at the time an unsafe ship, the owner of the Trinidad and Tobago ship is liable to pay the costs of incidental to the detention and survey of the Trinidad and Tobago ship.

Part XXX of the Bill would provide for the jurisdiction in shipping matters and would contain 6 clauses.

Clause 491 of the Bill would provide that every offence on board a Trinidad and Tobago ship is deemed to be committed and every cause of complaint to have arisen in the place where the offence was actually committed or arose. In instances where questions arise as to whether or not a Trinidad and Tobago ship or person is governed by the Act, the Trinidad and Tobago ship or person is deemed to be governed by the act unless the contrary is proved.

Clause 492 of the Bill would provide that a Court having jurisdiction in any part of the coast of Trinidad and Tobago has jurisdictions over a ship lying or passing off that coast or being in

any bay, channel, lake, river or other navigable water near the coast in the same manner as if the ship were within the limits of the original jurisdiction.

Clause 493 of the Bill would provide that if any person on board a Trinidad and Tobago ship does any act which would be an offence if done or made in Trinidad and Tobago, the person commits an offence and may be tried by any Court having jurisdiction in Trinidad and Tobago.

Clause 494 of the Bill would provide that if a Trinidad and Tobago ship is removed from the Register of Ships on account of a transfer to a person who is not qualified to own a Trinidad and Tobago ship and there is in existence an unsatisfied mortgage, the mortgage may be enforced by the Court, notwithstanding the transfer and without prejudice in cases where the ship has been sold under a judgement of a Court.

Clause 495 of the Bill would prohibit any Court in Trinidad and Tobago from entertaining an action *in personam* to enforce a claim unless the defendant has his habitual residence or place of business in Trinidad and Tobago, the cause of action arose within the waters of Trinidad and Tobago or an action arising out of the same incident or series of incidents is proceeding in the Court or has been heard and determined in the Court. The Court is also prohibited from entertaining an action until any proceedings previously brought by the plaintiff in any Court outside of Trinidad and Tobago against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end. The clause would also apply to counterclaims, not being counterclaims in proceedings arising out of the same incident or series of incidents, as they apply to actions *in personam*, and a reference to the plaintiff would be a reference to the plaintiff on the counterclaim and a reference to the defendant would be a reference to the defendant to the counterclaim.

Clause 496 of the Bill would provide that in any case in which an action can be brought *in rem* against any ship and where the person who would be liable on the claim in an action *in personam* was, when the cause of action arose, the owner or charterer of, or in possession or in control of the ship, the admiralty jurisdiction of the High Court may, whether the claim gives rise to a maritime lien on the ship or not, be invoked by an action *in rem* against the ship, if at the time when the action is brought it is beneficially owned as respects all the shares therein by that person or any other ship which, at the time when the action is brought, is beneficially owned as aforesaid, but in determining whether a person would be liable

on a claim in an action *in personam*, the clause provides that it is to be assumed that he has his habitual residence or a place of business within Trinidad and Tobago. The clause also goes on to provide that this section would not apply to actions arising from claims to the possession or ownership of a ship or to the ownership of any share therein, or any claim in respect of a mortgage or charge on a ship or any share therein.

Part XXXI of the Bill would provide for Legal Proceedings and would contain 4 clauses.

Clause 497 of the Bill would provide that the prosecution for offences under the Act would proceed under the Summary Courts Act. The clause goes on to provide that where a penalty is not provided in the Act for an offence, the penalty would be a fine of \$20,000.00 and where the offence is a continuing one, the further penalty is \$1,000.00 for every day the offence continues.

Clause 498 of the Bill would provide for the administrative penalties that the Authority may impose for shipping violations under the Act. Where a breach of the Act is a shipping violation, the Authority is empowered to levy administrative fines relative to those breaches as set out in Column 2 of Schedule 5. The Authority is first required to give the alleged offender an infringement notice which would advise the alleged offender that he is required to pay the amount of money specified in the notice as being the administrative fine as set out in the Second Column in Schedule 5 for the shipping violation, which may be paid to the Authority within twenty-eight days after receiving the notice, failing which he commits an offence and is liable on summary conviction to the penalty set out in the Third Column for the shipping violation.

The clause would also provide that in an infringement notice, the amount specified as being the administrative fine for the shipping violation referred to in the notice shall be the amount that was the prescribed administrative fine at the time the shipping data is believed to have been committed. The clause also empowers the Director General, in a particular case, to extend the period of twenty-eight days for payment of the administrative fine and he may do so whether or not that period has elapsed.

Clause 499 of the Bill would limit civil claims under this Act to two years from the date of the damage or loss or injury. Further, the clause would provide that no action is maintainable under the Act to enforce any contribution in respect of an overpaid proportion of damages for loss of life or personal injuries, unless the proceedings have commenced within one year from the date of payment.

The clause allows the Court to extend these periods.

Clause 500 of the Bill would empower the Rules Committee under the Supreme Court of Judicature Act, to make Rules of Court for the purposes of the Act which would be subject to negative resolution of Parliament.

Part XXXII of the Bill would provide for Regulations to be made under the Act and would contain 32 clauses.

Clause 501 of the Bill would empower the Minister to make Regulations generally for the purposes of the Act. It would provide that the penalty for breaches of the any regulations is a sum up to \$150,000.00.

Clause 502 of the Bill would empower the Minister to make Regulations for the engagement of seafarers on non-convention vessels.

Clause 503 of the Bill would empower the Minister to make Regulations for the engagement of seafarers on Convention vessels and offshore installations. Breach of Regulations under this clause is a shipping violation which carries an administrative fine of \$3,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$2,000.00.

Clause 504 of the Bill would empower the Minister to make Regulations for medical examinations, hospitals and cooking on board a ship.

Clause 505 of the Bill would empower the Minister to make Regulations for crew accommodation and recreational facilities.

Clause 506 of the Bill would empower the Minister to make Regulations for the Official Log Book.

Clause 507 of the Bill would empower the Minister to make Regulations for the registration of ships and offshore installations.

Clause 508 of the Bill would empower the Minister to make Regulations for the tonnage of ships.

Clause 509 of the Bill would empower the Minister to make Regulations for ship construction.

Clause 510 of the Bill would empower the Minister to make Regulations for Certificates of Competency.

Clause 511 of the Bill would empower the Minister to make Regulations for manning and certification requirements.

Clause 512 of the Bill would empower the Minister to make Regulations for Quality Systems.

Clause 513 of the Bill would empower the Minister to make Regulations for safety precautions and navigational safety.

Clause 514 of the Bill would empower the Minister to make Regulations for collisions. Breach of Regulations under this clause is a shipping violation which carries an administrative fine of \$20,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00 and imprisonment for six months.

Clause 515 of the Bill would empower the Minister to make Regulations for Aids to Navigation.

Clause 516 of the Bill would empower the Minister to make Regulations relative to the Vessel Traffic System.

Clause 517 of the Bill would empower the Minister to make Regulations for the enforcement of Safety Certificates.

Clause 518 of the Bill would empower the Minister to make Regulations for dangerous goods.

Clause 519 of the Bill would empower the Minister to make Regulations for Small Commercial Vessels and Caribbean Cargo Ships.

Clause 520 of the Bill would empower the Minister to make Regulations for the security of ships at port facilities.

Clause 521 of the Bill would empower the Minister to make Regulations for maritime security.

Clause 522 of the Bill would empower the Minister to make Regulations for load lines.

Clause 523 of the Bill would empower the Minister to make Regulations for deck cargo. Breach of Regulations under this clause is a shipping violation which carries an administrative fine of \$15,000.00. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$20,000.00.

Clause 524 of the Bill would empower the Minister to make Regulations for fishing vessels.

Clause 525 of the Bill would empower the Minister to make Regulations for cargo ships.

Clause 526 of the Bill would empower the Minister to make Regulations for the issue of local safety certificates and safety requirements.

Clause 527 of the Bill would empower the Minister to make Regulations for cargo ship construction and safety.

Clause 528 of the Bill would empower the Minister to make Regulations for local passenger ships.

Clause 529 of the Bill would empower the Minister to make Regulations for submersible craft.

Clause 530 of the Bill would empower the Minister to make Regulations for Trinidad and Tobago Government Ships.

Clause 531 of the Bill would empower the Minister to make Regulations for pleasure craft.

Clause 532 of the Bill would empower the Minister to make Regulations for marine communications.

Part XXXIII of the Bill would provide Miscellaneous Provisions and would contain 7 clauses.

Clause 533 of the Bill would provide for the transitional provisions for ships being built, and licences and certificates issued under the former Act. The clause makes it an offence for a person who immediately before the commencement of the Act, was actively engaged in building a ship or an offshore installation to fail to register with the Authority within twelve months of commencement of the Act. Breach of this clause is a shipping violation which carries an administrative fine of \$20,000.00 in respect of a ship and \$300,000.00 in respect of an offshore installation. If the administrative fine is not paid, an offence is committed and the person is liable on summary conviction to a fine of \$30,000.00 for a ship and \$500,000.00. for an offshore installation.

Clause 534 of the Bill would empower the Minister to amend the Schedules by Order.

Clause 535 of the Bill would provide that unless otherwise provided in the Act, the Act would not apply to Trinidad and Tobago Government ships operated for non-commercial purposes and ships of the Defence Force.

Clause 536 of the Bill would provide for the repeal of the Shipping Act but for the preservation of Regulations made under that Act until Regulations can be made under the Act.

Clause 537 of the Bill would provide for consequential amendments to various pieces of legislation which are set out in Schedule 6.

Clause 538 of the Bill would provide for the continuation of proceedings commenced under the former Act.

Clause 539 of the Bill would provide for the validation of any actions taken under the Shipping (Port and Ship Safety) Regulations, 2004.

SHIPPING BILL, 2020

Arrangement of Clauses

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Clause

1. Short title
2. Act inconsistent with Constitution
3. Commencement
4. Interpretation
5. Power of persons exercising official functions
6. Non-application of Act
7. Requirement for all instruments and documents to be on prescribed forms and certificates property of Authority
8. Rights of person holding beneficial interest
9. Provisions for cases of infancy and other disability
10. Power of Registrar to dispense with declarations and other evidence
11. Mode of making declaration
12. Admissibility of registers as evidence
13. Forgery of documents
14. False declarations
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THE MARITIME AUTHORITY OF TRINIDAD AND TOBAGO

16. Establishment of Maritime Authority
17. Powers and functions of the Authority
18. Seal of the Authority

19. Authority to be managed by Board
20. Constitution of Board
21. Tenure of the Board
22. Remuneration
23. Meetings of the Board
24. Personal liability of members
25. Declaration of interest
26. Quality Standards for Certification Records
27. Director General
28. Deputy Directors
29. Staff of the Authority
30. Registrar of Shipping and Deputy Registrar of Shipping
31. Registrar of Seafarers and Deputy Registrar of Seafarers
32. Chief Receiver of Wrecks
33. Chief Surveyor and ships' surveyors
34. Chief Harbour Master, Harbour Officers and Assistant Harbour Officers
35. Approved Medical Practitioners
36. Protection of officers
37. Authority subject to independent audit
38. Property of Maritime Services Division vested in Authority Schedule 3

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40. Application of the Fund
41. Estimates of Expenditure
42. Financial year

- 43. Accounts and audit
- 44. Borrowing from Government
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- 46. Exemption from the public procurement law
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- 50. Trinidad and Tobago Government ships and aircraft or ships of the Defence Force
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- 52. Restriction on construction or operation of offshore installation
- 53. Qualification for owning Trinidad and Tobago ships
- 54. Obligation to register Trinidad and Tobago ships and offshore installations
- 55. Application for registration of ships and offshore installations
- 56. Requirements for inspection before registration
- 57. Declaration of ownership on registration and other evidence required
- 58. Evidence of first registry of ship
- 59. Authority to register ship or offshore installation
- 60. Improper use of Certificate of Registry
- 61. Restrictions on registration
- 62. Provisional Certificate of Registry for ships
- 63. Certificate for Use

64. Authority may refuse to register ship or offshore installation
65. Cancellation of registration
66. Certificate of deletion
67. Deregistration
68. Registers of ships
69. Registration of War Ships
70. Unique number of ship
71. Change of name or number of ship
72. Register book for fishing vessels
73. Marking of ships and offshore installations
74. Register book for ships under construction
75. Call signs
76. Tonnage on registration
77. Registration of alteration
78. Alterations noted on Certificate of Registry
79. Procedure for registration anew
80. Registration on re-registration of wrecked or abandoned ships
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SHIPBUILDERS AND OFFSHORE INSTALLATION BUILDERS

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107. Bill of Sale to be produced for entry in Register
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BILL

AN ACT to repeal and replace the Shipping Act, Chap. 50:10, the Harbours Act, Chap. 50:06, the Droghers Act, Chap. 50:07, the Motor Launches Act, Chap. 50:08, to amend the Port Authority Act, Chap. 51:01 and the Coroners Act, Chap. 6:04 to provide for and the certification and registration of seafarers and the certification and registration of vessels and offshore installations, matters relating to crew safety and security of life at sea and matters incidental thereto

[

, 2020]

Preamble WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I PRELIMINARY

- Short title **1.** This Act may be cited as the Shipping Act, 2020.
- Act inconsistent with Constitution **2.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
- Commencement **3.** This Act shall come into effect on such date as is set by the President by Proclamation.
- Interpretation **4.** (1) In this Act, unless the context otherwise requires—
 “abandoned” in relation to—
 (a) a vessel, means where the vessel is left unattended for a period of sixty consecutive days by the owner in any public place, including the waters of Trinidad and Tobago; and

(b) an offshore installation which is abandoned by the owner for more than sixty days for any reason;

“agent” means in relation to a ship or an offshore installation, the legal representative or agent of the owner, not being a managing owner vested with specific authority by the owner;

“allision” means the circumstances when a moving ship strikes a stationary object;

“aircraft” means any craft designed for flying but capable of being maneuvered on water and includes a seaplane or a ship or vessel able to alight or hover over water;

“apprentice” means a person who is engaged in a course of study for the purpose of the attaining of a Certificate of Competency or Proficiency;

“archipelagic waters” has the meaning assigned to it by the Archipelagic Waters and Exclusive Economic Zones Act;

Chap. 51:06

“audit” means the performance of a documentary review and implementation assessment by the use of sampling and auditing techniques required by the codes or standards contained within the regulations or as required by *inter alia*—

- (a) the Trinidad and Tobago Bureau of Standards;
- (b) the International Maritime Organization;
- (c) the International Labour Organization;
- (d) the International Standards Organization; or

(e) the Food and Agricultural Organization of the United Nations,

for the purpose of ascertaining compliance with national standards or international maritime standards and the issuing of Certificates or endorsement;

“auditor” means a person employed as a ship auditor under section 227 or appointed as a marine ship auditor under section 228;

“Authority” means the Maritime Authority of Trinidad and Tobago established under section 16;

“Attorney-at-law” has the meaning assigned to it by the Legal Profession Act;

“bankruptcy” includes insolvency and any other process leading to the liquidation of assets;

“beneficial interest” includes interest arising under contract or other equitable interest;

“Board” means the Maritime Authority Board assigned responsibility for management of the Authority under section 19;

“boat” means a small vessel for travelling over water, propelled by oars, sails, or an engine;

“breadth” means the distance from one extremity to the next on a ship at the mid-point of the ship or any other point where the distance from one extremity to the next is the greatest;

“cargo ship” means a ship which is not a passenger ship, fishing vessel or ship of war;

“Caribbean Community” means the Community established under the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy signed at Chaguaramas on 5th July, 2001;

“Caribbean Trading Area” means an area bounded by a line from a point on the east coast of the United States of America in latitude 35°00’ North to a point 5° South, 33°00’ West, thence to a point 10°00’ South, 33° West, thence to a point on the coast of Brazil in latitude 10°00’ South, thence Northwards along the coast of Continental America to a point in latitude 35°00’ North on the east coast of the United States of America as laid out in the map set out in Schedule 1;

Schedule 1

“CARICOM State” means a Member State of the Caribbean Community;

“Certificate” means—

- (a) Certificate of Competency;
- (b) Certificate of Proficiency;
- (c) Certificate of Survey;
- (d) Certificate of Registry;
- (e) Local Trade Permit;
- (f) Shipbuilder’s Registration Certificate;
- (g) Shipbreaker’s Certificate;
- (h) Safety Convention Certificate;
- (i) Load Line Certificate;
- (j) Caribbean Cargo Ship Safety Certificate;
- (k) Small Commercial Vessel Certificate;
- (l) Watercraft Certificate; or

(m) any other certificate issued under this Act,

as applicable;

“Certificate of Competency” means a certificate issued under section 136 or endorsed for masters, officers and Global Maritime Distress Safety System radio operators in accordance with the provisions of chapters II, III, IV or VII of the STCW Convention entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

“Certificate of Proficiency” means a certificate, other than a Certificate of Competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the STCW Convention have been met and issued under section 135;

“Certificate of Recognition” means a certificate issued under section 131;

“Certificate of Registry” means a certificate issued under section 59 in respect of a ship;

“Certificate of Survey” means a Certificate issued under section 56;

“Chief Harbour Master” means the Chief Harbour Master referred to in section 34;

“Chief Receiver of Wrecks” means the Chief Receiver of Wrecks referred to in section 32;

“Chief Surveyor” means the Chief Surveyor referred to in section 33;

“CMOU” means the Caribbean Memorandum

of Understanding for port state control made between States on February 9th, 1996 in Barbados;

“collision” means the circumstances when two moving ships strike each other;

“Collision Convention” means the International Regulations for Preventing Collisions at Sea, 1972;

“consular officer” means a person discharging the duties of a consular office on behalf of the Government of Trinidad and Tobago and when used in relation to a State, other than Trinidad and Tobago, “consular officer” means the officer recognized by the Government of Trinidad and Tobago as a “consular officer” of that State;

“continuous synopsis record” means a special measure under the International Convention on the Safety of Life at Sea (SOLAS) for enhancing maritime security at sea for all passengers and cargo ships of five hundred gross tonnage and above;

“crew” means a person on board a ship or offshore installation who performs functions on board the ship or offshore installation;

“dangerous drug” has the meaning assigned to it by the Dangerous Drugs Act;

Chap. 11:25

“Deputy Registrar of Seafarers” means the Deputy Registrar of Seafarers referred to in section 31;

“Deputy Registrar of Shipping” means the Deputy Registrar of Shipping referred to in section 30;

“Director General” means the Director General

of the Authority appointed pursuant to section 27;

“fisheries officer” has the meaning assigned to it by the Fisheries Act;

Chap. 67:51

“fishing vessel” means a Trinidad and Tobago ship whether or not operating in the waters of Trinidad and Tobago and used—

(a) commercially for catching fish, whales, seals, walrus or other living resources of the sea; or

(b) for processing, storage or support of or ancillary to fishing operations but excludes a ship transporting fish or fish products as part of its general cargo;

“foreign certificate of competency” means a certificate issued by a foreign State or endorsed for masters, officers and Global Maritime Distress Safety System radio operators in accordance with the provisions of chapters II, III, IV or VII of the STCW Convention entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

“foreign certificates of proficiency” means a certificate issued by a foreign State, other than a foreign certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the STCW Convention have been met;

“foreign ship” means a ship which is not a Trinidad and Tobago ship;

“harbour” means any place in Trinidad and Tobago established as a harbour under section 426;

“IFRS” means the International Financial Reporting Standards as adopted from time to time by the International Accounting Standards Board;

“inspector” means a person employed as an inspector under section 213 or a marine ship inspector appointed under section 214;

“inspection” means the performance of any physical examination of a ship, offshore installation, marine facility, ship to port sea interface, sea surface or sub-sea surface area, equipment, item or structure floating or submerged for the purpose of assessment and reporting to the Authority;

“internal waters” has the meaning assigned to it by the Territorial Sea Act;

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“international voyage” means a voyage from a port in one State to a port in another State;

“length” means the greater of ninety-six per cent of the total length on a water line at eighty-five per cent of least moulded depth, measured from the top of the keel or the length from the foreside of the stem to the access in rudder stock on that waterline if that is greater;

“Local Trade Permit” means a permit issued under section 51;

“machinery” includes propulsion systems, steering systems, pressurized containers and systems, pumping systems, hoisting or pulling systems, electrical systems and all similar apparatus required for, or used for

the safety or operation of a ship or the safety of the personnel on board a ship or offshore installation;

“managing owner”, in relation to a ship or offshore installation, includes any person not being an agent in whom the owner of the ship or offshore installation has vested authority to manage and operate the ship or offshore installation;

“marine officer” means—

- (a) the Director General;
- (b) the Registrar of Shipping and a Deputy Registrar of Shipping;
- (c) the Registrar of Seafarers and a Deputy Registrar of Seafarers;
- (d) the Chief Surveyor or surveyor;
- (e) the Chief Receiver of Wrecks and wreck receivers;
- (f) the Harbour Master and Assistant Harbour Officers; and
- (g) any person authorized by the Authority for the purpose of inspection, survey, audit or examination of a ship or offshore installation;

“Marine Safety Information Bulletin” means communication to ships and seafarers in respect of—

- (a) navigational and meteorological warnings; and
- (b) meteorological forecasts and other urgent safety related messages,

and includes shipping notices and Navigational Warnings;

“marine ship auditor” means a person appointed as such under section 228;

“marine ship inspector” means a person appointed as such under section 214;

“marine ship surveyor” means a person appointed as such under section 221;

“maritime activities” means matters relating to—

- (a) the safety and security of ships and offshore installations;
- (b) the safety of navigation; and
- (c) the protection of the marine environment from marine pollution from ships in Trinidad and Tobago;

“master” includes a person having command or control of any ship, other than a pilot;

“medical practitioner” means a person registered—

- (a) under the Medical Board Act and approved by the Authority under section 35; or Chap. 29:50
- (b) by the maritime authority of another country to conduct a medical examination in relation to shipping matters under the laws of that country;

“Minister” means the Minister to whom responsibility for shipping is assigned;

“nationals of Trinidad and Tobago” has the meaning assigned to it under the Immigration Act; Chap. 18:01

“new Trinidad and Tobago ship” means a Trinidad and Tobago ship that was constructed after the commencement of this Act;

“Non-Convention ship” means a Trinidad and Tobago ship to which—

- (a) the International Convention for the Safety of Life at Sea, 1974 (SOLAS) does not apply; and
- (b) the Code of Safety for Small Commercial Vessels operating in the Caribbean or Code of Safety for Caribbean Cargo Ships apply;

“offshore installation” means any installation which is maintained, or is intended to be established, for underwater exploitation or exploration to which this Act applies;

“Offshore Installation Manager” means a competent and certificated person appointed in writing by the owner of the offshore installation as the person in charge, who has complete and ultimate command and responsibility for the unit and persons on board;

“offshore supply vessel” means a ship which is used for the transportation of stores, materials, equipment or personnel to, from and between offshore installations;

“Organization” means the International Maritime Organization;

“owner”, in relation to a ship or the offshore installation, means the registered owner;

“passenger” means any person carried on board a ship except—

- (a) the master, a member of crew, an apprentice or a person employed or engaged in any capacity on board the ship on the business of the ship;

- (b) a child under one year of age; or
- (c) a person carried on the ship under an obligation imposed upon the master to carry shipwrecked, distressed or other persons, or by reasons of any circumstances which neither the master nor the owner, if any, could prevent or forestall;

“passenger ship” means a ship which is constructed for, or which is habitually or on any particular occasion used for carrying more than twelve passengers for hire or reward;

“pilot” means a person licensed in accordance with the Pilotage Act, not belonging to the ship who has the conduct thereof; Chap. 51:02

“pleasure craft” means every description of vessel used in navigation, however propelled, that is used exclusively for non-commercial purposes;

“port” means any place properly so called, whether or not declared a harbour and whether natural or artificial, to which a ship may resort for shelter or to load or unload goods or to embark or disembark passengers, and shall include the wharves, jetties, ship docks and break-waters and the machinery, plants, tools and any other property appurtenant thereto;

“port of registry” means the port where the ship is registered;

“proper officer” means a person authorized to perform a function or activity and may include a “consular officer”;

“Recognized Organization” means an independent organization appointed by the Authority under this Act to perform inspections, surveys and audits on behalf of the Authority;

“Recognized Security Organization” means an independent organization appointed by the Authority under section 316(4) to perform inspections on behalf of the Authority in respect of security at ports and on ships and offshore installations;

“Registrar of Seafarers” means a person referred to in section 31;

“Registrar of Shipping” means the person referred to in section 30;

“Safety Certificate” means a certificate issued under section 287;

“salvage” includes all expenses properly incurred by a salvor in the performance of salvage service;

“seafarer” means a person registered as such under section 134;

“ship” includes every description of vessel used in navigation, and not propelled by oars, and includes a seaplane;

“ship auditor” means a person employed as such under section 227;

“ship inspector” means a person employed as such under section 213;

“shipping notice” means communication issued from time to time in respect of mandatory requirements under the laws of Trinidad and Tobago and any other guidance relating to the safety of shipping and life at sea;

“shipping violation” means a breach of any of the provisions of this Act, which attract an administrative penalty as set out in Schedule 5;

“ship surveyor” means a person employed as such under section 220;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended from time to time;

“stevedore” means a seafarer who is employed by a port for the purpose of loading and offloading a ship;

“survey” means the performance of any physical examination of a ship or offshore installation for endorsement by signature, for a certificate, attestation, document of compliance, exemption, exception or dispensation with respect to compliance criteria;

“surveyor” means a person employed under section 220 or appointed under section 221;

“territorial sea” has the meaning assigned to it by the Territorial Sea Act;

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“Trinidad and Tobago Government ship” means a Trinidad and Tobago ship which is owned by the Government of the Republic of Trinidad and Tobago but does not include a vessel which is a Trinidad and Tobago warship;

“Trinidad and Tobago ship” means a ship registered under this Act to operate under the laws of Trinidad and Tobago;

“Trinidad and Tobago warship” means a ship that is commissioned by the President and which forms part of the inventory of the Defence Force of Trinidad and Tobago;

“unsafe ship” means a ship that is, by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning, overload or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which the ship is intended and “safe ship” has the opposite meaning;

“vessel” includes any ship or boat or any other description of vessel used or designed to be used in navigation;

“wages” include emoluments;

“waters of Trinidad and Tobago” includes the internal waters and the territorial sea as defined in the Territorial Sea Act, and the archipelagic waters as defined in the Archipelagic Waters and Exclusive Economic Zone Act; and

“wreck” includes—

- (a) a sunken or stranded ship or off-shore installation;
- (b) any part of a sunken or stranded ship or offshore installation, including any object that is or has been on board such a ship or off-shore installation;
- (c) any object that is lost at sea from a ship or offshore installation and that is stranded, sunken or adrift at sea;

- (d) a ship that is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger have not been taken; and
- (e) any aircraft or any part thereof and cargo thereof that is sunken or stranded.

(2) In this Act, references to “an Offshore Installation Manager” shall be taken, except as so far as the context otherwise requires, as references to the person for the time being in charge of the offshore installation and appointed as required under section 100(1)(a) or (b).

5. (1) The persons referred to in subsection (2) where Power of persons exercising official functions so empowered in the exercise of their official powers under any written law, may—

- (a) stop and board, inspect and seize and detain a ship;
- (b) seize anything found on board a ship; and
- (c) arrest the master and crew of any ship,

in the waters of Trinidad and Tobago and port facility and may also institute such criminal proceedings against them, as may be necessary to ensure compliance with this Act and regulations made hereunder.

- (2) The persons to whom subsection (1) refer are—
 - (a) members of the Trinidad and Tobago Coast Guard;
 - (b) members of the Police Service;
 - (c) officers of the Customs and Excise Division;
 - (d) fisheries officers of the Ministry with responsibility for fishing;
 - (e) the appropriate personnel of various port facilities in Trinidad and Tobago; and

(f) officials of the Maritime Authority.

(3) Notwithstanding subsection (1), where the person exercising the functions under subsection (1) is a fisheries officer of the Ministry with responsibility for fishing, such persons may only exercise those functions in relation to foreign fishing vessels, fish and equipment relating to fish found on board.

(4) For the purpose of this section, “foreign fishing vessel” is a fishing vessel which is not registered in Trinidad and Tobago.

Non-application
of Act

6. Except as otherwise provided in this Act, nothing in this Act shall apply to ships or aircraft of the Defence Force.

Requirement for all
instruments and
documents to be on
prescribed forms and
certificates property
of Authority

7. (1) The several instruments and documents specified in this Act shall be in the prescribed or approved forms.

(2) Certificates issued by the Authority under this Act or Regulations made hereunder are the property of the Authority.

Schedule 2

(3) The Director General may, from time to time, amend the forms under subsection (1) and the forms set out in Schedule 2, and shall, by Notice, give due notice of such amendment.

(4) The Registrar of Shipping shall not be required, without the special direction of the Director General, to receive and enter in a Register any Bill of Sale, mortgage or other instrument for the disposal or transfer of any ship or share therein, or any interest therein which is made in any form other than the prescribed form or which contains any particulars other than those required in such form.

Rights of person
holding beneficial
interest

8. Without prejudice to—

(a) the provisions of this Act—

(i) for preventing notice of trusts from being entered in the register book; and

- (ii) relating to the exclusion of unqualified persons from ownership of Trinidad and Tobago ships; and
- (b) the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees,

a person holding a beneficial interest may enforce that interest against owners and mortgagees of the ship in respect of their interest therein in the same manner and in the same respect of any other personal property.

9. (1) Where, by reason of infancy, mental illness or defect or any other cause, any person interested in a ship or share therein is incapable of making any declaration or doing any act required or permitted by this Act to be made or done in connection with the registry of the ship, or any share therein—

Provisions for cases of infancy and other disability

- (a) the legal guardian or representative of that person;
- (b) the committee, manager or other administrators of the estate; or
- (c) if there is no guardian, representative, committee, manager or administrator, any person appointed by any Court of competent jurisdiction,

on application made on behalf of the incapable person or of any other person interested, may make the declaration, or a declaration nearly corresponding thereto as the circumstances permit, and do that act in the name and on behalf of the incapable person.

(2) All acts done by the substituted person under subsection (1) shall be effectual as if done by the person for whom he is the substitute.

10. Where, under this Act, any person is required to make a declaration on behalf of himself or of any corporation or any evidence is required to be produced

Power of Registrar of Shipping to dispense with declarations and other evidence

to the Registrar of Shipping, and it is shown to the satisfaction of the Registrar of Shipping that the person is reasonably unable to make the declaration, or that evidence cannot be produced, the Registrar of Shipping may, on the production of such other evidence and subject to such terms as he may think fit, dispense with the declaration or evidence.

Mode of making
declaration

11. (1) Declarations required by this Act, to be made, shall be made before the Registrar of Shipping or before any person authorized by law to administer oaths.

(2) Declarations required by this Act may be made on behalf of a corporation by the secretary or any other officer of the corporation authorized by it for the purpose.

Admissibility of
documents as
evidence

12. The following documents are admissible as evidence:

- (a) any register book under this Act on its production from the custody of a Registrar under this Act or any other person having the lawful custody thereof;
- (b) any Certificate or permits issued under this Act signed by a Registrar or other proper officer under this Act;
- (c) an endorsement on any Certificate signed by the relevant functionary under this Act; and
- (d) every declaration made under this Act.

Forgery of
documents

13. A person who forges or fraudulently alters—

- (a) any book, builder's certificate, Certificate of Survey, Certificate of Registry, declaration, Bill of Sale or instrument of transfer;
- (b) instrument of mortgage under this Act; or
- (c) any entry or endorsement required by this Act to be made in or on any of those documents,

commits an offence and is liable to a fine of one hundred thousand dollars and to imprisonment for two years.

14. (1) A person who, in the case of a declaration False declarations made in the presence of, or produced to, the Registrar of Shipping or proper officer under this Act, or in any document or other evidence produced to the Registrar of Shipping or proper officer—

- (a) wilfully makes, or assists in making or procures to be made, any false statement concerning the title to, or ownership of, or in the interest existing in any ship or any share in a ship; or
- (b) utters, produces or makes use of any declaration or document containing any such false statement, knowing the same to be false,

commits an offence and is liable to a fine of twenty thousand dollars and to imprisonment for two years.

15. Any applications under this Act shall be Applications to be accompanied by fees accompanied by the fees as may be prescribed in Regulations made under this Act.

PART II

THE MARITIME AUTHORITY OF TRINIDAD AND TOBAGO

16. There is established a body corporate to be known Establishment of Maritime Authority as the “Maritime Authority of Trinidad and Tobago”.

17. (1) The Authority shall have the following Functions and powers of the Authority functions:

- (a) advising and reporting to the Government on policy relating to maritime activities;
- (b) regulating maritime activities including Port State Control, Flag State Control and Coastal State Control activities;
- (c) advising the Government and stakeholders on maritime activities;

- (d) to be the focal point for communications to and from the Organization;
- (e) advising the President on the declaration of certain places as harbours;
- (f) to provide the International Hydrographic Organization with updated hydrographic information in respect of the waters of Trinidad and Tobago; and
- (g) to carry out any other functions given to it under any other written law.

(2) In the exercise of its functions under subsection (1), the Authority shall have the following powers:

- (a) to register ships and offshore installations and grant permission for the operation of local trade;
- (b) to regulate the design and construction of ships and offshore installations;
- (c) to register and certificate seafarers;
- (d) to register, certify and regulate shipbuilders and shipbreakers;
- (e) to approve or authorize maritime training institutions;
- (f) to create and maintain a register of ships, offshore installations, ship builders, ship breakers, seafarers and recognized training institutions;
- (g) to—
 - (i) regulate safety and security of offshore installations and ships;
 - (ii) the navigation and operations ships; and
 - (iii) the safety operations of offshore installations;

with regard to the construction of ships and offshore installations and security and navigation;

- (*h*) to inspect ships and offshore installations for the purpose of maritime safety, security and prevention of maritime pollution;
- (*i*) to implement the instruments of the Organization;
- (*j*) to establish and maintain aids to navigation for Trinidad and Tobago and to regulate the use of all aids to navigation;
- (*k*) to conduct inquiries into—
 - (i) collisions or other marine casualties affecting ships and offshore installations; and
 - (ii) incompetence or misconduct on the part of seafarers in relation to casualties under subparagraph (*i*);
- (*l*) to detain foreign ships;
- (*m*) to instruct the operations of an offshore installation to cease;
- (*n*) to impose fees or charges for use of any services provided by the Authority;
- (*o*) to impose fines; and
- (*p*) any other power given to it by any other written law.

(3) Notwithstanding subsection (1), the Authority shall have the power to do all that may be necessary or expedient for the proper performance of its functions, including entering into any transactions which in the opinion of the Authority is necessary or incidental to its functions.

(4) The Authority shall, subject to this Act or any other written law, be subject to the written directions of the Minister on matters of general policy, but the Minister shall not give any specific direction in respect of any matter before the Authority.

(5) In exercising its powers under subsection (2), the Board may delegate, in writing, such functions to the Director General or such other appropriate officer as it thinks fit.

Seal of the Authority **18.** The Authority shall have an official seal which shall be kept in the custody of the Chairman and may be affixed to every document signed by the Chairman.

Authority to be managed by Board of Directors **19.** The Authority shall be managed by a Board of Directors for the purpose of exercising and performing such functions as are conferred upon it by this Act and any other written law.

Constitution of the Board **20.** (1) The Board shall consist of a Chairman, Deputy Chairman and not less than five nor more than nine members.

(2) The members of the Board, including the Chairman and Deputy Chairman, shall be appointed by the President in his own discretion on such terms and conditions as the President shall determine.

(3) For the purposes of subsection (1), the members of the Board shall comprise—

- (a) a member appointed on the recommendation of the Chief Secretary of the Tobago House of Assembly;
- (b) an Attorney-at-law of at least ten years standing;
- (c) at least two members qualified by reason of training and experience in maritime matters;
- (d) a member qualified by reason of training and experience in shipping and the administration of ports and harbours;
- (e) a person who has attained at least the rank of Commander in the Trinidad and Tobago Coast Guard;

- (f) a representative of the Fisheries Division of the Ministry with responsibilities for fisheries; and
- (g) such other persons qualified by reasons of training or experience in areas of economics, finance, business, marine science or maritime training and education.

(4) Where a member of the Board is appointed to, or resigns or is removed from the Board, notice of the appointment, resignation or removal shall be published in the *Gazette*.

21. (1) Appointment as a member of the Board shall Tenure of the Board be for such period not being more than three years at any one time as the President shall specify at the time of the appointment, however, the appointments of members of the Board shall not all expire at the same time.

(2) Where a member is, by reason of illness or otherwise temporarily unable to perform his functions, the President may appoint another person to act as a temporary member for the duration of his inability.

(3) Where a vacancy arises on the Board by reason of death, resignation or termination of appointment, the President may fill the vacancy by way of an appointment for the unexpired period of the term of the member whose place is being filled.

(4) A member who is absent without leave from three consecutive meetings is deemed to have vacated his office.

(5) A member may, at any time, resign his office by letter addressed to the Chairman who shall forthwith forward the letter of resignation to the President.

(6) Notwithstanding subsection (5), the Chairman and Deputy Chairman may resign their offices through the Minister by letter addressed to the President.

(7) The President shall terminate the appointment of a member where that member—

- (a) becomes of unsound mind or is incapable of carrying out his duties;
- (b) is declared bankrupt or compounds with his creditors;
- (c) has been convicted of an offence which brings the Authority into disrepute;
- (d) misbehaves in office;
- (e) is absent without leave of the Board from three consecutive meetings of the Board;
- (f) fails to carry out any of the functions conferred on him by this Act; or
- (g) for cause.

Remuneration

22. (1) The Board shall pay its members such remuneration and allowances as the President may determine.

(2) The remuneration and allowances of a member of the Board shall not be reduced during his term of office.

Meetings of the Board

23. (1) At meetings of the Board, five members of the Board shall constitute a quorum.

(2) The Board shall meet at least once per month.

(3) Any act or proceeding taken by the Board is not invalid by reason only of a vacancy in its membership.

(4) Notwithstanding the subsequent discovery of a defect in the appointment of a member of the Board, any act or proceeding taken by the Board is valid and effectual as if the member was duly appointed.

Personal liability of members

24. The members of the Board shall not be personally liable for any act done or omitted to be done by them in good faith in the discharge of their functions.

25. (1) Every member of the Board shall, on ^{Declaration of interest} appointment and annually thereafter, submit to the President a declaration stating whether or not he has an actual or contingent pecuniary interest—

(a) in any service regulated by the Authority;
and

(b) in any business or any body corporate carrying on any business with the Authority in the exercise of its functions.

(2) The Minister and a member of the Board whose actual or contingent pecuniary interest is likely to be affected in any way by a decision of the Board on any matter specified in subsection (1) shall, as soon as possible after the relevant facts come to his knowledge, disclose to the President the nature of that interest.

(3) A disclosure under subsection (2) shall be recorded in the minutes of a meeting of the Board and the member shall—

(a) not take part in the meeting after disclosure in any deliberation or decision of the Board with respect to that matter; and

(b) be disregarded for the purpose of constituting a quorum of the Board.

(4) For the purposes of this section, a person who, or a nominee or relative of whom, is a shareholder who owns shares in excess of five per cent, or is a partner in a company or other body of persons other than a statutory authority or who is an employee thereof, shall be treated as having an actual or contingent pecuniary interest.

(5) In this section, “relative” means spouse, cohabitant within the meaning of the Cohabitation ^{Chap. 45:55} Relationships Act, father, mother, brother, sister, son or daughter of a person.

Quality Standards for
Certification Records

26. (1) The Authority shall establish and maintain quality standards through an internal quality management system for, *inter alia*, the certification of seafarers.

(2) The internal quality management system under subsection (1) shall be subject to periodic internal and external audits.

Director General

27. (1) The Board shall employ a suitably qualified and experienced person to be the Director General of the Authority on such terms and conditions as agreed upon between the Board and the Director General, subject to such maximum limit of remuneration as the Board in consultation with the Minister may determine.

(2) The Director General shall, subject to the directions of the Board, be responsible for managing the day to day operations of the Authority and shall have and may exercise such powers and functions as may be conferred on, or assigned to him by this Act or regulations made hereunder and such powers as may be delegated to him by the Authority.

(3) The Director General shall be employed for a period not exceeding three years which may be renewed upon approval of the Board.

(4) The Director General shall attend all meetings of the Board and participate in deliberations at such meetings but have no right to vote.

(5) The employment of a Director General under subsection (1) or the termination of employment of a Director General shall be published in the *Gazette*.

(6) Where the office of the Director General becomes vacant through—

- (a) resignation;
- (b) termination; or
- (c) Board approved absence,

the Board shall appoint from among the Deputy Directors appointed under section 28, a Deputy Director to act as the Director General.

(7) A person appointed to act as Director General under subsection (6) shall exercise all the powers and functions of the Director General and receive the same remuneration.

(8) An appointment under subsection (6) shall only be for a period of six months.

(9) The Director General may delegate, in writing, to any officer of the Authority, according to their qualifications for the purpose of this Act, the exercise or performance of his powers, duties and functions subject to such restriction or limitations as the Director General may specify.

(10) In addition to the powers granted to the Director General under this Act, the Director General shall have—

- (a) the responsibility over all waters of Trinidad and Tobago;
- (b) the power to direct—
 - (i) where any vessel shall be moored or anchored, the mooring arrangements or the method of anchoring within the waters of Trinidad and Tobago;
 - (ii) the removal of any vessel from berth or anchorage to another berth or anchorage and the time within which such removal is to be effected; and
 - (iii) the movement of vessels within the waters of Trinidad and Tobago; and
- (c) the power to approve mooring buoys in accordance with regulations made under this Act.

Deputy Directors

28. (1) The Board shall employ such number of suitably qualified and experienced persons to be Deputy Directors of the Authority, as the Board thinks fit, on such terms and conditions as the Board may determine.

(2) A Deputy Director shall, subject to the directions of the Board, be responsible for assisting the Director General in managing the day to day operations of the Authority and shall have and may exercise such powers and functions as may be conferred on, or assigned to him by this Act or regulations made hereunder and such powers as may be delegated to him by the Authority.

(3) A Deputy Director shall be employed for a period not exceeding three years which may be renewed upon the approval of the Board.

(4) A Deputy Director General shall be responsible for approving Maritime Training Institutions in Trinidad and Tobago under section 131 and shall keep a Register of Maritime Training Institutions.

Staff of the Authority

29. (1) The Authority may employ such persons as it considers necessary for the due and efficient performance of its duties and functions under this Act on such terms and conditions as are agreed between the Authority and the person, and subject to such maximum limit of remuneration as the Board, in consultation with the Minister, may determine.

(2) Subject to subsection (3) and the approval of the appropriate Service Commission or Statutory Authority and with the consent of the officer, any officer in the Public Service or a Statutory Authority may be seconded to the service of the Authority.

(3) Where a secondment referred to in subsection (2) is effected, arrangements shall be made to preserve the rights of the officer so seconded to any pension, gratuity or other allowance for which he would have been eligible, had he not been seconded to, or from the service of the Authority.

(4) A period of secondment shall be for three years and may only be extended for a further period of two years.

(5) The Authority shall establish a pension plan, or where the establishment of a plan is not feasible, the Authority shall make arrangements for membership in an existing plan.

(6) Subject to the rules of the pension plan established in accordance with subsection (5), all permanent employees of the Authority shall be eligible to become members of the pension plan established in accordance with subsection (5).

30. (1) Notwithstanding the generality of section 30, the Authority shall employ a suitably qualified and experienced person to be the Registrar of Shipping, who shall be responsible for all matters under this Act dealing with the registration of ships and offshore installations in Trinidad and Tobago.

Registrar of Shipping
and Deputy
Registrar of Shipping

(2) The Authority shall employ a suitably qualified and experienced person to be the Deputy Registrar of Shipping, who shall assist the Registrar of Shipping in the exercise of the functions of the Registrar of Shipping and in the absence of the Registrar of Shipping, the Deputy Registrar of Shipping shall act in his stead.

(3) The Registrar of Shipping and Deputy Registrar of Shipping shall, in the exercise of their functions under this Act, be subject to such directions as the Director General may, from time to time, give on that behalf.

(4) The Registrar of Shipping shall, where there is any doubt or difficulty in the execution of his duties, obtain the instructions from the Director General.

(5) The Director General may instruct the Registrar of Shipping regarding—

(a) the manner of making entries in the relevant Registers;

- (b) any evidence required for identifying persons; and
- (c) generally any act or thing required to be done in pursuance of this Act, as he thinks fit.

Registrar of
Seafarers and
Deputy Registrar
of Seafarers

31. (1) Notwithstanding the generality of section 29, the Authority shall employ a suitably qualified and experienced person to be the Registrar of Seafarers, who shall be responsible for all matters under this Act dealing with the registration of seafarers in Trinidad and Tobago.

(2) The Authority shall employ a suitably qualified and experienced person to be the Deputy Registrar of Seafarers, who shall assist the Registrar of Seafarers in the exercise of his functions and in his absence, act in his stead.

(3) The Registrar of Seafarers shall, in the exercise of his functions under this Act, be subject to such directions as the Director General may give to him, from time to time, on that behalf.

(4) The Registrar of Seafarers shall, where there is any doubt or difficulty in the execution of his duties, obtain instructions from the Director General.

(5) The Director General may instruct the Registrar of Seafarers regarding—

- (a) the manner of making entries in the relevant Registers;
- (b) any evidence required for identifying persons; and
- (c) generally any act or thing required to be done in pursuance of this Act, as he thinks fit.

Chief Receiver of
Wrecks

32. (1) Notwithstanding the generality of section 29, the Authority shall appoint from within the Authority, a suitably qualified and experienced person to be the

Chief Receiver of Wrecks, who shall be responsible for the general direction and supervision over all matters relating to receivers, wrecks and salvage for the purposes of Part XXIV.

(2) The Authority shall appoint suitably qualified and experienced persons to be wreck receivers, who shall assist the Chief Receiver of Wrecks in the exercise of his functions under this Act.

(3) The Chief Receiver of Wrecks and wreck receivers shall, in the exercise of their functions under this Act, be subject to such directions as the Director General may, from time to time, give on that behalf.

(4) The Chief Receiver of Wrecks shall, where there is any doubt or difficulty in the execution of his duties, obtain instructions from the Director General.

(5) The Chief Receiver of Wrecks may instruct the wreck receivers regarding—

- (a) any evidence required for identifying wrecks; and
- (b) generally any act or thing required to be done in pursuance of this Act, as he thinks fit.

33. (1) Notwithstanding the generality of section 29, ^{Chief Surveyor and ships' surveyors} the Authority shall employ a suitably qualified and experienced person to be the Chief Surveyor, who shall be responsible for the general direction and supervision over all matters relating to the safety, security and environmental protection of ships and offshore installations.

(2) The Chief Surveyor and ship surveyors shall, in the exercise of their functions under the Act, be subject to such directions as the Director General may, from time to time, give on that behalf.

(3) The Director General may instruct the Chief Surveyor regarding the generality of any act or thing required to be done in pursuance of the Act, as he thinks fit.

Chief Harbour
Master, Harbour
Officers and
Assistant Harbour
Officers

34. (1) Notwithstanding the generality of section 29, the Authority shall employ a suitably qualified and experienced person to be the Chief Harbour Master, who shall be responsible for managing and supervising harbours under this Act, the Maritime Search and Rescue under Part XXVI and the Vessel Traffic Management System under Part XVIII.

(2) The Chief Harbour Master shall be the Harbour Officer for the Port-of-Spain Harbour and shall, for the purposes of Part XXV, be responsible for the general direction and supervision over all matters relating to all harbours, Harbour Officers and Assistant Harbour Officers.

(3) The Authority shall employ suitably qualified and experienced persons to be Harbour Officers and Assistant Harbour Officers, who shall be responsible for specific harbours in Trinidad and Tobago and the management of the Vessel Traffic System in the relevant harbour.

(4) The Director General may instruct the Chief Harbour Master regarding the generality of any act or thing required to be done in pursuance of the Act, as he thinks fit.

Approved Medical
Practitioners

35. (1) The Authority shall create a list of medical practitioners approved to conduct medical examinations and issue medical fitness certificates on behalf of the Authority.

(2) The Authority shall, every six months, cause to be published in the *Gazette* and two daily newspapers and on the website of the Authority, the list of approved medical practitioners.

Protection of officers

36. No suit shall be maintained against any officer of the Authority or other person appointed, nominated or authorised to perform any function under this Act in respect of anything done or omitted to be done in good faith in the exercise or performance of any power, authority or duty conferred or imposed on him under this Act.

37. (1) The Authority may be subject to the performance of independent evaluation for monitoring purposes, which shall include a systematic and independent examination of all activities. Authority subject to independent audit

(2) For the purposes of subsection (1), the Authority shall, prior to an independent audit, conduct a self-audit of its systems and processes relative to its functions.

38. All real and personal property listed in Schedule 3, now held by, or vested in any person for the use and benefit of the Maritime Services Division are hereby transferred to, and vested in the Authority. Property of Maritime Services Division vested in Authority Schedule 3

PART III FINANCE

39. (1) There is hereby established a fund to be known as the “Maritime Authority Fund” (hereinafter referred to as “the Fund”). Establishment of Maritime Fund

(2) The monies in the Fund shall comprise—

- (a) appropriations by Parliament from the Consolidated Fund;
- (b) revenue from charges or fees imposed by the Authority for use of any facility, anchorage or services provided by it;
- (c) sums borrowed by the Authority for the purpose of meeting any of its obligations or for discharging any of its functions;
- (d) such sums as are provided by foreign States, international organizations, multi-lateral or bilateral lending agencies, corporations or private individuals for the exercise of any of the functions of the Authority;
- (e) sums received by, or owed to the Authority in respect of—
 - (i) the performance of its functions or the exercise of its powers; or

- (ii) interest on loans made to employees;
- (f) monies received from the owner or master of a Trinidad and Tobago ship in relation to seafarers' wages or effects;
- (g) sums received as administrative penalties; and
- (h) such other sums or property which may, in any manner, become payable to, or vested in the Authority in respect of any matter incidental to its powers and duties.

(3) The Authority shall not receive sums, under subsection (2)(d), from any corporation or private person who is regulated or is seeking to be regulated under this Act.

Application of the
Fund

40. The money in the Fund shall be applied in defraying the following expenditure:

- (a) the acquisition of property by the Authority in the course of performing its functions or exercising its powers;
- (b) the remuneration and allowances of members of the Board;
- (c) the remuneration, allowances, advances, loans, pensions and gratuities payable or made to the Director General and other members of staff of the Authority;
- (d) contributions to the pension fund plan;
- (e) capital and operating expenses, including maintenance and insurance of the property of the Authority;
- (f) the payment of wages received by the Authority on behalf of a seafarer under section 188;
- (g) research and development projects, training and certification and other related matters; and

(h) any other expenditure authorised by the Board in the performance of the functions of the Authority.

41. (1) The Authority shall prepare a budget in accordance with IFRS or such other form as the Minister, with responsibility for Finance, may direct for each financial year and the Authority shall submit estimates so prepared to the Treasury not later than the deadline date stipulated by the Minister with responsibility for finance, having first obtained approval of the estimates of expenditure from the Minister with responsibility for finance. Estimates of Expenditure

(2) The Authority shall, at such time as the Minister with responsibility for finance directs, furnish him with any further information in relation to the estimates, as he may require.

(3) Subject to the provisions of the Constitution and the Exchequer and Audit Act, the estimates of expenditure, as approved by the Minister with responsibility for finance, shall be the expenditure budget of the Authority for the financial year to which it relates. Chap. 69:01

42. (1) The financial year of the Authority shall be the period of twelve months beginning the first day of October in any year to the thirtieth day of September in the following year, but the period from the date of commencement of this Act to the end of September next following shall be deemed to be the first financial year. Financial year

(2) The Authority may, with the approval of the Minister with responsibility for finance, vary its financial year.

43. (1) The Authority shall keep proper books of accounts and records, in accordance with IFRS, of all monies received and expended and shall record the matters in respect of which such sums were received and expended. Accounts and audit

(2) Within three months after the end of each financial year, the Authority shall cause to be prepared, in respect of that year—

- (a) a report setting out the activities of the Authority; and
- (b) financial statements prepared in accordance with IFRS and any other statement as required by the Minister with responsibility for finance.

(3) In instances where the standards included in IFRS are inappropriate or inadequate, the Treasury shall provide the appropriate instructions.

(4) The accounts of the Authority are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution.

(5) The accounts of the Authority shall be audited annually.

(6) On completion of an audit of the Authority, the Auditor General or an auditor authorized by him to undertake the audit, as the case may be, shall immediately draw to the attention of the Minister with responsibility for finance and the Board any irregularity disclosed by the audit, which in the opinion of the Auditor General or the auditor, is of sufficient importance to justify so doing.

(7) For the purpose of an audit conducted pursuant to this Act, the Exchequer and Audit Act shall apply as if an audit referred to in this Part is one to which that Act applies.

(8) The Authority may employ an external auditor to conduct annual audits of the accounts of the Authority.

(9) Where the Authority employs an external auditor under subsection (8), it shall change the external auditor every four years.

(10) As soon as the accounts of the Authority have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and shall forward a copy of the said report to the Minister with responsibility for finance.

(11) Nothing in this section precludes the Auditor General or an auditor engaged by the Board or the Minister with responsibility for finance from performing a management or comprehensive audit of the activities of the Authority.

44. The Minister with responsibility for finance may, ^{Borrowing from Government} on behalf of the Government out of money appropriated by Parliament for that purpose, lend money to the Authority on such terms and conditions as he determines in writing.

45. (1) The Authority may, with the approval of the ^{Borrowing from non-government sources} Minister with responsibility for finance, borrow money from bodies or persons other than the Government.

(2) The Authority may borrow money wholly or partly in foreign currency.

(3) The Authority may, with the approval of the Minister with responsibility for finance, give security over the whole or any part of its property for the due performance of its obligations incurred pursuant to this section.

46. (1) The Authority, in the performance of its ^{Exemption from the public procurement law} functions, is not subject to the provisions of any written law for the procurement for goods and services using public funds, but the Authority shall, until such time as it makes its own Rules, observe the provisions of that Act.

(2) The Board shall, with the approval of the Minister, make Rules, subject to negative resolution, relating to the award of tenders and contracts and those rules shall be published in the *Gazette* and shall govern the conduct of the award of tenders and related matters.

(3) The Rules shall make it mandatory for every tender to be opened in public and for the parties to and contents of each tender to be publicly announced.

Exemption from tax

47. (1) The Authority is exempt from stamp duty, corporation tax, customs duty, motor vehicle tax and all other taxes, fees, charges, provisions of assessments, levies and imposts on its income or on assets which it acquires for its own use.

(2) Where—

(a) goods are imported by the Authority for, and on behalf of, the commission; or

(b) the commercial sale of goods and services are required for the purposes of the Authority,

such goods and services shall be exempt from Value Added Tax.

PART IV

TRADING OF SHIPS AND REGISTRATION OF SHIPS AND OFFSHORE INSTALLATIONS, NATIONAL CHARACTER AND FLAG

Port of Registry

48. (1) The Port of Port-of-Spain shall be the Port of Registry for the registration of ships.

(2) The Minister may, by Order, declare any other port of Trinidad and Tobago as a Port of Registry.

Restriction on use or operation in the waters of Trinidad and Tobago

49. (1) The owner, operator or agent of a ship shall not use or operate the ship in the waters of Trinidad and Tobago unless—

(a) the ship—

(i) is a Trinidad and Tobago ship; or

(ii) is provided with a certificate of foreign registration, other documents similar or equivalent to that registered under this Act and is authorized by the Authority to trade in the waters of Trinidad and Tobago;

- (b) evidence is provided of financial responsibility against—
- (i) risks of damage to third parties in such a manner as may be prescribed;
 - (ii) risks to cover liabilities for seafarers in the employ of the Trinidad and Tobago ship, wherever they are and any ship within the waters of Trinidad and Tobago; or
 - (iii) other types of risks that may be prescribed by regulations made under this Act; and
- (c) he meets, in relation to the ship, all other requirements of this Act and regulations made hereunder.

(2) The owner, agent and master of every ship who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Second Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Third Column of Schedule 5 and where the ship is—

- (a) a Trinidad and Tobago ship, the relevant certificates of the Trinidad and Tobago ship may be refused or withdrawn; and
- (b) the foreign ship is liable to be detained under Part XXIX.

50. A Trinidad and Tobago Government ship operated for non-commercial purposes and Trinidad and Tobago warships are deemed to be registered under this Act and the provisions of this Act, where provided for, shall be applicable to those vessels.

Trinidad and Tobago
Government ships or
Trinidad and Tobago
warships

Local Trade Permit

51. (1) Where the owner, operator or agent of a foreign ship or Offshore Installation Manager of an offshore installation wishes to trade in or operate in the waters of Trinidad and Tobago, he shall apply to the Authority in the approved form for a Local Trade Permit.

(2) Where the Authority is satisfied that an applicant under subsection (1) meets the requirements of this Act and Regulations made hereunder, he may issue the applicant with a Local Trade Permit in respect of the foreign ship or offshore installation.

(3) A Local Trade Permit shall be valid for no more than one year from the date of issuance.

(4) For the purposes of this section, “trade or operate in the waters of Trinidad and Tobago” means the use of a foreign ship or offshore installation in the waters of Trinidad and Tobago for commercial activities.

Restriction on construction of offshore installation

52. (1) No person shall construct an offshore installation unless he registers the offshore installation with the Authority, in accordance with this Act, and he meets the requirements of this Act and regulations made hereunder, in relation to the offshore installation.

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Qualification for owning Trinidad and Tobago ships

53. A ship shall not be registered in Trinidad and Tobago under this Act unless the ship is owned wholly

by persons qualified to own a Trinidad and Tobago ship, namely—

- (a) nationals of Trinidad and Tobago and companies registered in Trinidad and Tobago;
- (b) citizens of CARICOM States;
- (c) individuals or corporations owning ships hired out on bare boat charter to nationals of Trinidad and Tobago;
- (d) individuals or corporations in *bona fide* joint venture shipping enterprise relationships with nationals of Trinidad and Tobago, as may be presented; and
- (e) such other persons as the Minister may, by Order, determine.

54. (1) Whenever a ship, not registered under this Act, comes into possession of a person qualified to own a registered Trinidad and Tobago ship and the person wishes to operate the ship under the laws of Trinidad and Tobago for the purposes of flag state control, the ship may, unless it is registered in some other State, be registered in Trinidad and Tobago by that person in the manner provided for under this Part.

Obligation to register ships and offshore installations to operate under laws of Trinidad and Tobago

(2) The owner of an offshore installation who wishes to operate the offshore installation in the waters of Trinidad and Tobago shall ensure that prior to constructing, installing or placing the offshore installation into operation, the offshore installation is registered with the Authority.

(3) A ship required to be registered under this Act shall be entitled to the rights and privileges accorded to Trinidad and Tobago ships under this Act.

(4) Subject to any modifications which may be made by regulations made under this Act, either generally or in respect of any specified class of ship, this

Act shall apply to Trinidad and Tobago Government ships operated for non-commercial purposes as if they were ships registered in a manner provided in this Part.

(5) A person who contravenes subsections (1) or (2) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Application for
registration of ships
and offshore
installations

55. (1) A person wishing to register a ship or an offshore installation under this Act shall apply to the Authority in the form approved by the Authority.

(2) The Registrar of Shipping shall be responsible for receiving and processing all applications for the registration of ships and offshore installations on behalf of the Authority.

(3) An application under subsection (1) shall be made in the case of—

(a) an individual—

(i) in respect of a person who wishes or persons who wish to be registered as the owner or owners; or

(ii) his agent; or

(b) a corporation, under the common seal of the corporation.

(4) The Registrar of Shipping shall require proof of ownership to his satisfaction, before proceeding with the registry of a ship or offshore installation.

Requirements for
inspection before
registration

56. (1) Before the Registrar of Shipping registers a ship or an offshore installation under this Part, the Authority shall cause an inspection of the ship or offshore installation to be conducted to ensure that the ship or offshore installation is seaworthy.

(2) Where, upon an inspection under subsection (1), the Authority is satisfied that a ship is seaworthy, it shall cause a survey to be conducted by a ship surveyor to determine—

- (a) the dimensions of the ship;
- (b) the machinery on board the ship; and
- (c) the tonnage of the ship.

(3) Where the ship surveyor, under subsection (2), determines—

- (a) the dimensions of the ship;
- (b) the machinery on board the ship; and
- (c) the tonnage of the ship,

under subsection (1), the ship surveyor shall issue a Certificate of Survey and Tonnage Certificate in respect of the ship and the Registrar of Shipping shall, on that basis, issue a Certificate of Registry under section 59.

(4) Where, upon inspection under subsection (1), the Authority is satisfied that an offshore installation is structurally sound, it shall cause a survey to be conducted by a ship surveyor to determine—

- (a) the dimensions of the offshore installation;
- (b) the machinery on board the offshore installation; and
- (c) the fire-fighting equipment and life-saving equipment on board the offshore installation.

(5) Where the ship surveyor, under subsection (4), determines—

- (a) the dimension of the offshore installation;
- (b) the machinery on board the offshore installation; and
- (c) the fire-fighting equipment and life-saving equipment on board the offshore installation,

the ship surveyor shall issue an Offshore Installation Certificate of Survey in respect of the offshore installation and the Registrar of Shipping shall, on that basis, issue a Certificate of Registry under section 59.

Declaration of ownership on registration and other evidence required

57. (1) A person shall not be entitled to be registered as owner of a Trinidad and Tobago ship or one of the owners of a Trinidad and Tobago ship or of a share therein until he or, in the case of a corporation, the person authorised on behalf of the corporation, has made and signed a declaration of ownership referring to the ship as described in the Certificate of Survey.

(2) The declaration of ownership under subsection (1) shall contain—

- (a) the name and address of all the persons referred to in subsection (1);
- (b) a statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner; and
- (c) a declaration that, to the best of his knowledge and belief, the owner of the ship or every owner of every share therein is a person qualified to own a Trinidad and Tobago ship.

(3) A person shall not be entitled to be registered as owner of an offshore installation or of a share therein until he or, in the case of a corporation, the person authorised on behalf of the corporation, has made and signed a declaration of ownership referring to the offshore installation as described in the Certificate of Survey.

(4) The declaration of ownership under subsection (1) shall contain—

- (a) the name and address of all the persons referred to in subsection (1);

- (b) a statement of the number of shares in the offshore installation of which he or the corporation, as the case may be, is entitled to be registered as owner; and
- (c) a declaration that, to the best of his knowledge and belief, the owner of the offshore installation or every owner of every share therein is a person qualified to own an offshore installation.

(5) A declaration of ownership by an individual owner and a declaration of ownership on behalf of a corporation, as owner, shall each be made in the prescribed form.

(6) A declaration of ownership under this section shall be made before a Commissioner of Affidavit, consular officer or Justice of the Peace.

58. In addition to the declaration of ownership, the following evidence shall be produced to the Registrar of Shipping on the first registration of the ship: ^{Evidence on first registry of ship}

- (a) in the case of a ship under construction or built within Trinidad and Tobago—
 - (i) a Registered Builder's Certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of—
 - (A) the type and dimension of the ship as determined by the builder;
 - (B) the time when, and place where, the ship was built; and
 - (C) the name of the person, if any, on whose account the ship was built; and

- (ii) where there has been any sale, the Bill of the Sale under which the ship, or a share therein, has become vested in the applicant for registration; and
- (b) in the case of a ship built outside Trinidad and Tobago, the same evidence as in the case of a ship built within Trinidad and Tobago, unless the person who makes the declaration of ownership declares that the time and place of the building of the ship are not known to him, or that the Builder's Certificate cannot be produced, in which case, only the Bill of Sale under which the shares in the ship became vested in the applicant for registration shall be produced; and
- (c) in the case of an offshore installation, the Offshore Installation Manager of the offshore installation or entity licensed by the Ministry with responsibility for Energy shall provide the following:
 - (i) the full details of the licence and operator of the offshore installation;
 - (ii) the geographic coordinates of the offshore installation;
 - (iii) the type of offshore operations the offshore installation will perform;
 - (iv) the proposed maximum personnel on board the offshore installation;
 - (v) the number of decks on the offshore installation;
 - (vi) the ship or shore installation to which the offshore installation is connected;
 - (vii) the depth of water in which the offshore installation is located;

- (viii) the height of the offshore installation above sea level;
- (ix) the weight of the offshore installation, in tons;
- (x) the dimension of the offshore installation;
- (xi) a decommissioning plan for the offshore installation; and
- (xii) a financial undertaking to the Authority for the decommissioning of the offshore installation.

59. (1) Where the owner of a ship or an offshore installation applies to register the ship or offshore installation under section 55 and meets the requirements for registration under this Act, the Registrar of Shipping shall register the ship as a Trinidad and Tobago ship or offshore installation in accordance with this Act and regulations made hereunder and issue a Certificate of Registry for the Trinidad and Tobago ship or offshore installation in the prescribed form.

Registrar of Shipping
to register ship or
offshore installation

(2) The registration of a Trinidad and Tobago ship or an offshore installation under this section does not entitle the owner or operator of the Trinidad and Tobago ship or manager of the offshore installation to conduct operations thereon, unless the relevant certificates have been issued for the Trinidad and Tobago ship or offshore installation under Parts XI, XI, XIX, XX and XXIII.

(3) A Certificate of Registry issued under this section shall contain details of the ship or offshore installation including—

- (a) the name and address of the owner of the Trinidad and Tobago ship or offshore installation;

- (b) the dimensions of the Trinidad and Tobago ship or offshore installation;
- (c) the machinery on board the ship or offshore installation;
- (d) the tonnage of the Trinidad and Tobago ship or offshore installation;
- (e) the distinctive numbers or letters of the Trinidad and Tobago ship or offshore installation; and
- (f) any mortgages registered.

(4) The Registrar of Shipping may issue a Certificate of Registry for a short period of time—

- (a) while a matter in respect of the Trinidad and Tobago ship or offshore installation is pending before the Court;
- (b) where a surveyor recommends the issue of the Certificate of Registry for a short period; or
- (c) in such other circumstances as is determined by the Authority.

(5) The Certificate of Registry of a Trinidad and Tobago ship or offshore installation shall be kept on board the ship or offshore installation and shall be used only for the lawful navigation of the Trinidad and Tobago ship or offshore installation and shall not be subject to retention by reason of any title, lien, charge or other interest of any owner, mortgagee or other person.

(6) Where a Trinidad and Tobago ship registered under this section has not been issued the relevant certificate required under subsection (2) and the owner or master of the Trinidad and Tobago ship proceeds to sea without that certificate, the owner or master of the Trinidad and Tobago ship

(7) A person who contravenes subsections (1) or (2) commits a shipping violation and is liable to the

administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(8) Where the administrative fine for a shipping violation under subsection (7) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(9) A person who has in his possession or under his control, the Certificate of Registry of a ship or offshore installation, shall not refuse or omit without reasonable cause, to deliver the Certificate of Registry on demand to—

- (a) the person entitled to the custody thereof for the purposes of the lawful navigation;
- (b) the Registrar of Shipping;
- (c) ship surveyor;
- (d) officer of Customs and Excise; or
- (e) any other person entitled by law to require its delivery.

(10) A person who contravenes subsection (7) commits an offence and is liable on summary conviction, in relation to—

- (a) a ship, to a fine of five thousand dollars and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn by the Authority; and
- (b) an offshore installation, to a fine of five thousand dollars and to be required to cease operations.

(11) If, in any proceedings in respect of an offence under this section, the Court is satisfied that the Certificate of Registry is lost, the Court shall so advise the Authority in writing.

(12) Where a person who refuses to deliver a Certificate of Registry when so requested under subsection (9)—

- (a) is proved to have absconded so that the warrant of a judge on the process of Court cannot be served on him; or
- (b) continues to refuse to deliver the Certificate of Registry,

the Court shall certify that fact, and proceedings similar to that which may be taken in case of a mislaid, loss or destroyed Certificate of Registry may be taken.

(13) Where a Certificate of Registry has been issued under this section for a Trinidad and Tobago ship or offshore installation, the owner or operator of the ship or the manager of the offshore installation shall pay annually, the fee prescribed by Regulations made under this Act.

(14) Where the owner or operator of a ship or the Offshore Installation Manager fails to pay the fee referred to in subsection (13), the Registrar of Shipping may cancel the registration of the Trinidad and Tobago ship or offshore installation under section 65.

(15) A Certificate of Registry issued under this section shall be valid for five years from the date of issue and may be renewed.

Improper use of
Certificate of
Registry

60. Where the owner or master of a ship uses or attempts to use for its navigation, a Certificate of Registry not legally granted in respect of the ship, he commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for a term of two years, and, in addition—

- (a) where the ship is a Trinidad and Tobago ship, is liable to have its relevant Certificates withdrawn by the Authority; or

(b) where the ship is a foreign ship, is liable to be detained in accordance with Part XXIX.

61. A ship which is or has been registered in any State shall not be eligible for registration under section 59 unless a certificate has been issued by such State to the effect that the ship has been deregistered.

62. (1) Where the owner of a ship, which has been registered outside of Trinidad and Tobago, applies to have the ship registered as a Trinidad and Tobago ship while the ship is at a port in a country outside of Trinidad and Tobago, the Registrar of Shipping may grant to the owner or master of the ship, a provisional certificate to be known as a “Provisional Certificate of Registry”.

(2) A provisional certificate under this section shall have the effect of a Certificate of Registry until the expiration of six months after its date of issue.

63. (1) Where a ship is to be registered under this Part, the ship shall be surveyed for use under Part XIV.

(2) Ships under this Part may be certified as—

- (a) cargo;
- (b) passenger;
- (c) pleasure craft;
- (d) fishing; or
- (e) such other use as is determined by the Authority.

(3) An offshore installation registered under this Part may be certified as—

- (a) manned oil producing;
- (b) unmanned oil producing;
- (c) manned natural gas producing;
- (d) unmanned natural gas producing;
- (e) manned other function; or

(f) unmanned other function.

(4) The Authority may certify a ship for more than one of the areas under subsection (2).

(5) The owner or master of a ship which has been certified for use under this Part may apply to the Authority to change the use of the ship.

(6) Where the owner or master of a Trinidad and Tobago ship registered under this Part proceeds to sea without a certificate referred to under subsection (4), he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and the Certificates of the Trinidad and Tobago ship may be withdrawn by the Authority.

(7) Where the administrative fine for a shipping violation under subsection (6) is not paid, the owner or master commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5 and the Certificates of the Trinidad and Tobago ship may be withdrawn by the Authority.

Authority may refuse
to register ship or
offshore installation

64. (1) Notwithstanding section 59, where the Registrar of Shipping is satisfied that a ship or an offshore installation, subject to an application for registration, should not be registered having regard—

- (a) to the condition relevant to the health, safety and welfare of persons engaged or employed in any capacity on board;
- (b) to the risk of pollution;
- (c) to the structural and watertight integrity of the ship or offshore installation; or
- (d) to the possibility that the ship or offshore installation may be used for criminal purposes,

he shall advise the Director General that the ship or offshore installation should not be registered.

(2) The Registrar of Shipping shall not, in relation to offshore installations, register an offshore installation if the owner or manager of the offshore installation has not been issued a licence to engage in Petroleum Operations relative to the offshore installation under the Petroleum Act.

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(3) Where the Authority refuses to register a ship or offshore installation pursuant to subsection (1), the Director General shall inform the applicant.

65. (1) Where the owner of the Trinidad and Tobago ship or offshore installation applies to have the Trinidad and Tobago ship or offshore installation deregistered under section 67, the Authority shall cancel the registration granted to the ship or offshore installation under section 59.

Cancellation of
registration

(2) The Authority may, subject to subsection (3), cancel the registration granted to a Trinidad and Tobago ship or an offshore installation under section 59 where—

- (a) the Director General, on the advice of the Registrar of Shipping, is satisfied that—
 - (i) having regard to the matters set out in section 64(1), it would be detrimental to the interests of Trinidad and Tobago or international shipping for the Trinidad and Tobago ship or offshore installation to continue to be registered; or
 - (ii) any penalty imposed on the owner of the ship or offshore installation in contravention of this Act or any instrument in force under this Act has remained unpaid for a period of more than six months and no appeal against the penalty is pending;

- (b) a summons for any contravention has been duly served on the owner of the Trinidad and Tobago ship or offshore installation and the owner fails to appear at the time and place specified in the summons for the trial of the information or complaint and a period of three months has elapsed since that time;
- (c) the annual fee for the Trinidad and Tobago ship or offshore installation has remained unpaid for a period of more than one year; or
- (d) the Trinidad and Tobago ship has been deregistered by shipwreck, demolition, fire or sinking.

(3) Where subsection (2)(a) applies to a Trinidad and Tobago ship or an offshore installation and it appears to the Authority that subsection (2)(b) or (c) may also apply to the Trinidad and Tobago ship or offshore installation, the Authority may—

- (a) serve notice on the owner or his representative, or the Offshore Installation Manager to produce, within twenty-one days, evidence that the Trinidad and Tobago ship or offshore installation is eligible to remain on the relevant register book; or
- (b) where a registered mortgage exists in relation to the Trinidad and Tobago ship or offshore installation, serve notice on the mortgagee at the address recorded for him in the relevant register book.

(4) Where the owner of a Trinidad and Tobago ship or the Offshore Installation Manager or his representative produces evidence under subsection (3) which is not satisfactory to the Authority as to the

continued eligibility of the Trinidad and Tobago ship or offshore installation to remain on the relevant register book, the Authority may—

- (a) extend the period of the notice and request further information or evidence; or
- (b) serve final notice informing—
 - (i) the owner of the Trinidad and Tobago ship or his representative that the registration of the Trinidad and Tobago ship; or
 - (ii) the Offshore Installation Manager of the offshore installation or his representative that the registration of the offshore installation,

will be cancelled and the date on which the cancellation will take effect.

(5) A cancellation under subsection (4)(b) shall take effect within seven days after service of the notice.

(6) Where the owner of a Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation or their representative, pursuant to subsection (4), knowingly furnishes information which is false in any material particular, he commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars.

66. The Registrar of Shipping shall, on the application of— Certificate of deletion

- (a) the owner of a Trinidad and Tobago ship, delete the Trinidad and Tobago ship from the Register of Vessels and issue a Certificate of Deletion—
 - (i) where the owner of the Trinidad and Tobago ship wishes to apply to another State to have the Trinidad and Tobago ship registered there; or

- (ii) for the purposes of breaking the ship under Part VI; or
- (b) the owner or Offshore Installation Manager of an offshore installation, delete the offshore installation from the Register of Offshore Installation and issue a Certificate of Deletion upon the offshore installation being decommissioned, under Part VI, completely dismantled and removed.

Deregistration

67. (1) The Registrar of Shipping shall deregister a Trinidad and Tobago ship, Trinidad and Tobago warship or offshore installation—

- (a) on the application of—
 - (i) the registered owner of the Trinidad and Tobago ship;
 - (ii) the Chief of Defence Staff of the Defence Force of Trinidad and Tobago, in respect of a Trinidad and Tobago warship; or
 - (iii) the owner or manager of the offshore installation; or
- (b) where the Trinidad and Tobago ship or offshore installation has become a wreck and the owner of the Trinidad and Tobago ship or owner or manager of the offshore installation cannot be found,

and issue a Certificate of Deregistration for the Trinidad and Tobago ship, Trinidad and Tobago warship or offshore installation.

(2) The Authority may also issue a Certificate of Deregistration where the condition of the Trinidad and Tobago ship or offshore installation is such that the Trinidad and Tobago ship or offshore installation is a wreck.

(3) The Registrar of Shipping shall not permit the deregistration of a ship or an offshore installation without the consent, in writing, of all of the holders of mortgages and preference rights in the ship or offshore installation registered under this Act.

68. (1) The Authority shall keep and the Registrar of ^{Registers of ships} Shipping shall maintain such register books as may be deemed necessary, including the following register books:

- (a) a register book for ships;
- (b) a register book for fishing vessels;
- (c) a register book for ships under construction;
- (d) a register book for Government ships operated for non-commercial purposes;
- (e) a register book for offshore installation;
- (f) a register book for pleasure craft; and
- (g) a register book for Trinidad and Tobago warships.

(2) Where any category of ship or an offshore installation under subsection (1) becomes a total loss or otherwise is destroyed by shipwreck, demolition, fire or sinking—

- (a) the owner of the Trinidad and Tobago ship or any share in the Trinidad and Tobago ship; or
- (b) the owner of the offshore installation or any share in the offshore installation,

shall, immediately upon becoming aware of the event, inform the Registrar of Shipping who shall cause an entry to be made in the relevant register book.

(3) Notwithstanding the creation and maintenance of a register book for Trinidad and Tobago warships under subsection (1), Trinidad and Tobago warships

shall not be subject to this Act, except for the purposes of deregistration and removal from the Register of Trinidad and Tobago warships.

(4) Entries in relation to Trinidad and Tobago ships in the register books referred to in subsection (1) shall be made in accordance with the following provisions:

- (a) the property in a ship shall be divided into sixty-four shares;
- (b) subject to the provisions of this Part, with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship, but this provision shall not affect the beneficial title of any number of individuals of any corporation represented by, or claiming under, or through any registered owner or joint owner;
- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in the ship, however, any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein;
- (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose of any interest in a ship severally, or in any share therein in respect of which they are registered; and
- (e) a corporation may be registered as owner and by its corporate name.

(5) As soon as the requirements of this Part, prior to registration, have been complied with, the Registrar of Shipping shall enter in the register book the following

particulars in respect of a ship or offshore installation, where relevant:

- (a) the name and previous name of the ship and registry, if any;
- (b) the details contained in the Certificate of Survey;
- (c) the particulars respecting its origin stated in the declaration of ownership;
- (d) the name, address, occupation and nationality of the owner of the ship or the owner or manager of the offshore installation and where there is more than one owner, what share in the ship is held by each;
- (e) the port of registry or home port of the ship and the unique number or identity mark of the ship or offshore installation;
- (f) the international call sign of the ship or offshore installation, where one is assigned;
- (g) the name of the builders, place and year of the building of the ship or offshore installation;
- (h) the description of the main technical characteristics of the ship or offshore installation; and
- (i) details with respect to any mortgages.

(6) The Registrar of Shipping shall remove a ship from the Register of Ships where the ship has been deregistered in accordance with section 67.

(7) Only those individual owners, joint owners, and corporations recorded as owners in the register books shall be regarded as owners of the ship or part thereof or offshore installation.

(8) The Registrar of Shipping shall keep a record, in the manner approved by the Authority, of—

- (a) the date of deletion or suspension of the previous registration of the ship;
- (b) the name, address and, as appropriate, the nationality of the bareboat character; and
- (c) maritime liens or other charge.

(9) On the registration of a ship, the Registrar of Shipping shall retain in his possession the following documents:

- (a) the Certificate of Survey;
- (b) the Builder's Certificate, if any;
- (c) any Bill of Sale of the ship previously made;
- (d) the copy of the judgement of any Court, if any;
- (e) the notice of the name of the ship;
- (f) the application for registration;
- (g) the admeasurement survey;
- (h) the continuous synopsis record where applicable;
- (i) the declaration of ownership; and
- (j) the declaration of appointment of the manager or managing owner.

(10) Any person may, upon payment of the prescribed fee, have access to the register book at any Port of Registry, at any reasonable time during the hours of official attendance of the Registrar of Shipping, except the register book relative to Trinidad and Tobago warships.

(11) The Registrar of Shipping shall review the Registers of Ships to ensure that they remain up to date.

(12) The Registrar of Shipping shall not receive or enter in any register book, any notice of any trust, express, implied or constructive.

(13) Subject to the provisions of this Act and to any rights and power appearing under the register book to be vested in any other person, the registered owner of a Trinidad and Tobago ship, or any share therein, shall have power absolutely to dispose of the ship or any share and to give effectual receipts for any money paid or advanced by way of consideration in the manner provided in this Act.

(14) The name and address of the managing owner for the time being of every Trinidad and Tobago ship and offshore installation shall be entered in the relevant register book.

69. (1) The President may, upon the commissioning of a Trinidad and Tobago ship as a warship, issue a unique number for the warship. Registration of War Ships

(2) The Chief of the Defence Staff shall, upon the commissioning of a warship, provide the Authority with the name and number of the warship.

(3) The Registrar of Shipping shall record the name and number of the warship in the appropriate Register and such Register shall not be open to the public.

(4) Notwithstanding the fact that a warship is listed under this section, the warship shall not, except as provided, be subject to this Act up to the time it is listed on that Register.

70. (1) The Registrar of Shipping shall assign to every ship and offshore installation a unique number for which an application for registration has been made under section 55. Unique number and name of ship or offshore installation

(2) The owner or master of a ship or Offshore Installation Manager of an offshore installation shall, at the time of registration, propose a name to be the name of the ship or offshore installation for approval by the Registrar of Shipping.

(3) The Registrar of Shipping may refuse the registration of a Trinidad and Tobago ship or offshore installation by a name proposed for the registration if the name is already the name of a Trinidad and Tobago ship or offshore installation or a name calculated to deceive or to offend the public interest.

(4) A Trinidad and Tobago ship or offshore installation shall not be described by any name other than that by which the Trinidad and Tobago ship or offshore installation is for the time being registered.

(5) A person who knowingly causes a Trinidad and Tobago ship or offshore installation to be described by any name other than that by which the Trinidad and Tobago ship or offshore installation is registered commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Change of name or
number of ship

71. (1) Where the owner of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation wishes to change the name of the Trinidad and Tobago ship or offshore installation, he shall apply in the prescribed form to the Registrar of Shipping for approval to change the name.

(2) The Registrar of Shipping may not grant permission to change the name of a Trinidad and Tobago ship or offshore installation unless he is satisfied that all registered mortgagees thereof have been notified of the proposed change of name.

(3) An approval for a change of name shall be granted by the Registrar of Shipping in accordance with the regulations and a change of name of a Trinidad and Tobago ship or offshore installation in the register shall be carried out in the manner set out in the regulation.

(4) Where approval has been granted for the change of name of a Trinidad and Tobago ship or offshore installation—

(a) the unique number originally issued to the Trinidad and Tobago ship or offshore installation shall not be changed; and

(b) the ship or offshore installation shall be marked with its new name.

(5) Where the owner of a ship or Offshore Installation Manager of an offshore installation changes the name of the Trinidad and Tobago ship or offshore installation without the approval of the Registrar of Shipping, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and the Certificate of Registry may be refused or withdrawn until the contravention is rectified.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the owner of the ship or Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5 and the Certificate of Registry may be refused or withdrawn until the contravention is rectified.

72. (1) The Registrar of Shipping shall, in accordance with regulations made under this Act, register vessels in the register book for fishing vessels.

(2) On the registration of a fishing vessel, the Registrar of Shipping shall allocate to it a combination and sequence of letters and numerals (hereinafter called the “official number”) which he shall cause to be entered in the register book for fishing vessels.

(3) The Registrar of Shipping shall not allocate the same letters and official number of a registered fishing vessel to any other fishing vessel.

(4) The owner or master of a registered fishing vessel shall display the official number allocated to the fishing vessel, under this section, in accordance with the regulations for the carving and marking of ships.

(5) The owner and master of a fishing vessel who causes the fishing vessel to display an official number not allocated to it under this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and the Certificate of Registry may be refused or withdrawn until the contravention is rectified.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the owner or master of the fishing vessel commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5 and the Certificate of Registry may be refused or withdrawn until the contravention is rectified.

Marking of ships and offshore installations

73. The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation wishing to register the Trinidad and Tobago ship or offshore installation in Trinidad and Tobago shall, where the name has been approved for use by the Authority before the entry of the name and number in the relevant register book, ensure that the Trinidad and Tobago ship or offshore installation is marked permanently and conspicuously in accordance with regulations made under this Act.

Register book for ships under construction

74. (1) Where it is intended that a ship be constructed, the intended owner of the ship shall apply to the Registrar of Shipping to register the construction of the ship.

(2) An application under subsection (1) shall be made before the commencement of the construction of the ship and indicate the date of signing of the contract for construction.

(3) The Registrar of Shipping shall, in accordance with regulations made under this Act, register certain classes of ships in the register book for ships under construction.

(4) Registration under this section shall be valid up to the date of completion of construction of the ship until the ship is placed on another appropriate register.

75. The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall ensure that, where the Trinidad and Tobago ship or offshore installation is equipped with either a wireless radio transmitting station, satellite transmitting station, radio telephony installation or other method of ship to shore transmitting station, it has a registered code designation assigned by the Telecommunications Authority of Trinidad and Tobago under the Telecommunications Act.

Call sign
Chap. 47:31

76. (1) Where the tonnage of a Trinidad and Tobago ship has been ascertained in accordance with regulations made under this Act, that tonnage shall thereafter be deemed to be the tonnage of the Trinidad and Tobago ship.

Tonnage on registration

(2) Where the tonnage of a Trinidad and Tobago ship is ascertained under subsection (1), the Director General shall, upon the registration of the Trinidad and Tobago ship, enter that tonnage on the Certificate of Registry unless it is discovered that the tonnage of the Trinidad and Tobago ship has been erroneously computed, and in either of those cases, the Trinidad and Tobago ship shall be re-measured and its tonnage determined and registered according to regulations made under this Act.

(3) Where an alteration is made in the form or capacity of a Trinidad and Tobago ship during construction, the owner of the Trinidad and Tobago ship shall notify the Registrar of Shipping so that the Trinidad and Tobago ship may be re-measured to determine the correct tonnage.

(4) The owner or Offshore Installation Manager of an offshore installation shall ensure that the tonnage of an offshore installation relates to the weight of the offshore installation with or without equipment in tons.

Registration of Alterations and Registration Anew

Registration of
alteration

77. (1) When a Trinidad and Tobago ship or an offshore installation is so altered as not to correspond with the particulars relating to the tonnage or description in the register, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation shall within thirty days after the completion of the alteration, give notice of the alteration to the Registrar of Shipping.

(2) A notice under subsection (1) shall be accompanied by a Certificate of Survey stating the particulars of the alterations.

(3) Upon receipt of a notice of alteration of a Trinidad and Tobago ship under subsection (1), the Registrar of Shipping shall cause the alteration to be registered where the alteration has not changed the use of the ship.

(4) Where a notice of alteration under subsection (1) has been given and the alteration is for the purpose of changing the use of the Trinidad and Tobago ship, as registered under section 59, the owner shall apply to register the Trinidad and Tobago ship anew under section 78.

(5) Where there is a failure to comply with the requirements of subsection (1) or with a direction under subsection (3), the Registrar of Shipping may suspend the Certificate of Registry of the Trinidad and Tobago ship in respect of which the failure occurred.

Alterations noted on
Certificate of
Registry

78. (1) Where the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation registers the alteration to a Trinidad and Tobago ship or offshore installation, he shall produce the Certificate of Registry of the ship or offshore installation within sixty days after the alteration to the Registrar of Shipping.

(2) Where a Certificate of Registry has been produced to the Registrar of Shipping under subsection (1), the Registrar of Shipping may—

- (a) endorse and sign on that certificate a statement of the alteration; or
- (b) retain that certificate and issue a new Certificate of Registry that contains a description of the ship or offshore installation as altered.

(3) This section does not apply to alterations done under sections 298 and 299.

79. (1) When registering a Trinidad and Tobago ship or an offshore installation anew, the Director General shall proceed, as in the case of a first registration, and—

- (a) on delivery to him of the existing Certificate of Registry and on compliance with other requirements for first registry, as applicable; or
- (b) in the case of a change of ownership, on compliance with such of the requirements for registration, as he thinks applicable,

make a registration anew in respect of the Trinidad and Tobago ship or offshore installation and issue a new Certificate of Registry thereof.

(2) When the Registrar of Shipping registers a Trinidad and Tobago ship or an offshore installation anew, the former registration of the Trinidad and Tobago ship or offshore installation is closed and the names of all persons appearing by the former registration as owner, mortgagees or holders of other interests in the Trinidad and Tobago ship or offshore installation registered anew shall be entered on the new registration.

(3) A registration anew does not in any way adversely affect the rights of any persons described in subsection (2), save and except that of the former owner.

Restriction on re-registration of wrecked or abandoned ships

80. Where a Trinidad and Tobago ship or offshore installation has been deregistered under section 67, because it has been wrecked or abandoned, the Registrar of Shipping shall not re-register the Trinidad and Tobago ship or offshore installation until the Trinidad and Tobago ship or offshore installation, at the expense of the applicant for re-registration, has been surveyed by a surveyor and certified by him to be in a satisfactory structural and watertight condition.

National Character and Flag

Right to fly flag of Trinidad and Tobago

81. (1) Only a Trinidad and Tobago ship or offshore installation registered under this Act shall be entitled to fly the national flag of Trinidad and Tobago.

(2) Notwithstanding subsection (1), a foreign ship may hoist a courtesy Trinidad and Tobago flag within the waters of Trinidad and Tobago.

(3) Nothing in this section shall be construed to prohibit Trinidad and Tobago ships and offshore installations, which are exempt from registration under this Act, from using on the waters of Trinidad and Tobago the national colours of Trinidad and Tobago.

Use of national colours of another State and Defence Force pendant

82. (1) The owner or master of a Trinidad and Tobago ship shall not hoist on board a Trinidad and Tobago ship—

(a) any colour or pendant usually worn by ships of the Defence Force of Trinidad and Tobago; or

(b) the national colours of any other State.

(2) Where there is hoisted on board any Trinidad and Tobago ship—

(a) any colour or pendant usually worn by ships of the Defence Force of Trinidad and Tobago; or

(b) the national colours of any other State,

the owner or master of the ship, if he is on board the Trinidad and Tobago ship, and any other person

hoisting the colour or pendant commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5 and to seizure of the colours or pendant by the Defence Force or the representative of the other State.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5 and to seizure of the colours or pendant by the Defence Force or the representative of the other State.

83. (1) Where a person uses the Trinidad and Tobago flag and assumes the Trinidad and Tobago character on board a ship owned in whole or in part by any person not qualified to own a Trinidad and Tobago ship for the purpose of making it appear to be a Trinidad and Tobago ship, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5, unless the assumption has been made for the purpose of escaping a capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2) Where the administrative fine for a shipping violation under subsection (1) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(3) In any proceedings for enforcing any such forfeiture, the burden of proving the right to use the Trinidad and Tobago flag and to assume the Trinidad and Tobago national character shall be upon the person using and assuming the same.

84. (1) Where the master or owner of a Trinidad and Tobago ship does anything or permits anything to be done, or carries or permits to be carried any paper or

Penalty for unduly assuming Trinidad and Tobago character

Penalty for concealment of Trinidad and Tobago character

documents, with intent to conceal from any person who is, under the law of Trinidad and Tobago entitled to enquire into the same, the fact that the ship is a Trinidad and Tobago ship, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be liable to forfeiture under this Act.

(2) Where the master of a Trinidad and Tobago ship breaches or is privy to the breach of the requirements under subsection (1), he commits an offence and is liable to a fine of fifty thousand dollars and to imprisonment for ten years.

PART V

SHIPBUILDERS AND OFFSHORE INSTALLATION BUILDERS

Prohibition on
shipbuilding or
building of offshore
installation

85. (1) A person shall not build, agree to build or cause to be built a ship in Trinidad and Tobago for the transport of people or cargo unless that person—

- (a) complies with all statutory requirements under any written law; and
- (b) is registered with the Authority as a ship builder in accordance with this Part and issued a Shipbuilder Registration Certificate.

(2) A person shall not build, agree to build or cause to be built an offshore installation in Trinidad and Tobago unless that person—

- (a) complies with all statutory requirements under any written law; and
- (b) is registered with the Authority as an offshore installation builder in accordance with this Part and issued an Offshore Installation Builder Registration Certificate.

(3) A person who contravenes this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

86. (1) A person who wishes to build—

- (a) a ship; or
- (b) an offshore installation,

Application for registration as a shipbuilder or offshore installation builder

shall apply to the Authority to be registered as a shipbuilder or offshore installation builder in the prescribed form and pay the prescribed fee.

(2) An applicant under subsection (1) shall meet the requirements set out in regulations made under this Act.

(3) An application under subsection (1) shall be accompanied by—

- (a) such liability insurance as required by the Authority;
- (b) information as to location and site, including proper planning permission and environment clearance certificates; and
- (c) such other information as the Authority may require.

87. (1) The Registrar of Shipping shall, on receipt of an application under section 86, cause the premises of the applicant to be inspected to ensure that the location and site where the ship or offshore installation is to be constructed meet the requirements of this Act or Regulations made hereunder. ^{Inspection of the site and location}

(2) Where the Registrar of Shipping is satisfied that the location and site under subsection (1) meet all the requirements of the Act or Regulations made hereunder, he shall issue a Shipbuilder Registration Certificate or Offshore Installation Builder Registration Certificate in accordance with section 88.

(3) Where the location and site under subsection (1) do not meet the requirements of this Act or Regulations made hereunder, the Registrar of Shipping may—

- (a) if he sees fit, give the applicant sufficient time to meet the requirements of this Act or Regulations made hereunder; or
- (b) refuse the application in accordance with section 89.

Issue of a Ship
Builder's
Registration
Certificate or
Offshore Installation
Builder's
Registration
Certificate

88. Where the Registrar of Shipping is satisfied that an applicant for a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate under section 85 meets the requirements of this Act, he shall—

- (a) notify the applicant of its decision;
- (b) register the shipbuilder; and
- (c) issue a Shipbuilder's Certificate of Registration or Offshore Installation Builder's Registration Certificate to the applicant.

Refusal of an
application for a
Ship Builder's
registration
Certificate or
Offshore Installation
Builder's
Registration
Certificate

89. Where the Registrar of Shipping refuses an application for a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate, the Registrar of Shipping shall notify the applicant of his decision, in writing, and provide reasons for his refusal.

Validity of
Shipbuilder's
Registration
Certificate or
Offshore Installation
Builder's
Registration
Certificate

90. (1) A Shipbuilder's Registration Certificate, Offshore Installation Builder's Registration Certificate issued under section 85 shall be valid for a maximum period of five years from the date of its issue or renewal and is subject to annual inspection.

(2) A person who wishes to renew his Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate shall within thirty days prior to the date of expiration of the Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate apply to

the Authority in the prescribed form and pay the prescribed fee.

(3) Where the Registrar of Shipping is satisfied that a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate in respect of which an application for renewal is made under subsection (2), has met the requirements of this Act, the Authority shall renew the Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate.

91. (1) Where the Registrar of Shipping is of the view that a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate issued under this Part should be revoked as a result of the failure of the holder to comply with this Act, the Registrar of Shipping shall make the recommendation to the Director General who shall, upon consideration for the matter, direct the Registrar General to either revoke or not revoke the Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate.

(2) Where a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate has been revoked under this section, the holder shall cease to conduct operations.

(3) A person who contravenes subsection (2) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

92. (1) A person whose application is refused under section 89 may appeal against the decision of the Authority to refuse to register the shipbuilder and issue

Revocation of
Shipbuilder's
Registration
Certificate or
Offshore Installation
Builder's
Registration
Certificate

Right of appeal from
refusal of application

a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate.

(2) An appeal under subsection (1) shall be made, in writing, to the Authority within sixty days from the date of the decision of the Authority.

(3) Where an appeal is made to the Authority under this section, the Authority shall appoint an officer to hear any representations made by the applicant.

(4) An officer appointed under subsection (3) shall report his findings to the Director General, in writing, who shall determine the appeal.

(5) In determining the appeal, the Director General may—

- (a) dismiss the appeal; or
- (b) direct that the shipbuilder be registered and that a Shipbuilder's Registration Certificate or an Offshore Installation Builder's Registration Certificate be issued to the appellant.

Requirements to issue a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate upon completion of a ship or offshore installation

93. (1) Where a shipbuilder registered under this Part has completed construction of a ship or offshore installation, he shall issue—

- (a) a Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate to the owner of the ship or offshore installation, which shall contain a true account of—
 - (i) the proper dimension and tonnage of the ship or offshore installation as determined by him;
 - (ii) a unique hull number for the completed ship where the ship was built as a production hull or as part of the stock of the shipbuilder for sale at a later date;

- (iii) the date when, and place where, the ship or offshore installation was built;
- (iv) the name of the person, for whom the ship or offshore installation was built; and
- (v) the name of the person recorded on the ship building contract or offshore installation building contract; and

(b) a stability booklet in accordance with regulations made under this Part.

(2) Where a shipbuilder—

(a) fails to comply with subsection (1), the Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate of the shipbuilder or builder of an offshore installation may be revoked under section 91; or

(b) wilfully makes a false statement in a certificate given under subsection (1),

he commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

PART VI

SHIPBREAKING AND DECOMMISSIONING OF OFFSHORE INSTALLATION

94. (1) No person shall engage in shipbreaking Prohibition on shipbreaking or decommissioning of offshore installation whether of one particular ship or offshore installation or more than one ship or offshore installation, unless he is registered with the Authority to so do.

(2) No person shall decommission an offshore installation and its pipelines unless he is registered with the Authority to do so.

(3) A person who contravenes subsection (1) or (2) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

Registration of ship
breakers

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

95. (1) A person who wishes to engage in shipbreaking shall apply to the Authority in the approved form and pay the prescribed fee.

(2) Where an application is made under subsection (1), an inspector shall conduct an inspection in accordance with regulations made under this Act to determine the suitability of the site for the activity of shipbreaking.

(3) Where the Registrar of Shipping is satisfied that an applicant under this section meets the requirements of this Act and regulations made hereunder, the Registrar of Shipping shall enter the name of the person (hereinafter referred to as “a ship breaker”) and the location of the site of the shipbreaker in the relevant register and issue to the applicant a Shipbreaker’s Certificate.

Decommissioning of
offshore installations
and pipelines

96. (1) The owner of an offshore installation operating in the waters of Trinidad and Tobago shall—

- (a) totally remove the offshore installation and its pipelines where it is no longer serving the primary purpose for which it was designed and installed or where there is no approval for such use; and
- (b) dispose of the offshore installation and its pipelines in whole or in part in accordance with the requirements of any written law for the disposal of waste at sea.

(2) Where an offshore installation is to be decommissioned, the Offshore Installation Manager of the offshore installation shall submit a decommissioning plan to the Authority for approval before permission is granted to the offshore installation to be abandoned or no longer used for the purpose approved.

(3) Where the Authority approves the decommissioning of an offshore installation, the ship breaker shall decommission the offshore installation in accordance with Regulations made under this Act.

(4) The owner of an offshore installation who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner of the offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

97. (1) Where a ship is brought before a ship breaker to break up the ship, the ship breaker shall, prior to breaking up the ship, apply to the Authority for approval to break up the ship. Requirement for approval to break up a ship or decommissioning of offshore installations

(2) Where the Authority approves the breaking up of a ship, the ship breaker shall break up the ship in accordance with Regulations made under this Act.

(3) Where a ship has been scrapped to such an extent that it can no longer be used as a ship, and the ship—

- (a) is a Trinidad and Tobago ship, the owner of the Trinidad and Tobago ship shall apply for the ship to be deregistered under section 67; or
- (b) is a foreign ship, the Authority shall inform the maritime authority responsible for registration of the ship of that fact.

(4) Where the owner of an offshore installation intends to decommission an offshore installation or its pipelines, he shall notify the Authority of that fact.

(5) A person who commences the breaking up of a ship prior to obtaining approval to break up the ship from the Authority commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Disposal

98. The disposal of any ship part or material or decommissioning of an offshore installation as a result of the breaking of a ship or decommissioning of an offshore installation under this Part shall be in compliance with any written law.

Requirement for ship
breaker to inform
Authority

99. (1) A shipbreaker shall, after he breaks up a ship, inform the Authority of the breaking up of the ship.

(2) The owner or Offshore Installation Manager of an offshore installation shall, after the offshore installation is decommissioned, inform the Authority of the decommissioning of the offshore installation.

(3) A shipbreaker who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the shipbreaker commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

PART VII

OFFSHORE INSTALLATIONS

100. (1) An offshore installation operating in the waters of Trinidad and Tobago shall be in the charge of a person appointed to be, or act as manager of the offshore installation, and the owner of the offshore installation shall—

Managers of
Offshore
Installations

(a) appoint, to act as an Offshore Installation Manager—

(i) a person who has the skills and competence suitable for appointment; and

(ii) another or others to act, where necessary, in place of the installation manager; and

(b) inform the Authority of any appointment by giving notice in the manner set out in the form approved by the Authority.

(2) The Minister may, make regulations prescribing requirements to be fulfilled with respect to the Offshore Installation Manager appointed under subsection (1)(a) or (b) including—

(a) requirements as to qualifications, experience, health or age;

(b) different provisions for managers of different types of offshore installations or managers whose responsibilities differ in other respects; and

(c) different provisions for managers appointed under paragraphs (a) and (b), respectively.

(3) The owner may, under subsection (1), appoint two or more persons to be Offshore Installation Managers in rotation, and the persons appointed under subsection (1) shall act, where necessary, in place of any of them.

(4) If, at any time, an owner of an offshore installation is satisfied that an Offshore Installation Manager appointed in pursuance of subsection (1) does not have the requisite skills and competence, he shall terminate the appointment as soon as practicable, and shall give the Authority notice, in the form approved by the Authority, of the action taken by him.

(5) An owner of a ship who fails to comply, or ensure compliance with the provisions of subsection (1), commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the owner of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(7) The operations of this section may be excluded in whole or in part in relation to any class or description of installation by regulations made under this Act, or in relation to any particular installation by directions of the Authority given in such manner and to such persons as it thinks fit.

Duties of an Offshore
Installation Manager

101. (1) Except as otherwise provided by this Act, the Offshore Installation Manager of an offshore installation shall have, in relation to general responsibility for matters affecting safety, health or welfare, the maintenance of order or discipline, and for the discharge of that responsibility and shall exercise authority over all persons in, or about the offshore installation.

(2) Where the Offshore Installation Manager has reasonable cause to believe that it is necessary or expedient for the purpose of securing the safety of an offshore installation or persons in, or about it, or maintaining order and discipline among those persons, the Offshore Installation Manager may cause any of those persons to be put ashore.

(3) Where any person referred to under subsection (2)—

- (a) has done or is about to do any act endangering or likely to endanger the safety of the offshore installation or persons on, or about it or the maintenance of order and discipline among those persons; or
- (b) the Offshore Installation Manager, with reasonable cause, suspects him of having done or being taken to do any such act,

the Offshore Installation Manager may take or cause to be taken such other reasonable measures against the person, by restraint of his person or otherwise, as the Offshore Installation Manager thinks necessary or expedient.

(4) A person shall not be kept under restraint by virtue of subsection (3) for longer than twenty-four hours unless—

- (a) the intention is that he will be put ashore at the earliest opportunity; and
- (b) within those twenty-four hours or as soon as practicable afterwards, notice of his being kept under restraint and the reason for it is sent to the Director General.

(5) The Offshore Installation Manager of an offshore installation shall notify the owner, as soon as practicable, of any event which occurs at the offshore installation and which the owner is required, under this Act, to notify the Authority.

(6) The operation of this section may be excluded in whole or in part in relation to any class or description of offshore installation by regulations made under this Act, or in relation to any particular offshore installation by directions of the Authority given in such manner and to such persons as it thinks appropriate.

102. Where an offshore installation is built outside of ^{Offshore} Trinidad and Tobago for use in the waters of Trinidad ^{Installations built} and Tobago ^{outside of Trinidad} and Tobago ^{and Tobago}

and Tobago, the Registrar of Shipping shall, where it is satisfied, that—

- (a) the offshore installation has a certificate as being fit for use as an offshore installation issued by a Recognised Organization approved by the Authority; and
- (b) the offshore installation is fit for use as an offshore installation,

it shall register the offshore installation under section 59.

Prohibition on operation near an offshore installation

103. (1) The owner or master of a ship or aircraft shall not operate the ship within five hundred meters of an offshore installation, except with the permission of the Offshore Installation Manager of an offshore installation.

(2) The owner or master of a ship or aircraft who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the ship or aircraft commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

PART VIII

TRANSFERS AND TRANSMISSIONS, MORTGAGES AND MARITIME LIENS

Transfers and Transmissions

Restriction on disposing of a Trinidad and Tobago ship

104. A transfer, transmission, mortgage or maritime lien in respect of a Trinidad and Tobago ship shall be conducted in accordance with this Part.

Transfer by Bill of Sale

105. (1) Where a ship, or any share therein, registered in Trinidad and Tobago is to be disposed of to a person qualified to own a registered Trinidad and

Tobago ship, the ship or share therein is to be transferred by a Bill of Sale.

(2) A Bill of Sale, under subsection (1), shall contain the description of the ship as is contained in the Certificate of Registry or some other description sufficient to identify the ship to the satisfaction of the Registrar of Shipping and shall be in the form set out as Form A in Schedule 2.

Schedule 2

(3) A Bill of Sale under this section shall be executed by the transferor in the presence of at least one witness who shall himself add his occupation and address after his signature.

106. (1) Where a Trinidad and Tobago ship, or any share therein, is transferred, the transferee shall not be entitled to be registered as owner thereof until the owner, or, in the case of a corporation the person authorized by this Act to make declarations on behalf of the corporation, has made, and signed a declaration in respect of the Trinidad and Tobago ship, in this Part, referred to as “a declaration of transfer”.

Declarations of transfer

(2) A declaration of transfer shall be in the prescribed form, and shall contain—

- (a) a statement of the qualification of the transferees to own a Trinidad and Tobago ship or, if the transferee is a corporation, of such circumstances of the constitution and business thereof as proof of its qualification to own a Trinidad and Tobago ship; and
- (b) a declaration that, to the best of the knowledge and belief of the owner of the Trinidad and Tobago ship, the transferee is a person qualified to own a Trinidad and Tobago ship.

107. (1) A Bill of Sale for the transfer of a Trinidad and Tobago ship, or a share therein, shall, when duly executed, be produced to the Registrar of Shipping with the declaration of transfer.

Bill of sale to be produced for entry in Register

(2) The Registrar of Shipping shall, upon receipt of a Bill of Sale for transfer under subsection (1), enter in the relevant register book the name of the transferee as the owner of that Trinidad and Tobago ship or share, and endorse on the Bill of Sale the fact of that entry having been made, with the date and time of acceptance.

(3) A Bill of Sale of a Trinidad and Tobago ship, or of a share therein, shall be entered in the relevant register book in the order of its production to the Registrar of Shipping.

Transmission of property in ship on death, bankruptcy, etc.

108. (1) Where the entitlement to property in a Trinidad and Tobago ship, or any share therein, is transmitted to any person qualified to own a Trinidad and Tobago ship on—

- (a) the death or bankruptcy of any registered owner; or
- (b) by any lawful means other than by a transfer under this Act,

that person shall provide the Registrar of Shipping with a declaration to be known as “a declaration of transmission”.

(2) A declaration of transmission shall identify—

- (a) the Trinidad and Tobago ship;
- (b) the person to whom the Trinidad and Tobago ship or share was transmitted; and
- (c) how the property in the Trinidad and Tobago ship or share came to be transmitted to him.

(3) A declaration of transmission shall be accompanied by the relevant documentation required by subsections (5), (6) and (7) which would support the claim for which the declarant is entitled and shall be sworn to before a Commissioner of Affidavits.

(4) A declaration of transmission under this section shall be in the form set out as Form B in Schedule 2.

(5) Where the transmission is consequent on death, the declaration of transmission shall be accompanied by a grant of Probate or Letters of Administration in the estate of the deceased owner or in the case of the death of a joint owner, by proof of survivorship to the satisfaction of the Registrar.

(6) Where the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being admissible in any Court in Trinidad and Tobago as proof of the title to the Trinidad and Tobago ship of persons claiming bankruptcy.

(7) Where the transmission was consequent upon an order of the High Court, it shall be accompanied by a copy of the order or judgment made by the Court.

(8) The Registrar of Shipping, on receipt of the declaration of the transmission with the accompanying documents and upon being satisfied that the Trinidad and Tobago ship remains entitled to be registered in Trinidad and Tobago, shall enter on the relevant register book the—

- (a) name of the person now entitled to be registered as the owner of the ship or share; and
- (b) property which has been transmitted.

109. (1) Where the entitlement to property in a Trinidad and Tobago ship or a share therein is transmitted on death, or bankruptcy, or otherwise to a person not qualified to own a Trinidad and Tobago ship, the High Court may, on application by, or on behalf of the unqualified person, order a sale of the property so transmitted and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under the transmission or otherwise, as the Court may direct.

Order of sale on transmission to unqualified person

(2) The Court may require any evidence, it thinks necessary, to support an application under this section and may make the order on any terms and conditions as it thinks just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) An application for sale under this section shall be made within sixty days after the occurrence of the event on which the transmission has taken place, or within such further time, not exceeding one year from the date of the occurrence, as the Court may allow.

Transfer of sale of
ship by order of
Court

110. (1) Where the High Court orders the sale of any ship or share therein, whether under this Part or otherwise, the order of the Court shall contain a declaration vesting in some person named therein the right to transfer that ship or share.

(2) A person named under subsection (1) shall thereupon be entitled to transfer the ship or share in the same manner as if he was the registered owner thereof.

(3) The Director General shall comply with the requisition of the Court of the person named as if that person was the registered owner.

Court may prohibit
any dealing with
ship

111. (1) The High Court may, if it thinks fit so to do, without prejudice to the exercise of any other power of the High Court, on the application of any interested person, make an order prohibiting for a time specified in the order, any dealing with a ship or a share therein and the High Court may make the order on any terms or conditions it thinks just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires.

(2) The Director General, without being made a party to the proceedings, shall, on being served with an order or an official copy thereof, obey the same.

(3) An application under this section may be made by summons or otherwise, and either *ex parte* or upon service of notice on any person as the Court or as Rules of Court may direct.

112. (1) A Trinidad and Tobago ship or a share therein may be used as a security for a loan or other valuable consideration and the instrument creating the security (hereinafter referred to as “a mortgage”) shall be in the form set out as Form C or D in Schedule 2. Method of mortgage of ship or share Schedules 2

(2) On the production of a mortgage document in respect of the Trinidad and Tobago ship to the Director General, the Director General shall direct the Registrar of Shipping to record the mortgage in respect of the Trinidad and Tobago ship in the relevant register book.

(3) Mortgages shall be recorded by the Registrar of Shipping in the order in which they are produced to him for that purpose, and the Registrar of Shipping shall endorse and sign a statement of each mortgage, stating the date and time of acceptance.

113. (1) Where a registered mortgage is discharged, the Registrar of Shipping shall, on the production of the mortgage document, with a receipt indicating full payment of the mortgage or other release endorsed thereon duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged. Entry of discharge of mortgage

(2) Where an entry is made under subsection (1), the estate, if any, which passed to the mortgagee shall vest in the person in whom, having regard to the intervening acts and circumstances, if any, it would have vested if the mortgage has not been made.

114. (1) Where there are more mortgages than one registered in respect of the same Trinidad and Tobago ship or share, the mortgagee shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date and Priority of mortgages

time that each mortgage is recorded in the register book and not according to the date of each mortgage itself.

(2) A registered mortgage of a Trinidad and Tobago ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the Trinidad and Tobago ship or share in his possession, order or disposition, or was the reputed owner thereof.

Mortgagee not
treated as owner

115. Except as may be necessary for making a Trinidad and Tobago ship or share available as a security for the mortgage debt, the mortgagee shall not, by reason of the mortgage, be deemed to be the owner of the Trinidad and Tobago ship or share, nor shall the mortgagor be deemed to have ceased to be the owner thereof.

Mortgagee to have
power of sale

116. (1) Subject to subsection (2), every registered mortgagee shall have the power, if any money due as a mortgage payment or any part thereof is due, to sell the Trinidad and Tobago ship or share in respect of which he is registered, and to give effectual receipts for the purchase money.

(2) Where two or more mortgagees are registered in respect of the same Trinidad and Tobago ship or share, a subsequent mortgagee shall not, except under an Order of the High Court, sell the Trinidad and Tobago ship or share without the concurrence of every prior mortgagee.

Transfer of mortgage

117. (1) A registered mortgage of a Trinidad and Tobago ship or a share therein, may be transferred to any person.

(2) The instruments affecting a transfer referred to in subsection (3) shall be in the form set out as Form E or F in Schedule 2.

Schedule 2

(3) On the production of an instrument affecting a transfer of mortgage and of the mortgage to which it relates, the Registrar of Shipping shall record the transfer by entering in the relevant register book the name of the transferee as the mortgagee of the ship or share, and shall endorse and sign on the mortgage and on the instrument effecting the transfer thereof, a statement that the transfer has been recorded by him, stating the date and time of acceptance.

118. (1) Where the interest of a mortgagee in a Trinidad and Tobago ship, or any share therein, is transmitted to any person on the death or bankruptcy of the mortgagee or by any lawful means, other than by a transfer under this Part, the person to whom the interest is transmitted shall provide the Registrar of Shipping with a declaration to be known as “a declaration of transmission of mortgage”.

(2) A declaration of transmission of mortgage under this section shall be in the form set out as Form G in Schedule 2 and shall identify—

Schedule 2

- (a) the ship; and
- (b) the person to whom the mortgage has been transmitted,

and shall be accompanied by the like evidence as is required by this Part in the case of a transmission of the ownership of a Trinidad and Tobago ship or share.

(3) The Registrar of Shipping, on the receipt of the declaration and the production of the evidence as aforesaid, shall enter the name of the person entitled under the transmission in the relevant register book as the mortgagee of the Trinidad and Tobago ship or share.

119. The rules, legal and equitable, applicable to maritime and other liens on a Trinidad and Tobago ship, cargo and other maritime property at present in operation in the waters of Trinidad and Tobago shall continue in force, except as so far as they are inconsistent with the provisions of this Act.

Ranking of liens

120. (1) Where any action is brought against a Trinidad and Tobago ship, the following shall be the priority ranking for liens against the Trinidad and Tobago ship:

- (a) expenses incurred for seizure and forfeiture by the Court;
- (b) seafarer wages;
- (c) salvage;
- (d) tort liens;
- (e) pre-mortgage liens for necessities;
- (f) preferred ship mortgage liens;
- (g) liens for necessities;
- (h) State created liens of a maritime nature;
- (i) liens for penalties and forfeiture under any written law;
- (j) preferred non-maritime liens including tax liens;
- (k) attachment liens; and
- (l) maritime liens in bankruptcy.

(2) Notwithstanding subsection (1), where a vessel or offshore installation within the waters of Trinidad and Tobago has become a wreck or is abandoned, the expenses incurred by the Chief Receiver of Wrecks upon taking possession of the wreck, ranks in priority above all other liens set out in subsection (1).

Liability of owners and person having beneficial interest

121. (1) Where a person has a beneficial interest in a Trinidad and Tobago ship or any share therein, otherwise than by way of mortgage and that Trinidad and Tobago ship or share is registered in the name of another person as owner, the person so interested, as well as the registered owner, shall be subject to all pecuniary penalties imposed by this Act or any other written law on the owners of ships or shares therein.

(2) Proceedings may be taken for the enforcement of any penalty under subsection (1) against both or either of the persons mentioned in subsection (1) with or without joining the other of them.

PART IX

MANNING AND CERTIFICATION

122. (1) The owner or master of every Trinidad and Tobago ship or Offshore Installation Manager of every offshore installation shall ensure that the Trinidad and Tobago ship or offshore installation has sufficient crew holding the appropriate certificates in accordance with the minimum safe manning requirements under this Act. Crew sufficient and efficient

(2) Where owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of every offshore installation contravenes subsection (1)—

- (a) the Trinidad and Tobago ship shall not proceed to sea; and
- (b) the offshore installation shall cease all operations.

123. The Authority shall, subject to Regulations made under this Act, issue a Minimum Safe Manning Certificate in respect of— Authority to issue Minimum Safe Manning Certificate

- (a) a Trinidad and Tobago ship; or
- (b) an offshore installation.

124. (1) The Director General may, in circumstances of exceptional necessity, and where it does not cause danger to persons, property or the environment, grant to a member of the crew of a Trinidad and Tobago ship or offshore installation, dispensation to act in a position that he is qualified for but for which he does not hold a certificate on the Trinidad and Tobago ship or offshore installation, for a particular period. Dispensations

(2) The Director General may grant a dispensation under subsection (1), in accordance with regulations made under this Act.

(3) Dispensation for the position of master or first engineer shall only be granted in cases of *force majeure*.

(4) For the purposes of subsection (1), “circumstances of exceptional necessity” shall not include a continuing difficulty to crew a Trinidad and Tobago ship or offshore installation with a fully qualified crew.

Recognition of
licences issued
abroad

125. (1) Where a person holding a Certificate of Competency from a country outside of Trinidad and Tobago, (hereinafter referred to as a “foreign certificate of competency”) is desirous of serving on a Trinidad and Tobago ship as master, deck officer or engineer, the Authority may recognize that foreign certificate of competency through the issuance of an endorsement in respect of the foreign certificate of competency, in the form, approved by the Authority authorizing him to serve on a Trinidad and Tobago ship in the same capacity as if the foreign certificate of competency had been granted under this Act, subject to such conditions as the Director General may impose.

(2) An endorsement issued under subsection (1) shall—

- (a) be valid for the period of validity of the foreign certificate of competency; and
- (b) during its period of validity, have the same force as a Certificate of Competency granted under this Act and may be renewed upon such conditions as may be prescribed.

Power of Authority
to suspend or cancel
a Certificate of
Competency

126. (1) Where there has been an allegation of misconduct or contravention of the provisions of this Act by the holder of a Certificate of Competency issued under section 136(4) or endorsement issued under this

Act, the Authority may appoint a board of inquiry to be held by one or more persons who, in the opinion of Authority, are qualified to do so.

(2) The members of a board of inquiry under subsection (1) shall have all the powers of a person holding an inquiry under Part XXVIII and they shall, at the conclusion of their investigation, send a full report of the proceedings and evidence to the Board.

(3) Where, on receipt of a report under subsection (1), the Board is of the opinion that the person against whom the allegations were made, was guilty of such misconduct or contravention, the Board may suspend or cancel the certificate or endorsement of the person.

(4) The Authority may also suspend or cancel a Certificate of Competency, licence or endorsement issued under this Act if—

- (a) the holder is convicted by any Court in Trinidad and Tobago of an offence relating to or connected with shipping matters; or
- (b) where the holder is determined by a medical practitioner to be medically unfit.

(5) A person aggrieved by a decision of the Board may appeal to the High Court.

(6) Where a Certificate of Competency, licence or an endorsement of a person serving on a Trinidad and Tobago ship is suspended or cancelled under this section, the Director General may demand from the person his Certificate of Competency or other document of evidence of his qualification and the person shall produce the Certificate of Competency or document.

(7) A person who fails to produce the Certificate of Competency or document when requested under subsection (6) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(8) Where the administrative fine for a shipping violation under subsection (7) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Uncertified and
unauthorised officers

127. (1) A person, who having being engaged as a seafarer in any Trinidad and Tobago ship, shall not go to sea in that capacity unless he is in possession of the applicable and required certificates.

(2) A person, who having been engaged as a seafarer goes to sea in that capacity without being entitled to, and without being in possession of, the required certificate and any person who employs any person in any of the above-mentioned capacities in such Trinidad and Tobago ship without ascertaining that he is entitled to, or possesses such certificate each commits a shipping violation and are liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Offences relating to
Certificate of
Competency or
Certificate of
Proficiency

128. A person who—

- (a) makes any false representation for the purpose of obtaining for himself or for any other person any Certificate of Competency or Certificate of Proficiency;
- (b) forges or fraudulently alters any Certificate of Competency or Certificate of Proficiency, or any official copy thereof;
- (c) fraudulently lends a Certificate of Competency or a Certificate of Proficiency to, or allows the same to be used by any other person; or

- (d) fraudulently uses a Certificate of Competency or Certificate of Proficiency,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for one year.

129. Where the master or owner of a Trinidad and Tobago ship or a foreign ship goes to sea or attempts to go to sea without carrying the officers and seafarers required to be carried on board the Trinidad and Tobago ship or foreign ship, where the ship is—

- (a) a Trinidad and Tobago ship, the Certificates of the ship may be withdrawn by the Authority; or
- (b) a foreign ship, the foreign ship may be detained in accordance with Part XXIX.

PART X

RECOGNIZED TRAINING INSTITUTIONS AND SEAFARERS

130. (1) For the purpose of this Act—

“applicant” means a person who applies to obtain, renew or replace a Certificate of Competency, Certificate of Proficiency or an endorsement;

“approved training course” means a course that has been approved by the Authority;

“approved training programme” means a training programme delivered by an approved and recognized institution in accordance with the regulations for approval of training institutions forming an integral part of the requirements for obtaining a Certificate of Competency, Certificate of Proficiency or an endorsement of a Certificate of Competency or Certificate of Proficiency already issued by the Authority;

Prohibitions against foreign ship going to sea not properly manned

Interpretation of certain words and phrases used in Part X

“certificated person” means a seafarer who has been issued with a Certificate of Competency or Certificate of Proficiency in accordance with the regulations for certification of seafarers;

“coastal trading” means voyages within the Caribbean Trading area as set out in Schedule 1;

“day work” means duties, other than Watch-Keeping, that are performed at sea on board a vessel;

“documentary evidence” means documentation, other than a Certificate of Competency or Certificate of Proficiency used to establish that the relevant requirements of the Standards of Training, Certification and Watch-keeping Convention have been met;

“dynamically positioned vessel” means that the ship, Mobile Offshore Drilling Unit or Mobile Offshore Unit is held in position wholly or partly by means of fully automated and controlled propulsion units;

“examiner” means a person appointed or authorized by the Authority to administer examinations to any applicant and whose functions include auditing training programmes and courses and making recommendations to the Authority or Director General with respect to the approval of training courses and programmes;

“local trade” means voyages undertaken within the territorial waters of Trinidad and Tobago;

“medical examiner” means a physician who has been authorized by the Authority to perform examinations for medical fitness on seafarers;

“Mobile Offshore Unit” or “MOU” means vessels which can be readily relocated and which can perform an industrial function involving offshore operations other than those traditionally provided by ships and includes the following:

- (a) a column-stabilized unit with the main deck connected to the underwater hull or footings by columns or caissons;
- (b) a non-self-propelled unit not certified to navigate independently;
- (c) a self-elevating unit with movable legs capable of raising its hull above the surface of the sea;
- (d) a self-propelled unit certified to navigate independently;
- (e) submersible unit is a unit with a ship shape, barge-type or novel hull design (other than a self-elevating unit) intended for operation while bottom bearing; and
- (f) surface unit with a ship or barge-type displacement hull of single or multiple-hull configuration intended for operation in the floating condition;

“proper return port” means—

- (a) the place to which a seafarer may be repatriated;
- (b) the place at which the seafarer agreed to enter into the engagement;
- (c) the place stipulated by collective agreement;

(d) the country of residence of the seafarer; or

(e) such other place as may be mutually agreed at the time of the engagement of the seafarer;

“Qualifying Sea Service” means service credited to an applicant in order for them to meet the experience requirements for a Certificate of Competency or Certificate of Proficiency or an endorsement of a Certificate of Competency already issued by the Authority;

“rating” means a member of the crew complement of a vessel other than the master, engineers or officers;

“Recognized Training Institution” means a training institution, approved by the Authority under section 131 to administer approved training courses and approved training programmes for the purpose of giving applicants the training necessary to obtain a training certificate, a Certificate of Competency or a Certificate of Proficiency required under the regulations for certification of seafarers;

“Remotely Operated Vessel” or “ROV” means a vessel designed not to be a passenger-carrying or manned vessel that can operate underwater by relying on surface support, such as from a floating vessel or shore facility;

“sea service” means a period of employment and service of a seafarer spent on board a vessel and includes service while the vessel is in port, loading or unloading, at anchor, in refit or in dry-dock, and recorded in the discharge book of the seafarer;

“STCW Code” means the Seafarers’ Training, Certification and Watch-keeping Code adopted under the STCW Convention;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, 1978 as amended; and

“Training Completion Certificate” means a document issued by a Recognized Training Institution evidencing the holder’s successful completion of an approved training programme or approved training course.

(2) For the purpose of this Part, “a seafarer may have to be left behind” for unfitness or inability to proceed to sea as a result of his desertion or disappearance or otherwise.

131. (1) The owner or operator of a maritime training institution who wishes to provide training programmes in maritime studies or training courses in maritime studies shall apply to the Authority, giving the full details of the course content and delivery methods for review and approval. Recognition of training institutions

(2) On receipt of an application under subsection (1), the Authority shall conduct a verification audit at the physical address of the training institution.

(3) Where the Authority conducts a verification audit under subsection (2) and is satisfied as to the ability of the maritime training institution to conduct the necessary training course and training programmes for maritime services in order to issue Training Completion Certificates for maritime services, it may approve the Maritime Training Institution to conduct such courses and programmes and issue a Certificate of Recognition to the maritime training institution.

(4) Only a maritime training institution holding

a Certificate of Recognition shall be allowed to deliver training courses and programmes for seafarers who wish to obtain Trinidad & Tobago discharge books, identification documents, Certificates of Competency and Certificates of Proficiency.

(5) A maritime training institution approved by the Authority under subsection (4) shall hereinafter be referred to as a “Recognised Training Institution”.

(6) Where a Recognised Training Institution is approved under subsection (4), the Minister on the advice of the Authority shall, by Order, publish the list of such institutions to add to, remove from or amend the list.

Registrar of Seafarers

Functions of the
Registrar of
Seafarers

132. (1) The Registrar of Seafarers shall be responsible for processing of documents relative to the engagement and discharge of all persons who serve on board Trinidad and Tobago ships or offshore installations and all seafarers being citizens of Trinidad and Tobago who serve on foreign ships.

(2) Notwithstanding the generality of subsection (1), the Registrar of Seafarers shall—

- (a) afford facilities for engaging and discharging seafarers by keeping registers of the names and valid Certificates of Competency and Certificates of Proficiency of seafarers—
 - (i) who apply to him for engagement;
 - (ii) who produce continuous discharge certificates as proof of service on foreign ships or Trinidad and Tobago ships or offshore installations; and
 - (iii) who serve on Trinidad and Tobago ships or offshore installations;
- (b) record where he has read and explained a crew agreement to a seafarer in accordance with regulations made under section 503;

- (c) cause copies of the certificate referred to in paragraph (a)(ii) to be kept at the Authority;
- (d) perform such other duties relating to seafarers, apprentices, ships and offshore installations as are by, or in pursuance of this or any other written law relating to shipping entrusted to him; and
- (e) keep the registers as set out in section 133.

133. (1) The Registrar of Seafarers shall establish the Register of Seafarers following Registers—

- (a) Register of Ratings;
- (b) Register of Ratings at Support Level;
- (c) Register of Deck Watch-Keepers;
- (d) Register of Engineering Rating;
- (e) Register of Engineering Ratings at Support Level;
- (f) Register of Engineering Watch-Keepers;
- (g) Register of Holders of Restricted Radio Operators' Certificates;
- (h) Register of Holders of General Operators' Certificates for Radio Watch-Keepers;
- (i) Register of Holders of General Maritime Distress Safety System Certificates;
- (j) Register of Offshore Installation Managers;
- (k) Register of Stevedores; and
- (l) such other Registers as the Director General may require to be established from time to time.

(2) The Registrar of Seafarers shall not enter the name of any person as a seafarer in any of the registers established under subsection (1) unless that person provides to the Registrar of Seafarers evidence of his qualifications and training as such and his medical records.

(3) The Registrar of Seafarers shall not enter into any of the registers under subsection (1) any person who is not a citizen of Trinidad and Tobago or a citizen of a CARICOM country.

Registration as a
seafarer and
seafarer
Identification

134. (1) Where a person wishes to be registered as a seafarer, he shall apply to the Authority in the prescribed form.

(2) Where a person makes an application under subsection (1), he shall on submission, to the Registrar of Seafarers, of—

- (a) his relevant Training Completion Certificate issued by a Recognised Training Institution indicating that he has completed the relevant training programme or training course; and
- (b) a valid medical certificate from a medical practitioner,

be registered as a seafarer and be issued with an initial seafarer identification document.

(3) Where a seafarer obtains further foreign certificates of proficiency, foreign certificates of competency or endorsements issued by a foreign jurisdiction, he shall produce the certificates to the Registrar of Seafarers for entry onto his seafarer identification document.

Certificate of
Proficiency

135. (1) Where a seafarer wishes to obtain a Certificate of Proficiency, he shall apply to the Authority in the approved form.

(2) An application under subsection (1) shall be accompanied by—

- (a) a Training Completion Certificate issued by a Recognized Training Institution;
- (b) documentary evidence of qualifying sea service; and

(c) a valid medical certificate from a medical practitioner.

(3) The Director General may require an applicant under subsection (1) to provide in addition to the documents under subsection (2), a Certificate of Good Character or similar document.

(4) Upon receipt of an application under subsection (1), the Authority may, upon successful examination of the seafarer and where he is satisfied that the applicant meets the requirements of this Act and regulations made hereunder, issue the applicant a Certificate of Proficiency.

(5) This section shall not apply to stevedores.

136. (1) Where a seafarer wishes to obtain a Certificate of Competency, he shall apply to the Authority in the approved form.

(2) An application under subsection (1) shall be accompanied by—

- (a) a Training Completion Certificate issued by a Recognized Training Institution;
- (b) documentary evidence of qualifying sea service; and
- (c) a valid medical certificate from a medical practitioner.

(3) The Director General may require an applicant under subsection (1) to provide, in addition to the documents under subsection (2) a Certificate of Good character or similar document.

(4) Where the Director General is satisfied that an applicant under this section meets the requirements under this Act or regulations made hereunder for the issue of a Certificate of Competency, he may issue the applicant a Certificate of Competency.

(5) A person who performs any function requiring a Certificate of Competency or Certificate

of Proficiency under this Act or Regulations made hereunder and who, when requested, fails or refuses to take a drug or alcohol test may—

- (a) be denied a Certificate of Competency or Certificate of Proficiency, for a period of up to one year after the date of final conviction; or
- (b) have his Certificate of Competency or Certificate of Proficiency suspended or revoked.

(6) A person, subject to this Act or Regulations made hereunder, who is convicted for the violation of any national or international statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of illegal narcotic drugs, marijuana, or depressant or stimulant drugs or substances, may—

- (a) be denied a Certificate of Competency or a Certificate of Proficiency for a period of up to one year after the date of final conviction; or
- (b) have his Certificate of Competency or Certificate of Proficiency suspended or revoked.

(7) A person who is subject to this Part and who—

- (a) refuses to submit to a drug or alcohol test when requested by the Authority; or
- (b) refuses to furnish or to authorize the release of the test results requested by the Authority may—
 - (i) be denied any Certificate of Competency or Certificate of Proficiency, for a period of up to one year after the date of that refusal; or
 - (ii) have his Certificate of Competency

or Certificate of Proficiency,
suspended or revoked.

(8) This section shall not apply to stevedores.

137. (1) Where a person wishes to obtain an endorsement on a Certificate of Competency issued in his name, he shall apply to the Authority in the approved form.

(2) An application under subsection (1) shall be accompanied by—

- (a) a Training Completion Certificate issued by a Recognized Training Institution;
- (b) a Certificate of good character; and
- (c) a valid medical certificate from a medical practitioner.

(3) Upon receipt of an application under subsection (1), the Authority, on successful examination of the seafarer, may endorse the Certificates of Competency in accordance with Regulations made under this Act.

138. (1) A Certificate of Competency issued to a seafarer shall be valid for no more than five years.

(2) A Certificate of Proficiency issued to a seafarer shall be valid for the period set out in Regulations in respect of the type of Certificate of Proficiency issued.

(3) An endorsement of a Certificate of Competency of a seafarer shall only remain valid for the period of validity of the Certificate of Competency.

Employment

139. (1) No person shall employ another as a seafarer on board a Trinidad and Tobago ship or offshore installation unless the seafarer—

- (a) is certificated as competent or otherwise qualified to perform his duties as required

by regulations made under this Act; and

(b) has successfully completed training for personal safety on board a Trinidad and Tobago ship or offshore installation.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Crew agreements

140. (1) Subject to subsection (2), every master of a Trinidad and Tobago ship shall enter into an agreement, in accordance with this Act, with every seafarer whom he employs and carries to sea as one of his crew.

(2) Subsection (1) shall not apply in any case where the ship concerned is less than two hundred gross tons.

(3) The Director General may waive the requirements stipulated in subsection (1), or he may vary the contents of the approved form of the crew agreement in respect of any ship if he considers it expedient to do so.

(4) The master of a Trinidad and Tobago ship who fails to comply with subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5 and the relevant certificates of the Trinidad and Tobago ship may be withdrawn.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5 and the relevant certificates of the Trinidad and Tobago ship may be withdrawn.

Contents of crew agreements

141. (1) A crew agreement shall be in the form approved by the Authority and shall be dated at the time of the first signature thereof, and shall be signed

by the master before a seafarer signs his name.

(2) The provisions of crew agreements shall be prescribed in regulations made under section 504 and may include provisions for the different types of crew agreements.

142. (1) The master of a Trinidad and Tobago ship at the commencement of every voyage or engagement, as the case may be, cause a legible copy of the crew agreement, omitting the signatures, to be displayed in some part of the Trinidad and Tobago ship which is accessible to the crew. Further provisions as to crew agreements

(2) The Offshore Installation Manager of an offshore installation shall, at the commencement of every engagement, cause a legible copy of the crew agreement, omitting the signatures, to be displayed in some part of the Trinidad and Tobago ship or offshore installation which is accessible to the crew.

(3) Every erasure, amendment or alteration in any crew agreement, except additions made for the purpose of substitutes or persons engaged after the first departure of the Trinidad and Tobago ship or the tour of duty on an offshore installation, shall be without effect unless proved to have been made with the consent of all persons interested in the erasure, amendment or alteration.

(4) In any proceedings, a seafarer may introduce evidence to prove the contents of any crew agreement, or otherwise, to support his case, without producing or giving notice to produce the crew agreement or any copy thereof.

(5) Where a Trinidad and Tobago ship changes flag, the master, owner or operator of the Trinidad and Tobago ship shall deliver or transmit to the Director General the crew agreement made out up to the time the Trinidad and Tobago ship ceases to be a Trinidad

and Tobago ship.

(6) Every person who fraudulently alters, makes any false entry in, or delivers a false copy of any crew agreement commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Requirement to
provide employment
agreements to
seafarers

143. (1) A person who engages or employs a seafarer to work on a Trinidad and Tobago ship or offshore installation shall provide the seafarer with an Employment Agreement.

(2) A person who fails to provide a seafarer with an employment agreement, as required by subsection (1), commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn.

(4) An employment agreement under subsection (1) shall be—

- (a) set out in a clear written, legally enforceable form; and
- (b) consistent with this Act or regulations made hereunder.

(5) A seafarer who is presented with an Employment Agreement shall have an opportunity to review the employment agreement and where it is acceptable to him, freely sign same.

(6) An employment agreement under subsection (1) shall contain provisions for the settlement of wage disputes and mediation and shall include provisions for cancellations and arbitration in accordance with this Act or regulations made hereunder.

(7) An employment agreement under this section shall, in addition to being signed by the seafarer, be signed by the ship owner or his representative.

144. (1) No person shall be employed in any capacity ^{Fitness to be employed} on any Trinidad and Tobago ship or offshore installation unless there has been delivered to the master of the Trinidad and Tobago ship or Offshore Installation Manager, a medical certificate granted by a duly qualified medical practitioner certifying that such person is fit to be employed in that capacity.

(2) Every medical certificate under subsection (1)—

- (a) shall be valid for a maximum period of two years from the date of issue; and
- (b) may, at any time, be revoked by a duly qualified medical practitioner if he is satisfied that the person is no longer fit for work.

(3) Notwithstanding subsections (1) and (2), the Authority may, in urgent cases and only on the application of the owner or master of the Trinidad and Tobago ship or the Offshore Installation Manager, permit a seafarer to work without a valid medical certificate from a qualified medical practitioner, where—

- (a) the period of such permission does not exceed three months; and
- (b) the seafarer concerned is in possession of an expired medical certificate, which has

not expired for more than three months.

(4) Where a medical certificate under subsection (3) expires during the course of a voyage of a Trinidad and Tobago ship, the certificate shall continue in force until the next port of call, where the seafarer can obtain a medical certificate from a medical practitioner, where the period does not exceed three months from the previous medical certificate.

(5) A medical certificate issued under this section shall be in the English language.

Record of
employment

145. (1) A person who engages or employs a seafarer on board a Trinidad and Tobago ship or offshore installation shall provide the seafarer with a record of his employment.

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(4) A record of employment under this section shall not contain any statement as to the wages or quality of work of the seafarer.

(5) A record of employment shall be in such form as is approved by the Authority.

Trinidad and Tobago
Discharge Book

146. (1) The Registrar of Seafarers shall issue to a seafarer a discharge book (hereinafter referred to as a “Trinidad and Tobago Discharge Book”) upon registration as a seafarer, in accordance with regulations made under this Act.

(2) A seafarer who has lost his Trinidad and Tobago Discharge Book shall declare, to the Registrar of

Seafarers, such loss and the full details applicable to the loss in the form approved by the Authority.

(3) The Registrar of Seafarers shall, upon receipt of a declaration under subsection (2) and payment of the prescribed fee, issue to the seafarer a replacement of the Trinidad and Tobago Discharge Book.

147. (1) The Registrar of Seafarers may, at any time, request a seafarer to produce or surrender his Trinidad and Tobago Discharge Book—

Production or
surrender of
Trinidad and Tobago
Discharge Book

- (a) for any circumstances as may be prescribed by regulations made under this Act;
- (b) for the interrogation or validation of recorded sea service;
- (c) for the purpose of calculating qualifying sea service;
- (d) in response to allegations or investigation of fraud; and
- (e) for the purpose of casualty investigation.

(2) A seafarer who has been notified in writing to produce or surrender his Trinidad and Tobago Discharge Book for interrogation by the Registrar of Seafarers shall produce the Trinidad and Tobago Discharge Book within fourteen days of the request.

(3) A seafarer who, without reasonable excuse, fails to produce his Trinidad and Tobago Discharge Book for interrogation under this section, commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the seafarer commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Maintenance of
Trinidad and Tobago
Discharge Book by
seafarer

148. (1) A seafarer who has been issued with a Trinidad and Tobago Discharge Book shall—

- (a) maintain the Trinidad and Tobago Discharge Book in a condition that allows for the easy recognition of all personal details and sea service records by the Registrar of Seafarers; and
- (b) not allow the defacement or fraudulent entry of sea service details whilst in his possession.

(2) A seafarer who contravenes subsections (1)(a) or (b) commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the seafarer commits an offence and is liable on summary conviction to the fine relative to the breach as set out in the Fourth Column of Schedule 5.

(4) Where a Trinidad and Tobago Discharge Book issued to a seafarer can no longer accommodate records of sea service, the seafarer shall present the Trinidad and Tobago Discharge Book to the Registrar of Seafarers for the issuance of a new sequential Trinidad and Tobago Discharge Book.

Certificate of
Discharge of seafarer

149. (1) The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall sign and give to a seafarer discharged from his Trinidad and Tobago ship or offshore installation, either on his discharge or on payment of his wages, a certificate of his discharge to be called “a Certificate of Discharge”, in the approved form, 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) The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall, upon the discharge of every certificated officer whose Certificate of Competency has been delivered to, and retained by him, return the certificate to the officer.

(4) The master of a Trinidad and Tobago ship or Offshore Installation Manager under this section shall, upon issuing a Certificate of Discharge, stamp and sign the Discharge Book of the seafarer.

150. (1) No person shall employ or engage a person under the age of eighteen years as a seafarer, where that work is likely to jeopardise their health and safety. Employment of children and young person

(2) Subject to subsection (1), no person under the age of sixteen years shall be employed—

- (a) on any Trinidad and Tobago ship except upon work approved by the Director General on board a school ship, training ship; or
- (b) on an offshore installation.

(3) Notwithstanding subsection (2) and subject to subsection (1), no person under the age of eighteen years shall be employed or engaged to work on a Trinidad and Tobago ship or an offshore installation at night.

(4) Subsection (3) shall not apply when—

- (a) the effective training of the seafarers concerned in accordance with established programmes and schedules would be impaired; and
- (b) the specific nature of the duty or recognized training programme requires that seafarers covered by the exception perform duties at night and the Authority determines, after consultation with the registered recruitment

and placement service, that the work would not be detrimental to the health and wellbeing of the person.

(5) No person under the age of eighteen years shall be employed to work in the engine room of a Trinidad and Tobago ship or machinery space of an offshore installation unless the young person is an apprentice working under supervision.

(6) A person who contravenes subsections (1) to (5) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(7) Where the administrative fine for a shipping violation under subsection (6) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(8) For the purpose of—

(a) this section, “night” means a period of at least nine hours starting no later than midnight and ending no later than five in the morning; and

(b) subsection (1), the types of work which are likely to jeopardise health and safety shall be defined in regulations made by the Minister.

Crew list

151. (1) The master of every Trinidad and Tobago ship trading on international voyages shall, before leaving any port, sign and send to the Director General a full and accurate statement, in the form approved by the Authority, of every change which takes place in his crew before finally leaving that port and that statement shall be admissible in evidence.

(2) An Offshore Installation Manager shall send to the Director General a full and accurate statement, in

the form approved by the Authority, of every change which takes place in his crew and that statement shall be admissible in evidence.

(3) A master of a Trinidad and Tobago ship or Offshore Installation Manager who, without reasonable cause, fails to comply with this section, commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

152. (1) Except where otherwise provided in this Act, ^{Use of English Language} all correspondence, documents, forms or other writings shall be in the English language, and in the case of the crew agreement, Official Log Book and muster lists, in a prescribed form, save that a foreign language version of any document may be appended to the English language version thereof.

(2) All written signs displayed on board a Trinidad and Tobago ship or offshore installation shall be in the English language with, if it is considered necessary by the master, a foreign language version appended thereto.

153. (1) Where, in the opinion of the Director ^{Crew's knowledge of English} General, the crew of a Trinidad and Tobago ship or offshore installation consists of, or includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of English and the absence of adequate arrangements for transmitting orders in a language of which they have sufficient knowledge, the Director General shall inform—

- (a) the master of the Trinidad and Tobago ship of his opinion and the master shall not permit the Trinidad and Tobago ship to proceed to sea and the Trinidad and Tobago ship may be detained; or
 - (b) the Offshore Installation Manager of the offshore installation of his opinion and the Offshore Installation Manager shall cause all the operations of the offshore installation to cease in accordance with Part XXIX.
- (2) Where—
- (a) the master of a Trinidad and Tobago ship allows the Trinidad and Tobago ship to go to sea or attempt to proceed to sea in contravention of this section, both the owner and master; or
 - (b) the Offshore Installation Manager of an offshore installation fails to cease operations, both the owner and the Offshore Installation Manager,

commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Payment of wages

154. (1) The master and owner of a Trinidad and Tobago ship trading from and beyond the waters of Trinidad and Tobago or the Offshore Installation Manager of an offshore installation shall, subject to any collective agreement, regularly pay to each seafarer belonging to the Trinidad and Tobago ship or the

offshore installation, as appropriate, his wages in accordance with his employment agreement and at no time should the period exceed three months.

(2) The master or owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, under subsection (1), shall provide a seafarer with a monthly account of the payments due and the amount paid, including wages, additional payments and rate of exchange, where the payments have been made in a currency or at a rate different from the one agreed to.

(3) The master or owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, under subsection (1), shall ensure that seafarers are provided with the means to transmit all or part of their earnings to their families, dependents or legal beneficiaries.

(4) Measures to ensure that a seafarer can transmit his earnings to his family include:

- (a) a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and
- (b) requirement that allotments should be remitted in due time and directly to the person or persons nominated by the seafarer.

(5) For the purposes of this section, “collective agreement” has the same meaning assigned to it under section 2 of the Industrial Relations Act.

Master to deliver
account of wages

155. (1) The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall—

- (a) before paying off or discharging a seafarer;
or
- (b) before changing flag,

deliver to the seafarer, at the time and in the manner provided by this Act or regulations made hereunder, a full and true account of the wages of the seafarer and all deductions to be made therefrom for any reason whatever.

(2) The account under subsection (1) shall be delivered to the seafarer not less than twenty-four hours before his discharge or paying off.

Deductions and
wages record book

156. (1) A deduction from the wages of a seafarer shall not be allowed unless it is included in the account delivered in pursuance of section 155.

(2) The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation under subsection (1) shall enter the various matters in respect of which the deductions are made with the amount of the respective deductions as they occur in a book kept for that purpose, and shall, if required, produce the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Settlement of wages

157. (1) When a seafarer is discharged, and the settlement of his wages completed, he shall sign a release, in an approved form, of all claims in respect of past voyages or engagement.

(2) A release signed under subsection (1) shall be signed by the master or owner of the ship or the Offshore Installation Manager of the offshore installation.

(3) A release signed and attested under this section shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of past voyages or engagements.

(4) A release under this section shall be delivered to, and retained by, the owner for a period of seven years after the expiration of the agreement and shall be produced on demand made therefrom by the Registrar of Seafarers or other proper officer.

158. Where a seafarer has agreed with the master of ^{Rate of exchange} a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation for payment of his wages or any part thereof in a specific currency, any payment of, or an account of his wages if made in any other currency than that stated in the agreement shall, notwithstanding anything in the agreement, be made at the rate of exchange for the amount stated in the agreement for the time being current at the place where the payment is made and such rate of exchange shall be endorsed on the agreement by a proper officer at that place.

159. (1) Where, before the Registrar of Seafarers, a ^{Wage disputes} question as to wages is raised between the master or owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation and a seafarer, the Registrar of Seafarers may, on the application of either party, decide the question.

(2) Where the Registrar of Seafarers makes a decision under subsection (1)—

(a) the master or owner of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation; or

(b) the seafarer,

shall abide by the decision of the Registrar of Seafarers unless an appeal is made under subsection (4).

(3) Where a wage dispute arises, the master or owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall report the dispute and the settlement of same to the Registrar of Seafarers, who shall record same.

(4) An appeal from the decision of the Registrar of Seafarers shall be to the High Court, or where the seafarer is a member of a Collective Agreement, to the Industrial Court.

(5) Notwithstanding the fact that an appeal is filed under subsection (4), the master or owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall abide by the decision of the Registrar of Seafarers until such time as the appeal is determined.

Protection of certain
rights and remedies

160. (1) The lien of a seafarer on a Trinidad and Tobago ship or offshore installation, his remedies for the recovery of his wages, his right to wages in case of the wreck or loss of the Trinidad and Tobago ship or offshore installation to which he belongs, shall not be capable of being renounced by any agreement.

(2) Where a seafarer of a Trinidad and Tobago ship has been illegally discharged from a Trinidad and Tobago ship by the master, the rights he may have or obtained in the nature of salvage shall not be capable of being renounced by agreement.

(3) Any stipulation in any agreement inconsistent with subsections (1) or (2) or any other provision of this Act shall be void.

(4) Subsection (1) does not affect any term of an agreement made with the seafarer belonging to a Trinidad and Tobago ship which, in accordance with the agreement, is to be employed on salvage service which then relates to the remuneration to be paid to them for salvage services rendered by the Trinidad and Tobago ship.

161. The Family Law (Guardianship of Minors Application of Chap. 46:08 Domicile and Maintenance) Act applies to all masters and seafarers of Trinidad and Tobago ships.

162. The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore Remedies of master for remuneration and disbursements installation, so far as circumstances permit, shall have the same rights, liens and remedies for the recovery of his wages as a seafarer has for his wages under this Act or any law.

163. (1) The right to wages shall not depend on the Wages not to depend on freight earning of freight, and every seafarer who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, subject to all other rules of law and conditions applicable to the case, is entitled to demand and recover the same, notwithstanding that the freight has not been earned.

(2) Where a seafarer who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, the wages shall be paid and applied in the same way as the wages of a seafarer who dies during a voyage.

164. A seafarer shall not be entitled to wages for any Non-entitlement to wages time during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for him to begin work, or for any period during which he is lawfully imprisoned for any offence committed by him, unless the Court hearing the case otherwise directs.

165. (1) Where a seafarer or master of a Trinidad and Tobago ship or a seafarer or Offshore Installation Manager of an offshore installation who has signed an employment agreement is discharged, otherwise than in accordance with the terms of the employment agreement, before the commencement of the voyage or engagement on the offshore installation or one month's Improper discharge

wages are earned, without fault and without his consent, he is entitled to receive where he is—

- (a) the seafarer, from the master or owner or Offshore Installation Manager; or
- (b) the master or Offshore Installation Manager, from the owner of the Trinidad and Tobago ship or the offshore installation,

in addition to any wages he might have earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages and he may recover that compensation as if they were wages duly earned.

(2) Subsection (1), in relation to a seafarer, shall not apply to the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation.

(3) Where the master a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation who has signed an employment agreement is discharged, otherwise than in accordance with the terms of the employment agreement before—

- (a) the commencement of the voyage; or
- (b) one month's wages are earned,

without fault and without his consent, he is entitled to receive from the owner of the Trinidad and Tobago ship or the offshore installation, in addition to any wages he might have earned due compensation for the damage caused to him by the discharge, not exceeding one month's wages and he may recover that compensation as if it were wages earned.

Property of Deceased Seafarers

Property of deceased
seafarer

166. (1) Where any seafarer belonging to—

- (a) a Trinidad and Tobago ship dies on engagement during a voyage; or

- (b) an offshore installation dies while on the offshore installation,

the master of the ship or the Offshore Installation Manager of the offshore installation shall take charge of any money or effects belonging to the deceased seafarer that are on board the Trinidad and Tobago ship or the offshore installation.

(2) The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation under subsection (1) shall enter in the Official Log Book—

- (a) a statement of the amount of the money and a description of the effects; and
- (b) a statement of the wages due to the deceased, the amount of deductions, if any, to be made from the wages and the balance of the wages due.

(3) The entry under subsection (2) shall be signed by the master of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation and attested by a mate or some other member of the crew.

(4) The master of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation under this section, if he thinks fit, may cause any of the effects of a deceased seafarer to be sold.

(5) The master of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation under this section shall, without delay, furnish the Registrar of Seafarers with a statement of the property of the deceased seafarer.

(6) The money, effects and balance of wages mentioned in subsections (1) to (3) and the proceeds of the sale mentioned in subsection (4) are in this Act referred to as the “property of the seafarer”.

Delivery of the
property of deceased
seafarer

167. (1) Subject to subsection (2), the property of a deceased seafarer shall be delivered by the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation, by the most practicable means, to the personal representative of the deceased.

(2) Where the deceased seafarer under this section has no personal representative, the master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation shall deliver the property of the seafarer to the Registrar of Seafarers or the proper officer as the case may be, for disposal in accordance with—

- (a) 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) the order of a Court having jurisdiction to determine the distribution of the property of the deceased.

(3) A master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation may deduct from the proceeds of the sale of property of the seafarer, any expenses properly incurred in complying with subsection (1).

(4) After complying with subsection (1), the master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation shall deliver a statement of account to the Registrar of Seafarers respecting the property of the seafarer.

Forgery of
documents relative
to property of a
seafarer

168. A person who for the purpose of obtaining either for himself or for any other person, any property of the seafarer—

- (a) forges or fraudulently alters any document purporting to show or assist in showing any right to that property;

- (b) makes use of any document that has been forged or fraudulently altered, as described in paragraph (a);
- (c) gives any false evidence knowing the same to be false;
- (d) makes any false representation knowing the same to be false; or
- (e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,

commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for ten years.

Occupational Safety, Provisions, Health and Welfare

169. (1) The owner, master or agent of a Trinidad and Tobago ship or owner or Offshore Installation Manager of an offshore installation shall take reasonable precautions to prevent occupational accidents, injuries and diseases on board the Trinidad and Tobago ship or offshore installation, including taking reasonable precautions to prevent the risk of exposure to harmful levels of ambient factors and chemicals, as well as the risk of injury and disease that may arise from the use of equipment and machinery on board the ship or offshore installation. Occupational safety

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, set out in the Fourth Column of Schedule 5.

Provisions and water **170.** (1) The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall ensure that proper, sufficient and adequate provisions and water are supplied to the crew in accordance with regulations made under this Act.

(2) The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation who fails, without reasonable cause, to comply with subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, set out in the Fourth Column of Schedule 5.

Medical care to be provided by ship

171. (1) The owner, master or agent of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall ensure that all seafarers on the Trinidad and Tobago ship are covered by adequate measures for the protection of their health and that they have access to prompt and adequate medical care while on board the Trinidad and Tobago ship or offshore installation, which shall be at no financial cost to the seafarer.

(2) Where the medical care required by a seafarer cannot be provided—

- (a) on board a Trinidad and Tobago ship on an international voyage; or
- (b) on board an offshore installation in the waters of Trinidad and Tobago,

the owner, master or agent of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall provide seafarers with prompt and adequate care onshore at no cost to the seafarer.

(3) The owner, operator or Offshore Installation Manager of an offshore installation in the waters of Trinidad and Tobago shall, where medical care required by a seafarer on board the offshore installation cannot be provided on board the offshore installation, provide prompt and adequate medical care to the seafarer onshore at no cost to the seafarer.

(4) For the purpose of subsection (1), medical care includes dental care.

172. (1) The owner, master or agent of every of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall ensure that the Trinidad and Tobago ship or offshore installation carries medicines, medical stores, appliances and books in accordance with the scales laid down in regulations made under this Act. Scales of medical stores

(2) Where an inspector or surveyor is of the opinion that the medicines, medical stores, appliances and books on a Trinidad and Tobago ship or the offshore installation are deficient in quantity or quality or are placed in improper receptacles, he shall give notice thereof in writing to the master, owner or agent of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation, and the Trinidad and Tobago ship may be detained or the offshore installation may be required to cease operations in accordance with Part XXIX.

173. (1) Where—

- (a) the master of a Trinidad and Tobago ship;
or
- (b) the Offshore Installation Manager of an offshore installation; or
- (c) a seafarer on board a Trinidad and Tobago ship or the offshore installation,

receives any surgical or medical treatment, or such dental or optical treatment, including the repair or replacement of any appliance, as cannot be postponed

Expenses of medical treatment and burial

without impairing the efficiency of the master, Offshore Installation Manager or seafarer, the reasonable expenses thereof shall be borne by of the owner of the Trinidad and Tobago ship or the owner of the offshore installation.

(2) Where the master of a Trinidad and Tobago ship, the Offshore Installation Manager of an offshore installation or a seafarer dies and is buried or cremated outside his State of residence, the expenses of his burial or cremation shall also be borne by the owner of the Trinidad and Tobago ship or the owner of the offshore installation.

Medical practitioner
to be carried

174. (1) The owner or master of every Trinidad and Tobago ship registered as a passenger ship on an international voyage of more than seventy-two hours shall ensure that there is on board the ship as part of the complement for the Trinidad and Tobago ship, a registered medical practitioner at a ratio of one medical practitioner to every one hundred persons.

(2) The Offshore Installation Manager of an offshore installation shall ensure that there is on the offshore installation, as part of the complement, a registered medical practitioner at a ratio of one medical practitioner to every one hundred persons on the offshore installation.

(3) Notwithstanding subsection (1), the Authority may vary the requirements for a Trinidad and Tobago ship or offshore installation from the requirement to have one medical practitioner per one hundred passengers to require other persons with medical care training to be on board the Trinidad and Tobago ship or offshore installation, save the requirement to have at least one registered medical practitioner on board.

(4) Where a Trinidad and Tobago ship proceeds from a port in contravention of subsection (1) or (3), the owner of the Trinidad and Tobago ship commits a

shipping violation in respect of every day of every voyage of the Trinidad and Tobago ship and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(6) For the purposes of this section, “medical care training” means competency to provide medical care to sick or injured persons while they remain on board the ship or offshore installation in accordance with the STCW Convention.

Provisions as to Discipline

175. The master or any seafarer of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who, by wilful breach or by neglect of duty or by reason of being under the influence of alcohol or dangerous drugs—

- (a) does any act tending to cause the immediate loss, destruction or serious damage of the ship, or tending to endanger immediately the life or limb of a person belonging to, or on board, the ship; or
- (b) refuses or omits to do any lawful act proper and required to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship, from immediate danger to life or limb,

commits an offence and is liable to a fine of one hundred and fifty thousand dollars and to imprisonment for twenty-five years.

General offences
against discipline

176. (1) Where a seafarer or apprentice engaged on a Trinidad and Tobago ship or the offshore installation—

- (a) assaults the master or any mate or officer of the Trinidad and Tobago ship or the offshore installation, he commits an offence and is liable on summary conviction to imprisonment for one year;
- (b) combines with any of the crew to disobey a lawful command or to neglect duty or to impede—
 - (i) the navigation of the ship or the progress of the voyage, he commits a shipping violation and is liable to the administrative penalty set out in the Third Column of Schedule 5; or
 - (ii) impedes the operations of the offshore installation, he commits a shipping violation and is liable to the administrative penalty set out in the Third Column of Schedule 5;
- (c) wilfully damages the Trinidad and Tobago ship or the offshore installation, or dishonestly misappropriates or converts to his own use, or commits criminal breach of trust in respect of, or wilfully damages, any of its stores or cargo, he commits an offence and is liable on summary conviction to imprisonment for one year; and
- (d) is intoxicated or under the influence of alcohol or a dangerous drug while on duty on board a Trinidad and Tobago ship.

(2) Where the administrative fine for a shipping violation under subsection (1)(b) or (c) is not paid, the seafarer or apprentice engaged on the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(3) Where any conduct is both a disciplinary offence and an offence against any of the provisions of this Act, if it has been dealt with as a disciplinary offence, it shall not be dealt with as an offence against that provision.

177. The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation or a member of the crew of the Trinidad and Tobago ship or offshore installation, who—

- (a) leaves a seafarer behind, either intentionally or not;
- (b) wrongfully forces a seafarer ashore and leaves him behind; or
- (c) otherwise causes a seafarer to be wrongfully left behind at any place,

commits an offence.

Relief and Repatriation

178. (1) Except as otherwise provided in this Act, it is an implicit term of every employment agreement entered into for the employment of a seafarer on a Trinidad and Tobago ship that, where the agreement terminates at a port other than the port of engagement, the seafarer will be returned to the proper return port of the seafarer at the expense of the master or owner of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation.

(2) The owner, master or agent of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation under subsection (1) shall make such arrangements, as are necessary, to defray all expenses incurred for the return of a seafarer pursuant to subsection (1).

(3) The responsibility of the owner, master or agent of the Trinidad and Tobago ship or the Offshore

Installation Manager of an offshore installation under this section includes an obligation—

- (a) to pay the cost of maintenance and medical treatment that is necessary for the seafarer until his arrival at his proper return port; and
- (b) to ensure that the seafarer does not become a charge upon the State.

(4) Subsection (1) applies whether an agreement terminates by—

- (a) effluxion of time;
- (b) an act of one or more of the parties;
- (c) shipwreck;
- (d) sale of the ship;
- (e) the inability of the seafarer to proceed on the ship by reason of sickness or injury; or
- (f) any other cause.

Compensation for ship's loss or foundering

179. Where a Trinidad and Tobago ship is lost or has foundered, a seafarer who suffers loss or unemployment as a result thereof is entitled to adequate compensation from the owner of the Trinidad and Tobago ship.

Effect of workman's compensation

180. Where a seafarer is eligible to receive and receives medical aid or payments at the expense of his employers under the terms of any written law providing for compensation to injured or sick workers, the receipt thereof—

- (a) removes any right of the seafarer to receive medical treatment under section 178(3), to the extent that he receives that medical aid; and
- (b) removes any right of the seafarer to receive maintenance under section 178(3), to the extent and for so long as he receives the payments.

181. The master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation is not liable for any loss or any damage, to the effects of the seafarer, left on board—

Liability of master of a ship or Offshore Installation Manager of an offshore installation

- (a) a ship by a seafarer who was left behind or discharged at a port other than his proper return port; or
- (b) an offshore installation,

where the master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation proves to the Registrar of Seafarers or proper officer that the loss or damage occurred without the neglect or consent of the master after the seafarer left his Trinidad and Tobago ship or offshore installation.

182. The Government of Trinidad and Tobago is not liable in respect of the wages or effects of a seafarer who has been left behind or discharged at a port other than his return port.

Non-liability of Government

183. (1) Any sums retained after sale of the effects under regulations made under this Act to deal with wages or effects of a seafarer—

Payment to Government

- (a) from a Trinidad and Tobago ship, who is left behind; or
- (b) from an offshore installation, who leaves his wages or effects behind,

or arising from the sale of effects under those regulations, and not disposed of in accordance with the regulations, shall be retained by the master of a Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation and sent to the Authority.

(2) Where wages are sent to the Authority by the master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation under

subsection (1), the Authority shall retain the wages for return to the seafarer or his family or personal representative.

(3) The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who, without reasonable cause contravenes subsection (1) and without prejudice to any other liability to which the Trinidad and Tobago ship may be subject, commits an offence.

Return from service

184. (1) Where, during the life of his agreement, the service of a seafarer belonging to a Trinidad and Tobago ship or an offshore installation terminates otherwise than with the consent of the seafarer, the master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation shall—

- (a) give the seafarer a Certificate of Discharge required by this Act; and
- (b) pay to the seafarer the wages to which he is entitled.

(2) In addition to the matters in subsection (1), the master of a ship or the Offshore Installation Manager of the offshore installation shall make adequate provision in accordance with this Act for maintenance and return of the seafarer to a proper return port.

(3) The master of a Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation shall, upon making adequate provision for the maintenance and return of the seafarer under subsection (2), record the details of those provisions in the Official Log Book.

(4) Where a master of a Trinidad and Tobago ship fails, without reasonable cause, to comply with subsection (2), the living expenses of maintenance during the journey to the proper return port, if defrayed, by—

- (a) the seafarer, are recoverable as wages due to him; and

- (b) the Registrar of Seafarers or the proper officer or any other person,

are a charge upon the Trinidad and Tobago ship to which the seafarer belonged.

(5) A charge upon a Trinidad and Tobago ship under subsection (4)(b) may also be recovered—

- (a) from the person who is the owner of the Trinidad and Tobago ship for the time being;
- (b) if the Trinidad and Tobago ship has been lost, from the person who was the owner of the Trinidad and Tobago ship or the offshore installation at the time of the loss;
- (c) if the Trinidad and Tobago ship has been transferred to some other person, from the owner of the Trinidad and Tobago ship for the time being; or
- (d) from the person who was the owner of the Trinidad and Tobago ship at the time of the transfer under paragraph (c),

at the suit of the Registrar of Seafarers or the proper officer or other persons defraying the expenses, or, if the expenses have been defrayed out of public monies, as a debt to the State, by ordinary process of law and in the manner in which wages are recoverable by a seafarer.

185. Where—

Discharge on
ownership change

- (a) a Trinidad and Tobago ship is—
 - (i) transferred to a person entitled to own a Trinidad and Tobago ship; or
 - (ii) disposed of in accordance with Part VI;
or
- (b) it is intended that a Trinidad and Tobago ship be deregistered under Part IV and entered on the register of another State,

the owner or master of a Trinidad and Tobago ship to which a seafarer belongs shall discharge the seafarer unless he consents in writing to complete the voyage of the Trinidad and Tobago ship if it is continued.

Account of wages

186. (1) Where the master of a Trinidad and Tobago ship leaves a seafarer behind at any foreign port or place, on the ground of his unfitness or inability to proceed to sea, the master shall deliver to the seafarer or the person appointed by the master to represent the seafarer, a full account of the wages due to the seafarer and if that person is the proper officer, the master shall deliver the account in duplicate.

(2) A master who fails, without reasonable cause, to deliver the account required under subsection (1) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

Payment of wages to seafarer left behind

187. (1) The master of a Trinidad and Tobago ship shall pay to the proper officer the wages due to a seafarer who is left behind on the ground of his unfitness or inability to proceed to sea.

(2) Where a payment is made under this section, the proper officer, if satisfied with the account, shall furnish a receipt for payment.

(3) A payment under this section shall be made, whenever practicable, in cash, and where not so practicable, by bank draft.

(4) A master who fails, without reasonable cause, to pay wages as provided by this section commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

Application of wages

188. (1) Where wages are due to a seafarer of a Trinidad and Tobago ship who is left behind on the grounds of his unfitness or inability to proceed to sea, the owner or master of the Trinidad and Tobago ship shall pay to the Authority the wages due to the seafarer

and the Authority shall pay the wages to the seafarer and deliver an account of the money received on his behalf.

(2) Where wages are due to a seafarer of a Trinidad and Tobago ship left behind in a port outside of Trinidad and Tobago on the grounds of his unfitness or inability to proceed to sea, the owner or master of the Trinidad and Tobago ship shall pay the wages to the proper officer at that port and the proper officer shall deal with it in the following manner:

- (a) pay to the seafarer his wages and deliver to him an account of the money received on his behalf;
- (b) where the seafarer dies before the Trinidad and Tobago ship leaves the port, the proper officer will deal with the money as part of the property of a deceased seafarer; and
- (c) where the seafarer is sent to a proper return port at the public expense under this Act, the proper officer shall account for the money to the Director General, and after retaining any expenses duly incurred in respect of the seafarer, except such expenses as the owner, master or agent of the Trinidad and Tobago ship is required by this Act to defray, the money shall be dealt with as wages of the seafarer.

189. (1) Where the master of a Trinidad and Tobago ship fails to comply with section 185, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5. Offences under section 185

(2) Where the administrative fine for a shipping violation under subsection (1) is not paid, the master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Relief of distressed
seafarer

190. (1) Where a seafarer—

- (a) is found in any place outside Trinidad and Tobago after having been shipwrecked from a Trinidad and Tobago ship; or
- (b) by reason of having been discharged or left behind from a Trinidad and Tobago ship in any place outside Trinidad and Tobago, is in distress in that place and the owner or master of the ship is unwilling to provide relief to the seafarer,

the Registrar of Seafarers or the proper officer may provide relief to that seafarer in accordance with this Act.

(2) Relief is provided to a seafarer under subsection (1) when provision is made—

- (a) for the return of the seafarer at the expense of the Government of Trinidad and Tobago to a proper return port and also for his necessary clothing and maintenance until his departure for such a port;
- (b) in case of death, for burial expenses; and
- (c) in the case of a shipwrecked seafarer, for the repayment of any expenses incurred in his conveyance to port after his shipwreck and his maintenance while being so covered.

Repayment of relief
and return

191. (1) Where any expenses are incurred by a consular officer on behalf of the Government of Trinidad and Tobago under section 188 or are incurred by the government of a foreign State and are repaid to such foreign State by the Government of Trinidad and Tobago, the Authority may pay to the consular officer or foreign government the amount of the expenses out of the monies available for the purpose or out of any money appropriated for that purpose by Parliament.

(2) All monies paid by the Authority under subsection (1), together with the wages, if any, due to the seafarer, is a charge upon the Trinidad and Tobago ship to which the seafarer belonged, and is a debt due to the Government of Trinidad and Tobago—

- (a) from the owner, master or agent of the Trinidad and Tobago ship at the time of the loss; and
- (b) where the ship has been transferred, either from the owner for the time being or from the person who was the owner of the Trinidad and Tobago ship at the time of the transfer.

(3) A debt under this section, in addition to any fines and consular fees incurred, may be recovered by the Authority on behalf of the Government of Trinidad and Tobago by ordinary process of law in the manner in which wages are recoverable by the seafarer.

(4) In any proceedings for recovery of a debt under this section, the production of an official account of the expenses incurred in accordance with this Act, and proof of payment of the expenses by, or on behalf of the Government of Trinidad and Tobago is *prima facie* proof that the expenses were incurred or repaid under this Act by, or on behalf of that Government.

PART XI

TRINIDAD AND TOBAGO LABOUR CERTIFICATION

192. (1) This Part shall apply to—

- (a) Trinidad and Tobago ships of two hundred gross tonnage and over;
- (b) offshore installations; and
- (c) seafarers.

Application of
Part XI and
interpretation

(2) In this Part, “international voyage” means a voyage from Trinidad and Tobago to a port outside of Trinidad and Tobago.

Requirements to
keep and maintain
Trinidad and Tobago
Labour Certificate

193. (1) The owner or a master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall carry and maintain a Trinidad and Tobago Labour Certificate in relation to such Trinidad and Tobago ship or offshore installation, issued by the Authority under section 194, certifying that the working and living conditions of seafarers on the Trinidad and Tobago ship or offshore installation have been inspected and audited and meet the requirements of this Act and any other written law in relation to basic labour conditions.

(2) The owner or master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Application for and
issue of Interim
Trinidad and Tobago
Labour Certificate
and Trinidad and
Tobago Labour
Certificate

194. (1) Where the owner or master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation wishes to obtain a Trinidad and Tobago Labour Certificate, he shall apply to the Authority in the form prescribed by the Authority.

(2) Where an application is received under this section, the Authority may, where an inspection is conducted, issue an Interim Trinidad and Tobago Labour Certificate under section 197 or a Trinidad and Tobago Labour Certificate under section 194.

(3) Where the Authority is satisfied, upon inspection of a Trinidad and Tobago ship or offshore installation, that the Trinidad and Tobago ship or offshore installation in respect of which an application is

made under subsection (1) meets the working and living conditions required for seafarers under this Act or any other written law, it may issue a Trinidad and Tobago Labour Certificate in respect of the Trinidad and Tobago ship or offshore installation.

(4) A Trinidad and Tobago Labour Certificate issued under this section shall be in the form approved by the Authority.

(5) A Trinidad and Tobago Labour Certificate issued by the Authority under subsection (3) shall be valid for no more than five years and may be renewed in accordance with section 202.

195. (1) The Authority shall keep a record of all certificates issued under this Part.

Records of Trinidad and Tobago Labour Certificates to be kept

(2) Any person may, upon payment of the prescribed fee, have access to the records under subsection (1) at any reasonable time during the hours of official attendance of the Registrar of Seafarers.

196. (1) In determining whether a Trinidad and Tobago Labour Certificate should be issued under section 194 or an Interim Trinidad and Tobago Labour Certificate should be issued under section 197, the Authority shall conduct an inspection, as applicable, in respect of the following matters on the ship or offshore installation:

Inspections for the purpose of issue of a Trinidad and Tobago Labour Certificate and an Interim Trinidad and Tobago Labour Certificate

- (a) minimum age;
- (b) medical certificates;
- (c) qualifications of seafarers;
- (d) use of any licensed or certified or regulated private recruitment and placement service;
- (e) hours of work or rest;
- (f) manning levels for the ship or offshore installation;
- (g) accommodation;

- (h) on-board recreational facilities;
- (i) food and catering;
- (j) health and safety and accident prevention;
- (k) on-board medical care;
- (l) on-board complaint procedures; and
- (m) payment of wages.

(2) The Authority shall conduct an inspection or audit, as applicable, in respect of the matters under subsection (1) prior to the issue of an Interim Trinidad and Tobago Labour Certificate under section 197.

(3) Where the Authority conducts an inspection or verification on board a Trinidad and Tobago ship or offshore installation and significant deficiencies are discovered, the Authority shall record-

- (a) the deficiencies and post the report of the deficiencies; and
- (b) the date when the deficiencies were remedied.

(4) Prior to the expiration of an Interim Trinidad and Tobago Labour Certificate, the—

- (a) owner or master of the Trinidad and Tobago ship shall present the Trinidad and Tobago ship for inspection; and
- (b) the Offshore Installation Manager of an offshore installation shall make the offshore installation available for inspection.

(5) The report of an inspection shall be in the English language and shall be posted in a conspicuous place on board the Trinidad and Tobago ship or offshore installation.

197. (1) Where—

- (a) upon the delivery of a new ship;
- (b) a Trinidad and Tobago ship changes flag; or

- (c) the owner or managing owner of a Trinidad and Tobago ship assumes responsibility for the operations of a Trinidad and Tobago ship for which he was not previously responsible,

the Authority shall, subject to subsection (3), issue to the owner or managing owner of the Trinidad and Tobago ship an Interim Trinidad and Tobago Labour Certificate.

(2) The Authority shall, subject to subsection (3), where an offshore installation is brought into operation in the waters of Trinidad and Tobago, issue an Interim Trinidad and Tobago Labour Certificate.

(3) An Interim Trinidad and Tobago Labour Certificate issued under subsection (1) or (2) may be issued for a period not exceeding six months during which time, any deficiencies shall be rectified and may not be renewed or the period extended.

(4) The Authority, upon issuing an Interim Trinidad and Tobago Labour Certificate under subsection (1), shall ensure—

- (a) the Trinidad and Tobago ship or offshore installation has been inspected, for the matters in section 196;
- (b) the owner of the Trinidad and Tobago ship or offshore installation has demonstrated to the Authority that the Trinidad and Tobago ship or offshore installation has adequate procedures to comply with the requirements of this Act as it relates to Trinidad and Tobago Labour Certificate;
- (c) the master of the Trinidad and Tobago ship knows the requirements of this Act as it relates to a Trinidad and Tobago Labour Certificate; and

(d) relevant information has been submitted to the Authority to produce an Interim Trinidad and Tobago Labour Certificate.

Intermediate inspection for validity and additional inspections

198. (1) Where a Trinidad and Tobago Labour Certificate is issued under this Part, its validity is subject to intermediate inspections by the Authority.

(2) The owner, master or agent of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation subject to this Part, shall present the Trinidad and Tobago ship or make the offshore installation available for an intermediate inspection on such date as is set by the Authority.

(3) Where the owner, master or agent of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation contravenes this section, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner, master or agent of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(5) Intermediate inspections by the Authority under subsection (1) shall be for the purpose of issuing continuing compliance with this Part and any other written law relating to basic labour conditions.

(6) Where the period of validity of the Trinidad and Tobago Labour Certificate is five years, and it is intended that only one intermediate inspection and audit be carried out, the inspection or audit shall be conducted in the period between the third month before the second anniversary date of the Trinidad and Tobago Labour Certificate and up to three months after the third anniversary date of the Trinidad and Tobago Labour Certificate and the Trinidad and Tobago Labour Certificate shall be so endorsed.

(7) An intermediate inspection shall be conducted, in respect of scope and depth to the same extent as an inspection for renewal of a Trinidad and Tobago Labour Certificate.

(8) Where the results of an intermediate inspection are satisfactory, the Trinidad and Tobago Labour Certificate shall be endorsed by the Authority.

199. An Interim Trinidad and Tobago Labour Certificate ^{Invalidity of} or a Trinidad and Tobago Labour Certificate shall cease ^{Trinidad and Tobago} to be valid— ^{Labour Certificate}

- (a) where the relevant inspections and audits have not been completed within the periods specified in section 198(6);
- (b) where the Trinidad and Tobago Labour Certificate is not endorsed in accordance with section 198(8);
- (c) when a ship changes flag;
- (d) when the owner of a Trinidad and Tobago ship or offshore installation ceases to assume responsibility for the operation of the Trinidad and Tobago ship or offshore installation;
- (e) when substantial changes have been made to the structure or equipment or accommodation and recreational facilities; and
- (f) where a complaint has been made that the operations on a ship or offshore installation are not compliant with this Part or Regulations made under this Act, that has been substantiated by the Authority.

200. The Authority may cancel and withdraw a ^{Withdrawal of} Trinidad and Tobago Labour Certificate issued in ^{Trinidad and Tobago}

respect of a Trinidad and Tobago ship or offshore installation where—

- (a) there is evidence that the Trinidad and Tobago ship or offshore installation does not meet the requirements of this Part and any corrective action required by the Authority under this Part has not been taken; and
- (b) the intermediate inspection has not been conducted on the date set under section 198(2).

Requirement to carry
Trinidad and Tobago
Labour Certificate

201. (1) The master of a Trinidad and Tobago ship or Offshore Installation Manager shall ensure that there is on board a Trinidad and Tobago ship or offshore installation, in a conspicuous place available to seafarers, a current valid Trinidad and Tobago Labour Certificate.

(2) The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall ensure that a copy of a Trinidad and Tobago Labour Certificate is made available, upon request, to seafarers, inspectors of the Authority, officers in port States and representatives of the owners of the Trinidad and Tobago ship or offshore installation, where applicable.

(3) The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who fails to have a Trinidad and Tobago Labour Certificate on board, in accordance with subsection (1), commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

202. (1) Where the Trinidad and Tobago Labour Renewal of Trinidad and Tobago Labour Certificate Certificate in respect of a Trinidad and Tobago ship or offshore installation is due to expire, the owner or master of the Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall apply to the Authority for the Trinidad and Tobago Labour Certificate to be renewed.

(2) Prior to the issue of a renewed Trinidad and Tobago Labour Certificate, the Authority shall conduct a renewal inspection in respect of the matters at section 196(1) to determine continued compliance.

(3) Where the Authority is satisfied that the Trinidad and Tobago ship meets the requirements of section 196(1), it may issue a Trinidad and Tobago Labour Certificate in respect of the ship.

(4) Where an inspection under this section has been completed within three months before the expiry of the existing Trinidad and Tobago Labour Certificate, the new Trinidad and Tobago Labour Certificate shall be valid from the date of the completion of the inspection or audit for a period not exceeding five years from the date of expiry of the existing certificate.

(5) Where an inspection under this section is completed more than three months before the expiry date of the existing Trinidad and Tobago Labour Certificate, the new Trinidad and Tobago Labour Certificate shall be valid for a period not exceeding five years starting from the date of completion of the renewal inspection or audit.

203. The Authority shall, where a complaint is Inspections and audit generally received from a seafarer in respect of matters under this Part relative to a Trinidad and Tobago ship or offshore installation, through additional inspections, inspect the Trinidad and Tobago ship or offshore installation.

PART XII

OFFICIAL LOG BOOK AND ORDINARY SHIP LOG

Official Log Book

204. (1) The owner or master of a Trinidad and Tobago ship and the Offshore Installation Manager of an offshore installation, shall keep an Official Log Book issued by the Authority.

(2) Notwithstanding subsection (1), the Director General may exempt any category ship from the requirement to have an Official Log Book.

(3) The owner or master of Trinidad and Tobago ship and the Offshore Installation Manager of an offshore installation shall keep the Official Log Book separate and distinct from any other record book that is required to be kept on a Trinidad and Tobago ship or offshore installation.

(4) Where an entry is required to be made in an Official Log Book, the owner or master of Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall—

- (a) make the entry as soon as possible after the occurrence to which it relates;
- (b) where the entry is not made on the same day as the occurrence, make and date the log book to show the dates of the occurrence and the entry respecting it; and
- (c) if it is made in respect of an occurrence happening within twenty-four hours before the arrival of the ship at a port of discharge, make the entry within twenty-four hours after that arrival.

(5) Every entry in the Official Log Book shall be signed by—

- (a) the master of a Trinidad and Tobago ship;

- (b) the Offshore Installation Manager of an offshore installation; or
- (c) an officer or designated member of the crew,

and if it is an entry of illness, injury, or death, it shall also be signed by the medical practitioner on board, if any.

(6) Every entry made in an Official Log Book in the manner provided by this Act is admissible in evidence to prove the facts stated therein.

(7) Every log book issued by the Authority under subsection (1) is the property of the Authority.

205. (1) The master or the owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall, where no further entries can be made in the Official Log Book, deliver the completed Official Log Book to the Director General or a person designated by him for that purpose within six months of its completion. Official Log Book to be returned

(2) A owner or master of a Trinidad and Tobago ship or Offshore Installation Manager who fails, without reasonable cause, to comply with subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(4) The master or owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall retain a copy of the Official Log Book for a period of seven years after delivery under

subsection (1) and shall produce it on demand made thereof by the Registrar of Shipping or other proper officer.

(5) The master or owner of a Trinidad and Tobago ship or an offshore installation, Offshore Installation Manager who fails, without reasonable cause, to comply with this section, commits an offence.

Delivery of Official Log Book to Director in case of a transfer of ownership of a ship

206. (1) Where, by reason of the change of flag of a Trinidad and Tobago ship, the Official Log Book ceases to be required in respect of the Trinidad and Tobago ship, the master or owner of the Trinidad and Tobago ship shall, if the Trinidad and Tobago ship is then in a port of Trinidad and Tobago within one month, or if it is elsewhere shall, within six months after such cessation, deliver or transmit to the Director General or a person designated by him for that purpose, the Official Log Book.

(2) The owner or master of a Trinidad and Tobago ship who fails, without reasonable cause, to comply with this section, commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Offences in respect of Official Log Book

207. (1) If the Official Log Book is not kept in the manner required by this Act or, if any entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation commits a shipping violation, and except as otherwise expressly provided in this Act in respect thereof, and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(2) Where the administrative fine for a shipping violation under subsection (1) is not paid, the master or owner of a Trinidad and Tobago ship or an Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(3) A person who makes an entry in an Official Log Book in respect of any occurrence happening previous to the arrival of a Trinidad and Tobago ship at a port, within twenty-four hours after that arrival commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) A person who wilfully destroys, mutilates or renders illegible an entry in an Official Log Book, or wilfully makes a false or fraudulent entry in, or omission from, an Official Log Book commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(5) Where the administrative fine for a shipping violation under subsections (3) and (4) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

208. (1) The owner or master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation shall carry on board an ordinary log book wherein shall be recorded the daily activities of the ship of offshore installation and such other particulars as may be prescribed.

(2) Notwithstanding subsection (1), the Director General may exempt any category of Trinidad and Tobago ship from the requirement to have an ordinary log book.

(3) The master or owner of the Trinidad and Tobago ship or the Offshore Installation Manager under subsection (1) shall retain the ordinary log book for a period of seven years after delivery and shall produce it on demand made thereof by the Registrar of Shipping or other proper officer.

(4) A master or owner of a Trinidad and Tobago ship or an Offshore Installation Manager who fails, without reasonable cause, to comply with this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the master or owner of a Trinidad and Tobago ship or an Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Crew list

209. (1) The master of a Trinidad and Tobago ship of twenty-four metres or more, or the Offshore Installation Manager of an offshore installation shall make out and sign a list of the crew of the Trinidad and Tobago ship or offshore installation (hereinafter referred to as “a crew list”) in the form approved by the Authority.

(2) The crew list under subsection (1) shall—

- (a) in the case of a Trinidad and Tobago ship trading exclusively within the waters of Trinidad and Tobago or within the Caribbean Trading area, be delivered or transmitted by the master or owner of the Trinidad and Tobago ship to the Director General or a person designated by him for that person;
- (b) in relation to an offshore installation, be delivered or transmitted by the Offshore Installation Manager to the Director General; and

(c) in the case of Trinidad and Tobago ships other than those referred to in paragraph (a), be delivered or transmitted by the master or owner of the ship to the relevant maritime authority.

(3) The master or managing owner of a Trinidad and Tobago ship shall retain the crew list for a period of seven years after receipt and produce it on demand to the Director General, a person designated by him for that purpose or other proper officer—

(a) in relation to a Trinidad and Tobago ship, within forty-eight hours after the arrival of the Trinidad and Tobago ship at its final port of destination in Trinidad and Tobago; or

(b) upon the discharge of the crew,

whichever first happens.

(4) Where there is any change to the crew list of a Trinidad and Tobago ship, or offshore installation, the master of the Trinidad and Tobago ship or Offshore Installation Manager shall record the change in the crew list and deliver or transmit the new crew list, to the Director General or a person designated by him for that purpose—

(a) within forty-eight hours of the arrival of a Trinidad and Tobago ship at its final port of destination in Trinidad and Tobago; or

(b) upon the discharge of the crew,

whichever happens first.

(5) Where—

(a) a Trinidad and Tobago ship is lost or abandoned, the master or owner of the ship; or

(b) an offshore installation is abandoned, an Offshore Installation Manager of the offshore installation,

shall, if practicable and as soon as possible, deliver the crew list duly made out to the time of the loss or abandonment to the Director General or a person designated by him for that purpose.

(6) The master or owner of a Trinidad and Tobago ship or an Offshore Installation Manager of an offshore installation who fails to comply with subsections (3), (4) or (5) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(7) Where the administrative fine for a shipping violation under subsection (6) is not paid, the master or owner of a Trinidad and Tobago ship or an Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(8) For the avoidance of doubt, and for the purposes of this section, “crew” in this section includes the master and apprentice.

Returns of births
and deaths

210. (1) The master of a Trinidad and Tobago ship, upon its arrival at a port or at such other time and place as the Director General may with respect to any Trinidad and Tobago ship or class of Trinidad and Tobago ships direct, shall deliver, in the prescribed form, a return of the facts recorded by the master in respect of a birth or death on board the Trinidad and Tobago ship—

- (a) to the Director General, if the Trinidad and Tobago ship is in Trinidad and Tobago; and
- (b) to a proper officer, if the Trinidad and Tobago ship is elsewhere.

(2) Notwithstanding subsection (1), the Director General may direct the owner or master of a Trinidad and Tobago ship or class of Trinidad and Tobago ship to deliver the forms at such time and place as he sees fit.

(3) The Offshore Installation Manager of an offshore installation shall deliver to the Director General in the prescribed form, a return of the facts recorded by the manager in respect of a birth or death on an offshore installation.

(4) When the return is made elsewhere than Trinidad and Tobago, the proper officer shall send a certified copy of the return to the Director General.

(5) The Director General shall cause the information contained in the return or copy thereof to be sent to the agency or department having responsibility for the registration of births and deaths.

(6) The master of any ship or Offshore Installation Manager who fails to comply with any requirement of this section, commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(7) Where the administrative fine for a shipping violation under subsection (6) is not paid, the master of the ship or Offshore Installation Manager commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

211. (1) The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall cause a statement to be entered in the Official Log Book or ordinary log book of the Trinidad and Tobago ship or offshore installation, cause other records to be kept, of every occasion—

- (a) on which any type of drill required by regulations made under this Act is practiced on board the Trinidad and Tobago ship or offshore installation; or
- (b) on which the appliances and equipment required by the regulations made under this Act are examined to see whether they are fit and ready for use, and of the result

Record of boat drill
and fire drill to be
kept in Official Log
Book

of any such examination.

(2) Where a drill under subsection (1) is not carried out, the master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall cause a statement to be entered in the Official Log Book and ordinary log book and the reasons why the drill or launch was not practiced or the appliances and equipment were not examined, as the case may be.

(3) The master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who fails to comply with subsections (1) and (2) commits an offence.

PART XIII

INSPECTORS, SURVEYORS, AUDITORS AND EXAMINERS

Inspectors

Requirement to carry out inspections

212. The Authority shall, through its inspectors employed or appointed under this Part, carry out inspections—

- (a) on all ships within the waters of Trinidad and Tobago and at a port facility, jetty and port-ship interface at a port in Trinidad and Tobago; or
- (b) of all shipbuilding yards and shipbreaking sites.

Employment of ship inspectors

213. (1) The President shall appoint persons with the appropriate knowledge, qualifications and experience as ship inspectors to conduct inspections—

- (a) for the purposes of Port State Control, Coastal State Control and casualty investigation on any ship or offshore installation; and
- (b) in respect of offshore ship to ship transfers.

(2) A ship inspector shall be appointed for a term not exceeding seven years and shall be eligible for reappointment.

(3) The Salaries Review Commission under section 141 of the Constitution shall review the salaries and other conditions of service of a ship inspector.

(4) The salary, remuneration and other conditions of ship inspectors appointed under subsection (1) shall not be altered to their disadvantage after their appointment and during their tenure of office and such salary, remuneration and allowances of the ship inspectors shall be a charge on the Consolidated Fund.

(5) A ship inspector under subsection (1), shall inspect—

- (a) a port facility, jetty and port-ship interface at any port;
- (b) the nature and causes of any accident or damage to any ship, port facility, jetty, or offshore installation, in addition to any persons injured or killed in any incident or accident occurring or reported to have occurred within the waters of Trinidad and Tobago;
- (c) whether any requirements, restrictions or prohibitions imposed by or under this Act for the purpose of Port State Control, under the CMOU, have been complied with or contravened;
- (d) compliance monitoring of Trinidad and Tobago ships and offshore installations;
- (e) measures on any ship or offshore installation located or operating within the waters of Trinidad and Tobago relating to Coastal State Control for the prevention or mitigation against oil, air pollutants, chemicals, sewage, garbage, inclusive of ballast water or any other pollutant causing damage to the marine environment; and

- (f) security measures relating to ports and port facilities and ships and offshore installations within the waters of Trinidad and Tobago.

Appointment of
marine ship
inspectors and
Recognized Security
Organisation

214. (1) The President shall appoint persons with the appropriate knowledge, qualifications and experience as those of a ship inspector under section 213, as marine ship inspectors to conduct inspections—

- (a) for the purposes of Port State Control and Flag State Control under Part XXII and casualty investigation under Part XXVIII on any ship or offshore installation;
- (b) for the purposes of Part XX; and
- (c) on ship to ship transfers.

(2) The Authority may appoint Recognised Organizations to conduct inspections—

- (a) for the purposes of Flag State Control under Part XXII on any ship or offshore installation; and
- (b) on ship to ship transfers.

(3) A marine ship inspector under subsection (1) shall, in addition to having the qualifications and experience to be employed as ship inspector, shall be an Attorney-at-law with at least ten years' experience in maritime investigation.

(4) A marine ship inspector appointed under subsection (1) shall be appointed for a term not exceeding seven years and shall be eligible for re-appointment.

(5) The Salaries Review Commission, under section 141 of the Constitution, shall review the salaries and other conditions of service of a marine ship inspector appointed under subsection (1).

(6) The salary, remuneration and other conditions of marine ship inspectors appointed under subsection (1) shall not be altered to their disadvantage

after their appointment and during their tenure of office and such salary, remuneration and allowances of the marine ship inspectors shall be a charge on the Consolidated Fund.

(7) For the purpose of subsections (1) and (3) to (5), a marine ship inspector shall not include a Recognized Organization.

(8) The Authority may appoint a Recognized Security Organization to inspect port facilities, Trinidad and Tobago ships and offshore installations for the purposes of Part XX.

215. (1) When carrying out an inspection, a marine ship inspector shall be subject to any limitation set out in his letter of appointment. Powers of inspectors

(2) A marine ship inspector shall inspect—

- (a) a port facility, jetty and port to ship interface;
- (b) the nature and causes of any accident or damage to any ship, port facility, jetty, or offshore installation, in addition to any persons injured or killed in any incident or accident occurring or reported to have occurred within the waters of Trinidad and Tobago;
- (c) ship to ship transfers;
- (d) whether any requirements, restrictions or prohibitions imposed by or under this Act for the purpose of Port State Control, under the CMOU, have been complied with or contravened;
- (e) compliance monitoring of Trinidad and Tobago ship;
- (f) measures on any ship or offshore installation located or operating within the waters of Trinidad and Tobago relating to Coastal

State Control for the prevention or mitigation against oil, air pollutants, chemicals, sewage, garbage, inclusive of ballast water or any other pollutant causing damage to the marine environment; and

- (g) security measures relating to ships and offshore installations within the waters of Trinidad and Tobago.

(3) When an inspector is requested by the Authority to perform an inspection or investigation in relation to a Trinidad and Tobago ship or offshore installation he may—

- (a) board any Trinidad and Tobago ship or an offshore installation within the waters of Trinidad and Tobago;
- (b) require any person to answer reasonable questions, provide reasonable assistance or put into operation or cease operating any machinery or equipment being inspected;
- (c) require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to prohibit or limit access by the crew or passengers to any part of the ship or offshore installation for as long as necessary in order to effectively complete an inspection or investigation;
- (d) require the master of a ship or the Offshore Installation Manager of an offshore installation not to move the Trinidad and Tobago ship or operate the offshore installation until the inspection is completed;
- (e) require the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation to muster the crew or to carry out any

emergency, anti-pollution or safety drills procedures required by the scope of the inspection;

- (f) require any person who is at the place where the inspection is being carried out to produce for inspection, or for the purpose of making copies or taking extracts, any document that they are required to have that is relevant to the inspection being performed;
- (g) take photographs and make video recordings and sketches as is necessary and reasonable;
- (h) take or remove for analysis or as samples any material or substance or, chemical or item;
- (i) review the data contained on a voyage data recording system at the place where the inspection is being carried out;
- (j) reproduce or cause to be reproduced any record from the data in the form of a print-out or voyage data recorder;
- (k) take any document or record book from the place where the inspection is being carried out for examination or, in the case of a document or record, copying;
- (l) inspect any port facility, jetty and port-ship interface at any port; and
- (m) any other power given under this Act or any other written law.

(4) A marine ship inspector conducting a casualty investigation under Part XXVIII shall be an officer of the Court who can issue summons to require persons to appear before him, as he thinks fit and may—

- (a) go on board a ship or offshore installation in the waters of Trinidad and Tobago or a Trinidad and Tobago ship, wherever

located, at any time to inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof to which this Act applies, not unnecessarily detaining or delaying it from proceeding on any voyage;

- (b) enter and inspect any premises, the entry on inspection of which, appears to him to be requisite for the purpose of the report which he is directed to make;
- (c) by summons, under his hand, require the attendance of all such persons, as he thinks fit to make;
- (d) require and enforce the production of all books, papers or documents which he considers important for such purpose; and
- (e) administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

Requirement for
inspector to record
deficiencies

216. (1) An inspector may, during the inspection of a ship or offshore installation, record any deficiencies.

(2) Where on completion of an inspection, an inspector records deficiencies under subsection (1), he shall provide the master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation with a list of deficiencies revealed by the inspection.

Requirement to
provide reports,
documentation and
certificates

217. (1) An inspector shall provide the reports, documentation and certificates, as required or instructed by the Authority, in the approved form or as specified or directed by the Director General to the master of the Trinidad and Tobago ship, Offshore Installation Manager of the offshore installation or the Authority, as applicable.

(2) All originals or copies of final reports, documents and certificates completed by an inspector shall be deposited at the Authority and in accordance with the regulations, when necessary, approved for release to any third party.

218. (1) Where an inspector determines that a foreign ship— Detention of foreign ship by inspector

(a) is unsafe; or

(b) is not compliant with any provisions of this Act,

he shall detain that ship in accordance with section 482.

(2) Where the certificate of a foreign ship relative to its registration has expired or ceases to be valid, the foreign ship shall not be granted clearance and shall be detained in accordance with section 482.

(3) Where a foreign ship referred to in subsection (2) is unduly detained or delayed, the owner or master of the foreign ship shall be entitled to compensation for any loss or damages suffered as a direct result of such undue detention or delay.

Surveyors

219. The Authority, through its surveyors, shall carry out surveys on Trinidad and Tobago ships and offshore installations for the purposes of this Act, and foreign ships at the request of the maritime administration under which the foreign ships are registered. Requirement to carry out surveys

220. The Authority may, employ persons with appropriate knowledge, expertise, qualifications and experience to be ship surveyors to conduct surveys on ships and offshore installations. Employment of ship surveyors

221. (1) The Director General may appoint Recognized Organizations and persons with appropriate knowledge, qualifications and experience to be marine ship surveyors to conduct surveys on ships and offshore installations. Appointment of marine ship surveyors

(2) An appointment under subsection (1) shall be done in accordance with the regulations made under this Act.

(3) The Authority shall not appoint any person to be a marine ship surveyor under subsection (1), where the person does not meet the requirements of this Act or regulations made hereunder.

Powers of surveyor

222. (1) Surveyors shall only perform surveys for certification of Trinidad and Tobago ships and offshore installations for the type or scope of survey for which he has been authorized to perform.

(2) When carrying out a survey of a Trinidad and Tobago ship or offshore installation, the surveyor shall be subject to any limitations set by the Authority.

(3) A surveyor shall have the following powers for the purpose of issuance of certificates for or on behalf of the Authority:

- (a) to board a Trinidad and Tobago ship or offshore installation;
- (b) to survey a Trinidad and Tobago ship hull afloat and on dry-dock;
- (c) to survey the operational or dismantled machinery on Trinidad and Tobago ships and offshore installations as required;
- (d) to survey the lifesaving and firefighting appliances on Trinidad and Tobago ships or offshore installations;
- (e) to survey the navigation and dynamic positioning systems;
- (f) to survey the anti-pollution measures for the protection of the marine environment provided on board ships or offshore installations;
- (g) to survey the areas and equipment provided for berthing, mooring, anchor handling, cargo and cargo handling

provided aboard ships or offshore installations;

- (*h*) to survey all the areas relative to the welfare of crew and passengers on a Trinidad and Tobago ship or offshore installation;
- (*i*) to survey the areas used for the storage and handling of dangerous or hazardous cargoes, in solid or liquid form, on Trinidad and Tobago ships and offshore installations;
- (*j*) to survey the areas and equipment used for emergency evacuation or search and rescue on Trinidad and Tobago ships or offshore installations;
- (*k*) to survey the submersible or semi-submersible craft, manned or unmanned; and
- (*l*) to survey any equipment used as a mode of transport for any good, cargo or commodities.

(4) Where a surveyor determines that regulations made under this Act have not been complied with, he shall give written notice to the owner or master of the Trinidad and Tobago ship or the Offshore Installation Manager of the offshore installation stating in what respect there is deficiency, what action, in his opinion, is required to rectify such deficiency and the time frame in which the deficiency should be rectified.

(5) Where, under this section, a surveyor visits any Trinidad and Tobago ship or offshore installation, he may interrogate—

- (*a*) the owner or his agent, the master or chief engineer, or any other person on board the Trinidad and Tobago ship or in charge, or appearing to be in charge of the Trinidad and Tobago ship; or

- (b) the manager or any other person on board the offshore installation, or in charge or appearing to be in charge of the offshore installation,

on any matter concerning the Trinidad and Tobago ship or offshore installation, as he thinks fit and every such person shall fully and truthfully answer every such question.

(6) A surveyor may reasonably require—

- (a) the owner or his agent, the master or chief engineer, or any other person on board or in charge, or appearing to be in charge of the Trinidad and Tobago ship; or
- (b) the Offshore Installation Manager of an offshore installation or person, or appearing to be in charge of the offshore installation,

to activate or provide access to any machinery or equipment of or any appliance on the Trinidad and Tobago ship or offshore installation so that he may satisfy himself as to its condition and every person of whom such a request was made is capable of so doing, shall comply with such requirements.

(7) Where a survey is carried out on a foreign ship, at the request of the maritime administration responsible for the foreign ship, the Authority shall report on the results of the survey to the maritime administration responsible for the foreign ship and act on instructions from the maritime administration received by the Authority thereafter, in respect of the survey.

(8) Where the owner of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation fails to rectify any deficiencies as required by subsection (4), in the time frame required by that subsection, the surveyor may withdraw the relevant Certificates of the Trinidad and Tobago ship or require the offshore installation to cease operations.

(9) An owner of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who contravenes subsection (5) or (6) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(10) Where the administrative fine for a shipping violation under subsection (9) is not paid, the owner of a Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

223. (1) Where a surveyor considers a Trinidad and Tobago ship, subject to survey is— Detention by surveyor

(a) unsafe; or

(b) not compliant with any provisions of this Act,

he shall withdraw the relevant Certificates of the Trinidad and Tobago ship.

(2) Where a surveyor considers an offshore installation, subject to survey under subsection (1)—

(a) unsafe;

(b) the machinery or the equipment is defective in any way so as to expose persons on board to serious danger; or

(c) not compliant with any provisions of this Act,

he shall cause the operations of the offshore installation to cease in accordance with Part XXIX.

(3) Where the Authority receives instructions in respect of a foreign ship under section 222(7), the Authority shall, as far as possible, carry out the instructions on behalf of the maritime administration responsible for the foreign ship relative to detention of or clearance for the foreign ship.

Surveyor's report for
Director General

224. A surveyor shall, on completion of a survey, forward a report to the Director General and the report shall contain the matters set out in regulations made under this Act.

Requirement to
record deficiencies
relating

225. (1) A surveyor shall, during the survey of a Trinidad and Tobago ship or offshore installation, record any deficiencies.

(2) On completion of a survey, a surveyor shall provide the master of a Trinidad and Tobago ship or an Offshore Installation Manager of an offshore installation with a list of deficiencies revealed by the survey.

(3) Where a surveyor is satisfied that, notwithstanding the fact that the deficiencies identified under subsection (2) cannot be rectified immediately—

- (a) the Trinidad and Tobago ship; or
- (b) offshore installation,

is able to continue in service for a short period without danger to life or the environment, the surveyor may allow the Trinidad and Tobago ship or offshore installation, as applicable, to continue into service and the time period for rectification shall be indicated and the master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation shall be notified of any applicable conditions and requirements for rectification.

Requirement for
surveyor to provide
reports,
documentation and
certificates

226. (1) A surveyor shall provide the reports, documentation and certificates, as required or instructed by the Authority, in the approved form or as specified or directed by the Director General to the master of the Trinidad and Tobago ship, Offshore Installation Manager of the offshore installation or the Authority as applicable.

(2) All originals or copies of final reports and documents completed by a surveyor shall be deposited

at the Authority in accordance with regulations made under this Act and the Director General may, when necessary, approve the report and documents for release to any third party.

Auditors

227. The Authority shall employ persons with the appropriate knowledge, qualifications and experience as ship auditors. Employment of ship auditor

228. (1) The Director General may appoint persons or organizations with the appropriate knowledge, qualifications and experience as marine ship auditors, on behalf of the Authority, for the purposes of this Act and Regulations made hereunder. Appointment of marine ship auditor

(2) An appointment under subsection (1) shall be done in accordance with the regulations made under this Act.

229. (1) An auditor shall perform audits for the verification of quality systems and procedural documents or systems required by ships, ship management companies, placement and crewing companies, training institutions, technical service suppliers, port facilities, offshore installations or any maritime related company, to be certified or verified by the Authority. Powers of auditors

(2) The Director General shall indicate the type or scope of audit that an auditor is authorized to perform.

(3) When carrying out any audit scope, the auditor shall be subject to any limitations set out by the Authority.

230. (1) An auditor shall provide the reports and documents, as required or instructed by the Authority, in the approved form or as specified or directed by the Director General. Requirement for auditor to provide reports, documentation and certificates

(2) All originals or copies of final reports and documents completed by an auditor shall be deposited at the Authority and in accordance with the with regulations made under this Act and the Director General may, when necessary, approve the report and documents for release to any third party.

Examiners

Examiners and
Examination centres

231. (1) The Authority shall, through its examiners employed or assigned under this Part, conduct examinations on behalf of the Authority.

(2) The Authority shall—

(a) employ persons; or

(b) assign persons in the employ of the Authority,

with the appropriate knowledge, qualifications and experience as examiners.

(3) An examiner for a Certificate of Competency or a Certificate of Proficiency shall ensure that—

(a) examinations are administered at centres approved by the Authority; and

(b) the administration of all applicable exams are conducted in accordance with regulations made under this Act.

PART XIV

CERTIFICATES, INSPECTIONS, SURVEYS, AUDITS AND EXAMINATIONS

Record to be kept of
inspections, audits
and surveys

232. The Director General shall keep a record of all inspection and survey reports of surveyors, inspectors, auditors and Recognized Organizations in respect of Trinidad and Tobago ships and offshore installations.

Cessation of validity
of Certificates

233. A Certificate issued to a Trinidad and Tobago ship or offshore installation under this Act shall cease to be valid where—

(a) the required survey or audit for the

Trinidad and Tobago ship or offshore installation is not performed within the time frame prescribed in regulations made under this Act;

- (b) upon the conduct of a survey of a Trinidad and Tobago ship or offshore installation, the surveyor is of the opinion that the Trinidad and Tobago ship or offshore installation is not in conformity with its Certificate;
- (c) the Trinidad and Tobago ship or offshore installation is removed from the register book for ships or register book for offshore installations; or
- (d) it expires.

Inspections

234. (1) An inspection may be performed on a ship or offshore installation when information has been received or reported by any person in respect of—

Circumstances under which inspections may be conducted

- (a) any anomaly with respect to certification issued to the ship or offshore installation;
- (b) the occurrence of any incident or accident on board any ship or offshore installation within the waters of Trinidad and Tobago;
- (c) the occurrence of any incident or accident on board a Trinidad and Tobago ship wherever located;
- (d) any collision between a ship and offshore installation within the waters of Trinidad and Tobago;
- (e) any injury to crew or passengers on board a ship or offshore installation;
- (f) any unsafe condition or practice exists aboard a ship or offshore installation;
- (g) any condition existing aboard a ship or

offshore installation that would affect the stability, structural or watertight integrity of the ship or offshore installation;

- (h) any condition which would adversely affect the health and welfare of crew or passengers; or
- (i) any condition on board a ship or offshore installation which would negatively affect the safe passage of ships within the waters of Trinidad and Tobago.

Inspection of ships
and offshore
installation

235. (1) An inspector or other marine officer may board—

- (a) any ship, when the ship is within the waters of Trinidad and Tobago;
- (b) a Trinidad and Tobago ship; or
- (c) an offshore installation,

and may demand the production of any certificate for the time being in force in respect of that ship or offshore installation.

(2) Where a valid Certificate issued by another State is produced to the inspector in respect of a foreign ship, as required by subsection (1), the powers of the inspector or marine officer to inspect the ship or offshore installation shall not be limited to that Certificate.

(3) Where a valid Certificate issued by another State is not produced to the inspector, as required under subsection (1), the inspector or marine officer may detain the foreign ship under Part XXIX.

(4) Where a ship has been dealt with under this section, the ship may be inspected by an inspector or other marine officer to investigate any defects or deficiencies believed to exist.

(5) An inspector or any other marine officer acting under this section shall, as soon as practicable,

after action is completed in connection therewith, forward a full report thereof to the Director General with copies of any reports made upon inspection.

(6) Where a person wishes to make a complaint as to the safety of—

- (a) a ship within the waters of Trinidad and Tobago;
- (b) a Trinidad and Tobago ship; or
- (c) an offshore installation,

the complainant shall submit the complaint, in writing, to the Authority.

(7) Where the Authority receives a complaint under subsection (6), in respect of a Trinidad and Tobago ship or offshore installation, it shall cause an inspector to conduct an inspection of the ship or offshore installation stating the name and address of the complainant, the nature of the complaint and a copy of the complaint shall be given to the owner or master of the ship or Offshore Installation Manager if action is taken under this section.

236. An Inspector shall, during the course of an Unsafe Practice inspection, determine whether all unsafe practices on board a Trinidad and Tobago ship or offshore installation identified by him or another inspector have been rectified.

237. (1) A Trinidad and Tobago ship or offshore Maintenance of conditions after inspection installation and its equipment shall be maintained in such condition so as to conform with this Act and regulations made hereunder to ensure that the Trinidad and Tobago ship or offshore installation, in all respects, remains fit for service to proceed to sea without damage to the Trinidad and Tobago ship, offshore installation or persons on board.

(2) Where an inspection of a Trinidad and

Tobago ship or offshore installation has been completed, no changes shall be made in the structural arrangements, machinery or other items covered by the survey without the approval of the Authority.

(3) Where after an inspection is conducted, an accident on board a Trinidad and Tobago ship or offshore installation occurs, which results in a deficiency in respect of the certification of the Trinidad and Tobago ship or offshore installation, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation shall report the deficiency to the Authority at the earliest opportunity after the accident occurred.

(4) Where the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation fails to report the deficiency as required by subsection (3), the owner or master or Offshore Installation Manager commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(5) Where an accident occurs on a Trinidad and Tobago ship or offshore installation or a deficiency is discovered, which affects the safety of Trinidad and Tobago ship or offshore installation or deficiency or completeness of its life saving appliances or other equipment, the master or owner of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall report the accident or deficiency to the Authority at the earliest opportunity and the Authority shall determine if any inspection is necessary.

(6) The Authority may entrust the inspection of an offshore installation to a Recognized Organization.

Surveys

238. A surveyor may conduct the following types of ^{Types of survey} surveys:

- (a) initial survey;
- (b) annual survey;
- (c) additional or unscheduled survey;
- (d) periodic survey; and
- (e) renewal survey.

239. (1) A surveyor shall conduct an initial survey of ^{Initial survey} a Trinidad and Tobago ship or offshore installation for the purpose of certification under this Act or in accordance with regulations made hereunder.

(2) Where a surveyor conducts a survey on a Trinidad and Tobago ship, before the Trinidad and Tobago ship is put into service, he shall ensure that the survey includes a complete survey of the hull, machinery and equipment.

(3) Where a surveyor conducts a survey on an offshore installation, before the offshore installation is put into service, he shall ensure that the survey includes a complete survey of the machinery and equipment, auxiliary machinery electrical installations, radio installations, radio installations in motor-life boats, portable radio apparatus for survival craft, life-saving appliances, fire-detection, fire-extinction and fire-protection appliances, pilot ladders and that other equipment fully comply with the requirements of the Safety Convention and with any regulations made under Part XXXII.

(4) A surveyor, in carrying out an initial survey, shall determine whether the workmanship of all parts in respect of—

- (a) a Trinidad and Tobago ship, of the hull and machinery and equipment is satisfactory, and that the ship is provided with the lights

and sound signals and distress signals as are required by the Safety Convention and the Collision Regulations; and

- (b) an offshore installation, of the structure, machinery and equipment is satisfactory and the offshore installation complies with regulations made under this Act.

(5) Where a surveyor conducting an initial survey is satisfied that the Trinidad and Tobago ship or offshore installation meets the requirements for the issue of a Certificate under this Act, he shall issue the relevant Certificate for the Trinidad and Tobago ship or offshore installation.

(6) A Certificate issued under this section shall be valid for not more than five years from the date of issue.

Annual survey

240. (1) A surveyor shall conduct an annual survey—

- (a) during the period of six months extending from three months before and three months after the anniversary date in each year until the renewal date of the certificate; and
- (b) sufficient to establish that the Trinidad and Tobago ship or offshore installation continues to meet the requirements of this Act or regulations made hereunder.

(2) Upon completion of an annual survey, the surveyor conducting the survey shall endorse the relevant Certificate of the Trinidad and Tobago ship or offshore installation.

(3) Where an annual survey is not conducted within the time frame required for the conduct of an annual survey, the Certificate relative to the annual survey shall be invalid.

241. (1) A surveyor shall, not more than five years Renewal surveys after the initial survey of a Trinidad and Tobago ship or offshore installation is conducted, conduct a survey to renew a certificate issued under this Act.

(2) A surveyor, in carrying out a renewal survey, shall determine whether the hull, boiler and other pressure vessels, the main and auxiliary machinery, electrical installations, radio installations, radio installations in motor-life boats, portable radio apparatus for survival craft, life-saving appliances, fire-detecting, fire-extinction and fire-protection appliances, pilot ladders and other equipment are in a satisfactory condition and fit for service for which they are intended and that they comply with the requirements of the Safety Convention and any regulations made under Part XXXII.

(3) A surveyor, in carrying out a renewal survey in respect of an offshore installation, in addition to the requirements under subsection (2), shall conduct the renewal survey in accordance with regulations made under this Act.

(4) The lights and sound signals and distress signals carried by a Trinidad and Tobago ship or offshore installation shall also be subject to renewal surveys.

242. (1) A surveyor shall conduct a survey, as the Additional or unscheduled surveys circumstances require, every time an accident occurs or a defect is discovered which affects the safety of the Trinidad and Tobago ship or offshore installation, the efficiency or completeness of its life-saving appliances or other equipment or whenever important repairs or replacements are made to ensure that the Trinidad and Tobago ship or offshore installation maintains its compliance with the regulations made under this Act for the continuance of its certification.

(2) A surveyor, in conducting a survey under subsection (1), shall determine whether the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or replacements are in all respects satisfactory and that the Trinidad and Tobago ship or the offshore installation complies with regulations made under this Act.

Periodic surveys

243. (1) A surveyor shall, where required by regulations made hereunder, conduct a periodic survey during the period extending from three months before or after the second annual survey is done and three months before or after the third annual survey is due for the purpose of determining continued compliance with this Act and regulations made hereunder.

(2) For the purposes of subsection (1), where a periodic survey is conducted, that survey may take the place of an annual survey.

(3) Upon completion of a periodic survey, the surveyor conducting the survey shall endorse the relevant Certificate of the Trinidad and Tobago ship or offshore installation.

Duration and
validity of
Certificates after
renewal survey

244. (1) Where a renewal survey is completed within three months before the expiration date of an existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of the expiration of the existing Certificate.

(2) Where a renewal survey under subsection (1) is completed after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiration of the existing Certificate.

(3) When a renewal survey is completed more than three months before or after the expiration date of

the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

(4) Where a renewal survey has been completed and a new Certificate cannot be issued or placed on board the Trinidad and Tobago ship or offshore installation before the expiration date of the existing certificate, the Authority may endorse the existing Certificate and the Certificate shall be accepted as valid for a further period which shall not exceed one month from the expiration date.

(5) Where a renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

(6) For the purposes of this section, “Certificate” means a Certificate issued under Part XVIII, XIX, XX or XXII.

245. Where an annual or renewal survey is completed before the period specified in regulations made under this Act—

- (a) the anniversary date shown on the relevant certificate shall be amended, by endorsement, to a date which shall not be more than three months later than the date on which the survey was completed;
- (b) the subsequent annual or renewal survey shall be completed at the intervals prescribed under this Part using the new anniversary date; and
- (c) the expiry date may remain unchanged provided one or more annual or renewal surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed are not exceeded.

Procedures generally
on completion of
survey

246. (1) Where a surveyor determines that the condition of the Trinidad and Tobago ship or the equipment does not correspond substantially with the particulars of the certificate or is such that the Trinidad and Tobago ship is not fit to proceed to sea without danger to the Trinidad and Tobago ship or persons on board, the surveyor shall immediately ensure that corrective action is taken.

(2) Where a surveyor under subsection (1) requires corrective action be taken, the surveyor shall notify the Authority.

Surveys for Safety
Radio Certificate

247. (1) In addition to the surveys that may be conducted under this Part, a surveyor may survey a ship over three hundred gross tonnage for the purpose of issuing of a Safety Radio Certificate under Part XIX.

(2) For the purpose of this section, “gross tonnage” means a capacity-derived index that is used to rank a ship for the purposes of determining manning, safety and other requirements of the law using the equation, as set out in the regulations made under this Act for that purpose.

Penalty for forgery of
survey report

248. A person who knowingly and wilfully makes or assists in making a false or fraudulent survey report or fraudulently endorses a Certificate under this Part commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and to imprisonment for five years and-

- (a) the relevant Certificate of the Trinidad and Tobago ship may be withdrawn; and
- (b) the offshore installation may be required to cease operations in accordance with Part XXIX.

Survey and
certification

249. The survey of a Trinidad and Tobago ship or offshore installation, for the purpose of certification of the Trinidad and Tobago ship or offshore installation, may be based on information, specification, drawing and calculations made available to and verifiable by the Authority.

250. Where a Certificate is not endorsed to show the completion of the required annual survey or a periodic survey, the Certificate is invalid and the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation shall present the Trinidad and Tobago ship or make the offshore installation available for a renewal survey and the issue of a new Certificate.

251. Where the owner or master of a Trinidad and Tobago ship or the Offshore Installation Manager of an offshore installation—

- (a) fails to provide any certificate or document or manual when requested by a surveyor; or
- (b) prevents a surveyor from accessing any or all parts of a Trinidad and Tobago ship or offshore installation,

the Trinidad and Tobago ship may be detained or the offshore installation may be required to cease operations in accordance with Part XXIX.

252. Where any person assaults a surveyor while the surveyor is conducting his duties under this Act, he commits an offence and is liable on the summary conviction to a fine of fifty thousand dollars.

Inspection of Trinidad and Tobago Ships Certified Under the Code of Safety for Small Commercial Vessels

253. The Authority shall conduct inspections of Trinidad and Tobago ships certified under the Code of Safety for Small Commercial Vessels under Part XXIII.

Surveys of Trinidad and Tobago Ships Certified Under the Code of Safety for Small Commercial Vessels

254. (1) The initial survey for Trinidad and Tobago ships certified under the Code of Safety for Small Commercial Vessels shall, in addition to the requirements of section 239(4), include the competence and composition of seafarers.

(2) A ship surveyor may conduct surveys of Trinidad and Tobago ships certified under the Code of Safety for Small Commercial Vessels and the Authority may entrust the survey of Trinidad and Tobago ships certified under the Code of Safety for Small Commercial Vessels to a marine ship surveyor, who may make recommendations for corrective action.

(3) The initial, periodic and annual survey for a Trinidad and Tobago ship certified under the Code of Safety for Small Commercial Vessels shall be conducted in accordance with sections 239 to 243 inclusive.

*Inspection and Surveys of Trinidad and Tobago Ships
Certified Under the Code of Safety for Caribbean
Cargo Ships*

Inspections and surveys of Trinidad and Tobago ships certified under the Code of Safety for Caribbean Cargo Ships

255. (1) The Authority shall conduct inspections and surveys of Trinidad and Tobago ships certified under the Code of Safety for Caribbean Cargo Ships under Part XXIII.

(2) The initial, periodic and annual survey for Trinidad and Tobago ships certified under the Code of Safety for Caribbean Cargo Ships shall be conducted in accordance with sections 239 to 243 inclusive.

(3) A ship surveyor may conduct surveys of Trinidad and Tobago ships certified under the Code of Safety for Caribbean Cargo Ships and the Authority may entrust the survey of a Trinidad and Tobago Code of Safety for Caribbean Cargo Ships to a marine ship surveyor, who may make recommendations for corrective action.

(4) A ship surveyor may conduct a survey of Trinidad and Tobago ships certified under the Code of Safety for Caribbean Cargo Ships.

Audit

Audit of Trinidad and Tobago ships and offshore installations and training institutions

256. (1) The Authority shall, in respect of Trinidad and Tobago ships and offshore installations and maritime training institutions, conduct—

- (a) initial audits;
- (b) intermediate audits; and
- (c) renewal audits,

in accordance with regulations made under this Act.

(2) Where the Authority conducts an audit under subsection (1) and is satisfied that the system to be audited has been fully implemented and verified that records are in conformity with the system to be audited, it shall issue a—

- (a) Safety Management Certificate issued under Part XIX;
- (b) Document of Compliance Certificate;
- (c) Trinidad and Tobago Maritime Labour Certificate issued under Part XI; or
- (d) Certificate of Recognition or authorization under Part X,

which shall be valid for not more than five years.

PART XV

QUALITY SYSTEMS

257. (1) The Authority shall develop a Quality Management System for the training and assessment of competence, certification, including medical certification, endorsements and validation activities for ratings, officers and engineers.

(2) The Authority shall also ensure that the Quality Management System is internally and externally audited on a periodic basis.

(3) The Authority shall ensure that all training, assessments of competence, certifications, including medical certification, endorsements and revalidation activities performed by non-governmental agencies or maritime training institutions are continuously monitored through an implemented Quality Management System.

Monitoring of marine surveyors **258.** The Authority shall ensure that marine surveyors are audited on a periodic basis.

Technical Support Services **259.** (1) The Authority shall ensure that the technical services suppliers of goods and services relating to the safety of ships and offshore installations are monitored through audits.

(2) The Authority shall ensure that audits under subsection (1) are conducted on a periodic basis.

Quality Management System for maritime training institutions **260.** (1) The Authority shall ensure that a maritime training institution is periodically monitored through a verification audit, under, Part X, of the organizational structure of maritime training institution, its personnel, procedures and physical resources for—

- (a) the issuance of Training Completion Certificates under Part X; and
- (b) its retention of its Certificate of Recognition under section 132.

(2) The Authority shall ensure that quality management standards under subsection (1) include the following objectives:

- (a) national and international training objectives;
- (b) instructors and assessors shall be duly qualified and with the requisite experience for the training courses or programmes they deliver;
- (c) maritime training institutions shall have procedures and equipment for the consistent delivery of training courses, in accordance with the required standards for obtaining Certificates of Competence and Proficiency;
- (d) standards are maintained for the required physical environment and conditions used

by the maritime training institution for the delivery of courses;

- (e) internal audits are performed on a periodic basis;
 - (f) the development of new courses and review of existing courses;
 - (g) the examination system, including procedures for appeals and re-sits;
 - (h) staff recruitment, training, development, appraisal and promotion;
 - (i) feedback from students and from industry;
- and

staff involvement in research and development.

261. (1) The Authority shall ensure that Recognized Organizations are monitored through the audit of personnel, systems for the survey of ships and offshore installations and reporting of the survey of ships and offshore installations, auditing of ships and offshore installations, record keeping, competency of personnel, system of issuing certificates and its document retention policy.

(2) The Authority shall ensure that audits under subsection (1) are conducted on a periodic basis.

PART XVI

SAFETY PRECAUTIONS AND NAVIGATIONAL SAFETY

262. For the purposes of this Part—

“Collision Convention” means “The International Regulations for Preventing Collisions at Sea Convention, 1972”; and

“Collision Regulations” means Regulations made under section 515.

263. (1) The owner or master of a Trinidad and Tobago ship shall ensure that the Trinidad and Tobago

Monitoring of
Recognized
Organizations

Interpretation of
certain phrases in
Part XVI

Requirement to have
lights, shapes and
means of making
sounds

ship is equipped with the necessary lights, shapes and means of making sounds signals as required by the Collision Regulations.

(2) Where the owner or master of a Trinidad and Tobago ship contravenes subsection (1), the Authority shall require the owner or master to rectify the contravention within a specified time.

(3) Where the owner or master of a Trinidad and Tobago ship under subsection (1) fails to rectify the contravention under subsection (2) within the specified time, the Authority shall withdraw the relevant Certificates of the Trinidad and Tobago ship.

Survey and
inspection of ships to
enforce compliance
with Collision
Regulations

264. (1) A surveyor of ships may, in accordance with the Collision Regulations, survey a Trinidad and Tobago ship to determine whether the Trinidad and Tobago ship is properly provided with lights and shapes and the means of making sound signals as required by the Collision Regulations.

(2) An inspector may, in accordance with the Collision Regulations, inspect a foreign ship in a port in Trinidad and Tobago to determine whether the ship is properly provided with lights and shapes and the means of making sound signals required by the Collision Regulations.

(3) Where—

- (a) a surveyor finds that a Trinidad and Tobago ship under subsection (1) does not meet the requirements of that subsection, he shall specify the action required to rectify the deficiency and withdraw the relevant Certificates of the Trinidad and Tobago ship, until the deficiency is rectified to his satisfaction; and
- (b) an inspector finds that a foreign ship does not meet the requirements of subsection (2), he shall specify the action

required to rectify the deficiency and detain the foreign ship in accordance with Part XXIX, until the deficiency is rectified to his satisfaction.

265. (1) Where the Director General, on receipt of a report from a surveyor in respect of a Trinidad and Tobago ship, is satisfied that the Trinidad and Tobago ship is eligible for an exemption under this Act from any or all of the requirements of the Collision Regulations, he shall, on the application of the owner or master of the Trinidad and Tobago ship, issue a Collision Regulations Exemption Certificate in respect of any or all of the requirements of the Collision Regulations.

(2) The Director General may delegate his power to grant a Collision Regulations Exemption Certificate to the Chief Surveyor or a surveyor.

(3) A Collision Regulations Exemption Certificate shall state from which of the provisions of the Collision Regulations the Trinidad and Tobago ship is exempted.

266. (1) The Director General shall take appropriate steps to advise the seafaring community and the public of any developing or existing situation which may adversely affect maritime safety.

(2) Information under subsection (1) shall take the form of Maritime Safety Information Bulletin which may be issued and communicated by any means, as the circumstances may warrant, in accordance with regulations made under this Act.

267. Where an accident, collision or allisions involving a ship in the waters of Trinidad and Tobago or with a Trinidad and Tobago ship, wherever it is located, occurs, the inquiries thereof shall be dealt with under section 475.

PART XVII
AIDS TO NAVIGATION

Interpretation of
certain words and
phrases in
Part XVI

268. (1) In this Part, “aid to navigation” and “aid” means a lighthouse, buoy, beacon, radio aid or any other light, signal or mark established to aid marine navigation and includes all buildings or moorings and other works associated therewith.

(2) Notwithstanding subsection (1), “a buoy” shall not include a “mooring buoy”.

Establishment and
management of aids
to navigation

269. (1) The Authority shall establish such aids to navigation, as are necessary, to facilitate the safe navigation of ships within the waters of Trinidad and Tobago.

(2) Privately owned aids to navigation shall be approved by the Authority and established and maintained in accordance with the provisions of this Act.

(3) Aids to navigation established under this Act shall conform to the specifications stipulated by the Authority.

(4) An aid to navigation shall not be discontinued or have its lighting characteristics or other distinguishing features altered without the prior written approval of the Authority.

(5) The Authority shall, by shipping notice, cause a list of aids to navigation to be published and updated as necessary.

Functions of the
Director General in
respect of the aids to
navigation

270. The Director General shall exercise general supervision over all aids to navigation and, in particular, shall—

(a) be responsible for the establishment and maintenance of all aids to navigation established by the Authority and such

other government-owned aids to navigation as may be under the control of the Authority;

- (b) ensure that all other aids to navigation are established in compliance with the stipulated conditions and specifications and are maintained in proper working order; and
- (c) bring to the attention of the public, information on changes to, or deficiencies in, any aid to navigation.

271. A person who—

Offences against aids
to navigation

- (a) wilfully or negligently damages, destroys or allows a ship to foul an aid;
- (b) wilfully or negligently does anything which causes the view of an aid to be obstructed in such a manner as to lessen its efficiency;
- (c) wilfully or negligently or without lawful authority does anything which interferes with an aid so as to hinder the effective use of the aid;
- (d) trespasses on, or without lawful excuse, is found in—
 - (i) an aid; or
 - (ii) on any land upon which an aid is situated; and
- (e) damages or fouls an aid to navigation and fails to notify the Director General as soon as practicable after the aid is damaged, destroyed or fouled,

commits an offence and, in addition to the expenses of making good any damage so occasioned, is liable on summary conviction to a fine of twenty thousand dollars.

Detention for
damage to an aid to
navigation

272. Where a ship damages, destroys or fouls an aid, the ship, where the ship is—

- (a) a Trinidad and Tobago ship, shall be liable for the cost of repairing or replacing the aid or rendering the aid effective again; or
- (b) a foreign ship, shall be detained under Part XXIX until the cost of repairing or replacing the aid or rendering the aid effective again is paid.

Power of the Director
General on failure to
extinguish false or
unauthorised lights,
etc.

273. For the purpose of extinguishing false or unauthorised lights, the Director General or a person authorised by him, for that purpose, may enter the place where the fire or light is and forthwith extinguish the same without causing unnecessary damage, and recover the expense thereby incurred.

Penalty for failure to
pay the aids of
navigation dues

274. (1) The owner or master of a Trinidad and Tobago ship shall pay, to the Authority, the aids to navigational dues, as set out in regulations made under this Act.

(2) Where, without reasonable cause, the owner or master of a Trinidad and Tobago ship fails to pay the aids to navigational dues, the owner and master each commit an offence and is liable on summary conviction to a fine equivalent to four times the dues and the relevant Certificates of the ship may be withdrawn until the dues are paid.

PART XVIII

VESSEL TRAFFIC SERVICE

Interpretation of
certain words and
phrases in
Part XVIII

275. For the purposes of this Part—
“Vessel Traffic Management System” or
“VTMS” means a navigational service
implemented in accordance with guidelines
for vessel traffic services adopted by the
International Maritime Organization

in 1997 to manage, monitor and improve the safety and efficiency of vessel traffic and to protect the environment, as in force from time to time and shall include the provision of information regarding anchorage, lay ups and transhipments;

“vessel traffic service” or “VTS” means a service under section 277; and

“Vessel Traffic Service Unit” means a unit in the Authority for the provision of a vessel traffic management system.

276. There shall be a Unit in the Authority for the purpose of operating and managing the VTMS on behalf of the Authority. Establishment of VTMS Unit

277. (1) The Authority shall establish and manage a vessel traffic service to facilitate the safe navigation of ships within the territorial sea and archipelagic waters. Establishment and management of vessel traffic services

(2) The Authority shall establish and manage local vessel traffic services to facilitate the safe navigation of ships within the internal waters of Trinidad and Tobago.

278. (1) Notwithstanding the provisions of section 277, the owners and operators of harbours and port facilities may establish and manage vessel traffic services within the limits of their ports, to be referred to as “local vessel traffic services”. Establishment of a private vessel traffic service

(2) The owner or operator of a port facility who wishes to operate a local VTS shall apply to the Authority in the manner set out in regulations made under this Act.

(3) Where an applicant under subsection (2) meets the requirements of regulations made under this Act for the operation of a local VTS, the Authority may authorize the operation of the local VTS in accordance with this section and regulations made under this Act.

(4) The owner or operator of a port facility referred to in subsection (2) shall ensure that a local VTS meets such conditions as may be established by the Authority.

(5) A local VTS shall not come into operation unless it is approved by the Authority or any other person authorized by the Authority for the purpose.

(6) Where an owner or operator of a port facility wishes to discontinue a local VTS, he shall notify the Authority in writing.

(7) An approved local VTS shall not be discontinued by the owner or operator of a port facility without the approval of the Authority.

(8) The Authority shall cause a Notice containing a list of established local VTS to be published and updated as necessary.

Director General's
functions in respect
of VTS

279. The Director General shall exercise general supervision over all VTS under sections 277 and 278 and, in particular, shall—

- (a) be responsible for the establishment, management and operation of VTS managed and operated by the Authority and such other government-operated services as may be under the control of the Authority;
- (b) ensure that all other VTS are established in accordance with the requirements of this Act or regulations made hereunder; and
- (c) bring to the attention of the public, information on changes in any VTS.

Requirement to
receive and follow
instructions

280. (1) The owner or master of a ship, while in the waters of Trinidad and Tobago, shall allow for the receipt of instructions from the Vessel Traffic Management System.

(2) Where the owner or master of a ship receives instructions from the Vessel Traffic Management System, he shall follow the instructions.

(3) Where the owner or master of a ship fails to follow instructions of the Vessel Traffic Management System, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or master of a ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

281. (1) Where the master, owner or any other person who is required by regulations made under section 516 to provide a report or information to a Vessel Traffic Service Authority and—

Offences in relation to the Vessel Traffic Management System and local VTS

- (a) does not so provide;
- (b) provides a report of information that is false or misleading in a material particular; or
- (c) in any manner, fails to comply with the directives of the Vessel Traffic Service Authority,

he commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for one year.

PART XIX

APPLICATION OF THE CONVENTION FOR SAFETY OF LIFE AT SEA

282. In this Part—

“cargo ship” means any ship that is not—

- (a) a passenger ship;
- (b) a Trinidad and Tobago warship;

Interpretation of certain words and phrases in Part XIX

- (c) a fishing vessel;
- (d) a pleasure craft; or
- (e) a sea plane;

“dangerous goods” means the substance, materials and articles set out in regulations made under this Act;

“fishing vessel” means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

“grain” includes wheat, maize, corn, oats, rye, barley, rice, pulses, seeds and processed forms thereof which is similar to grain in its natural state;

“industrial personnel” means individuals carried on board an offshore supply vessel who are employed in a phase of exploration, exploitation or production of offshore minerals or energy resources on or at an offshore installation and who hold valid and relevant safety certification;

“offshore supply vessel” means a vessel employed in the exploration for the development, or continuous production of subsea oil and gas;

“packaged form” means the form of containment set out in regulations made under this Act;

“passenger ship” means a Trinidad and Tobago ship carrying more than twelve passengers that is not an offshore supply vessel carrying industrial personnel;

“radio-navigational equipment” means equipment required by regulations made under this Act;

“Safety Convention” means the International Convention for the Safety of Life at

Sea, 1974 and any amendments to which
Trinidad and Tobago becomes a party;

“short international voyage” means a voyage—

- (a) in the course of which a Trinidad and Tobago ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety; or
- (b) which does not exceed six hundred nautical miles in distance between the last port in the country in which the voyage begins and the final port of destination, however, no account shall be taken of any deviation by a Trinidad and Tobago ship from the intended voyage due solely to the stress of weather or any other circumstances that neither the master, owner nor the charterer could have prevented or forestalled;

“short voyage” means a voyage which does not exceed two hundred nautical miles distance between the last port and the final port of destination, however, no account shall be taken of any deviation by a Trinidad and Tobago ship from the intended voyage due solely to the stress of weather or any other circumstances that neither the master, owner nor the charterer could have prevented or forestalled; and

“solid bulk cargo” means any cargo other than liquid or gas, consisting of a combination or particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo

spaces of a ship without any intermediate form of containment.

Application of Part

283. (1) This Part shall not apply to—

- (a) a Trinidad and Tobago warship;
- (b) cargo ships of less than five hundred gross tons;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure craft not engaged in trade; and
- (f) fishing vessels.

(2) This Part shall, where applicable, apply to offshore installations.

Breach of Safety Regulations

284. In the case of a Trinidad and Tobago ship or offshore installation where—

- (a) the Trinidad and Tobago ship or offshore installation is required by regulations made under this Act to be provided with appliances and—
 - (i) the Trinidad and Tobago ship proceeds to sea; or
 - (ii) operations are commenced on the offshore installation,

without being so provided with appliances which meet the requirements of the Safety Convention or regulations made under this Act;

- (b) any of the appliances with which the Trinidad and Tobago ship or offshore installation is provided as required by paragraph (a), is lost or rendered unfit for service while at sea through the wilful fault or negligence of the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation;

- (c) the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation wilfully neglects to replace or repair any such appliance, lost or rendered unfit at the first opportunity;
- (d) such appliances are not kept serviceable and ready for use at all times; or
- (e) any provision of regulations made under this Act is contravened or not complied with,

the Trinidad and Tobago ship shall be liable to its relevant Certificates being withdrawn and the offshore installation shall be subject to the cessation of the operations under Part XXIX.

285. (1) Where the Authority is satisfied that a Trinidad and Tobago ship or offshore installation meets the requirements of this Part, it may issue the relevant Safety Certificates in respect of the Trinidad and Tobago ship or offshore installation.

Issue of Safety Certificate to ship or offshore installation

(2) The Authority may issue the relevant Safety Certificate referred to in subsection (1) in electronic form.

(3) The Authority may issue the following Safety Certificates:

- (a) a Safety Equipment Certificate;
- (b) a Safety Construction Certificate;
- (c) a Safety Radio Certificate;
- (d) a Passenger Ship Safety Certificate;
- (e) a Safety Management Certificate;
- (f) a Document of Compliance Certificate;
- (g) an Exemption Certificate;
- (h) a Small Commercial Vessel Certificate;

- (i) a Caribbean Cargo Ship Safety Certificate;
- (j) a Port Facility Security Certificate;
- (k) a Certificate of Fitness for the Carriage of Dangerous Goods;
- (l) an International Ship Security Certificate; and
- (m) such other Safety Certificates as the Authority determines as are necessary, and the procedure for the application and grant of such Certificates shall be set out in Regulations made under this Act.

(4) The owner or master of a ship or the owner or Offshore Installation Manager of an offshore installation shall have the applicable Ship Radio Certificate in respect of the requirements under section 519 of this Act and regulations made hereunder.

(5) The owner or master of a ship or the owner or the Offshore Installation Manager of an offshore installation who wishes to obtain a Ship Radio Certificate shall apply to the Authority in the approved form and provide evidence of a Ship Radio Licence issued by the Telecommunications Authority of Trinidad and Tobago, in accordance with the Telecommunications Act.

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(6) Where the Authority is satisfied that an applicant under subsection (5) meets the requirements of this Act and regulations made hereunder, it shall issue the applicant with a Ship Radio Certificate.

(7) Notwithstanding subsection (1), the Authority shall not issue a Safety Certificate under this section where the Trinidad and Tobago ship or offshore installation does not meet the requirement of this Part.

(8) A Safety Certificate issued under this Part may be issued for no more than five years from the date of completion of the survey upon which the Safety Certificate is based.

(9) An Exemption Certificate shall not be issued beyond the life of the Safety Certificate to which it relates.

286. Where it is necessary for a Trinidad and Tobago Short term Certificate ship—

- (a) which is a passenger ship, to engage in a short international voyage; or
- (b) to engage in a short voyage,

the Director General shall issue a certificate (hereinafter referred to as “a Short Term Certificate”), in respect of that Trinidad and Tobago ship, where it complies with the provisions of the regulations as are applicable to that voyage.

287. (1) Where the Director General, on receipt of the Safety Exemption Certificate report of a surveyor in respect of any Trinidad and Tobago ship or offshore installation, is satisfied that the Trinidad and Tobago ship or offshore installation—

- (a) is eligible for an exemption under this Act from any or all of the requirements of the regulations made under this Act in relation to the Safety Convention applicable to the ship and to such international voyages on which Trinidad and Tobago ship or offshore installation is to be engaged; and
- (b) referred to in paragraph (a), complies with the remainder of the requirements of this Part,

he shall, on the application of the owner of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation, issue in respect of the Trinidad and Tobago ship or offshore installation, a Safety Exemption Certificate in respect of any or all of the requirements for a Safety Certificate.

(2) The Director General may delegate his power to grant Safety Exemption Certificates to the Chief Surveyor or a surveyor.

(3) A Safety Exemption Certificate shall state which of the requirements of the Safety Convention that the Trinidad and Tobago ship is exempted from, and that the exemption is conditional on the Trinidad and Tobago ship plying only on the voyages and being engaged only in the trades and complying with the other conditions, if any, specified on the Safety Exemption Certificate.

(4) The Director General may exempt a Trinidad and Tobago ship which embodies features of a novel kind from any of the provisions of this Part for which such an application might seriously impede research into the development of such features and their incorporation in Trinidad and Tobago ships engaged on international voyages.

(5) Notwithstanding the exemption of a Trinidad and Tobago ship under subsection (4), the Trinidad and Tobago ship shall comply with safety requirements which, in the opinion of the Director General, are—

- (a) adequate for the service for which it is intended; and
- (b) such as to ensure the overall safety of the Trinidad and Tobago ship.

(6) Where an exemption is granted under this section, there shall be in existence a current corresponding Safety Certificate for the exemption.

Equivalents

288. Where a Trinidad and Tobago ship or offshore installation is required by this Act or Regulations made hereunder to be fitted with or carry a particular fitting, material, appliance or apparatus or type thereof, the Director General may allow—

- (a) the Trinidad and Tobago ship or offshore installation to be fitted with or carry any other fitting, material, appliance or apparatus or type thereof; or
- (b) any other provision to be made for a Trinidad and Tobago ship or offshore installation,

where he is satisfied, through trial thereof or otherwise, that such fitting, material, appliance or apparatus or type thereof, or provision is at least as effective as that as is required by this Act or regulations made hereunder.

289. The owner or master of a Trinidad and Tobago ship shall, before plying or proceeding to sea from any port, have on board the Trinidad and Tobago ship valid applicable Safety Certificates relative to the Trinidad and Tobago ship. Safety Certificate to be carried on board

290. (1) Where a Trinidad and Tobago passenger ship has on board a number of passengers which, having regard to the time, occasion and circumstances of the case, is greater than the number allowed under the current Safety Certificate, the owner or master of the Trinidad and Tobago passenger ship shall, without prejudice to any other remedy or penalty under this Act, commit a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5. Penalty for carrying excess passengers

(2) Where the administrative fine for a shipping violation under subsection (1) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

291. A Safety Certificate issued by the Authority under this Act shall be admissible in evidence. Certificate to be used as evidence

292. (1) Where a Trinidad and Tobago ship is not in a port of Trinidad and Tobago on the date of expiry of any certificate issued to that Trinidad and Tobago ship under this Act, the Authority or any such person as it may authorize for the purpose may extend the validity of that certificate by a period not exceeding one month from its initial date of expiry. Extension of validity of certificate

(2) The extension referred to in subsection (1)

shall be granted only for the purpose of enabling the ship to proceed to a port of Trinidad and Tobago or a port where it is to be surveyed for the purpose of renewal of the certificate, and then only where it appears proper and reasonable to grant the extension.

Penalty for non-compliance with conditions of a Safety Exemption Certificate

293. (1) Where a Safety Exemption Certificate, issued in respect of any Trinidad and Tobago ship, specifies conditions on which the certificate is issued and any of those conditions are not complied with, the owner or the master of the ship commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(2) Where the administrative fine for a shipping violation under subsection (1) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, set out in the Fourth Column of Schedule 5.

Availability of Safety Convention certificates

294. (1) The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall ensure that all original Safety Certificates issued under this Act shall be available in an accessible place in the ship for the information of all persons on board.

(2) Where a Safety Certificate has been issued under this Part, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall forthwith, upon receipt of the Safety Certificate, cause a copy of it to be displayed in some conspicuous place on board the Trinidad and Tobago ship or offshore installation and the Safety Certificate shall be displayed and legible so long as the Safety Certificate remains in force and the Trinidad and Tobago ship or offshore installation is in use.

(3) Where the owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an

offshore installation fails, without reasonable cause, to comply with subsection (1)—

- (a) the Certificate of the Trinidad and Tobago ship may be withdrawn; and
- (b) the offshore installation may be required to cease operations in accordance with Part XXIX,

until the original Safety Convention Certificates are produced.

295. A ship surveyor, an inspector or an auditor, or any other marine officer may board any ship or offshore installation for the purpose of verifying—

Verification of
Safety Convention
Certificate

- (a) that the condition of the hull, equipment and machinery of any such ship or offshore installation corresponds substantially with the particulars shown in the Safety Certificate; and
- (b) that any conditions subject to which a Safety Exemption Certificate was issued, are complied with.

296. (1) The Authority may cancel a Safety Certificate issued in respect of a Trinidad and Tobago ship where it has reason to believe that—

Cancellation of
Safety Certificate

- (a) the Certificate was—
 - (i) fraudulently issued;
 - (ii) altered without permission; and
 - (iii) issued on the basis of false or erroneous information; or
- (b) since the last survey required under this Part, the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Authority may require that a Safety Certificate issued in respect of a Trinidad and Tobago ship, which has been cancelled, be surrendered to it.

(3) Where a person who fails to surrender a Safety Certificate as required by subsection (2), he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Notice of alterations
affecting the ship

297. (1) The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation in respect of which a Safety Certificate issued under this Act is in force shall, as soon as possible, prior to any alteration which affects its relevant Safety Certificate is made to—

- (a) the hull of the Trinidad and Tobago ship or structure of the offshore installation, or to equipment or machinery of the Trinidad and Tobago ship or offshore installation; or
- (b) the appliances or equipment required by the regulations made under section 517, or the Collision Regulations to be carried by the Trinidad and Tobago ship or offshore installation, being an alteration affecting the efficiency or completeness of those appliances or equipment,

give written notice to the Authority containing full particulars of the proposed alteration, as applicable.

(2) Where notice of a proposed alteration is not given prior to the alteration, as required by this section, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

298. (1) Where the Director General is satisfied that Approval of proposed alteration the proposed alteration—

- (a) meets the requirements of this Act and regulations made hereunder, he shall approve the proposed alteration; or
- (b) does not meet the requirements of this Act and regulations made hereunder, he shall not approve the proposed alteration,

and inform the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation as applicable, in writing.

(2) Where the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation is informed under subsection (1)(b), that approval was not granted for the alteration to the Trinidad and Tobago ship or offshore installation and the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation still proceeds with the alteration, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner of the Trinidad and Tobago ship or Offshore Installation Manager of the offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach, set out in the Fourth Column of Schedule 5.

Issue of Safety
Convention
Certificates by the
Authority in respect
of foreign ships

299. (1) The Authority may, at the request of the Government of a State to which the Safety Convention applies, cause a foreign ship to be surveyed, and if satisfied that the requirements of that Convention are complied with, shall issue certificates in respect of the foreign ship in accordance with the Safety Convention.

(2) A certificate issued under subsection (1) shall contain a statement to the effect that it has been issued at the request of the Government of the country in which the foreign ship is, or will be registered, and it shall have the same force and receive the same recognition as a certificate issued under this Part.

Issue of Certificates
by other
Governments

300. (1) The Authority may request the Government of a State to which the Safety Convention applies or any organization authorized to act on that behalf by the Authority, to issue in respect of a Trinidad and Tobago ship, any certificate, the issue of which is required under this Act.

(2) Where a certificate referred to in subsection (1) has been issued and it contains a statement that it has been issued pursuant to a request, the Certificate shall have effect for the purposes of this Act as if it had been issued by the Authority and not by the Government of that State.

Carriage of Bulk Cargoes

Application of
sections 302 to 303

301. (1) Notwithstanding section 283, sections 302 to 305 apply to Cargo ships of less than five hundred gross tonnage conducting international voyages outside of the Caribbean Trading Area.

(2) The Director General may, where he considers that the sheltered nature and conditions of voyage under subsection (1) are such as to render the application of any regulations made under section 517 or 518 unreasonable or unnecessary, take other effective measures to ensure the required safety for those Trinidad and Tobago ships.

302. (1) Prior to the loading of solid bulk cargo onto a Master or owner to require information Trinidad and Tobago ship, the owner or master of the Trinidad and Tobago ship shall require, the shipper of such solid bulk cargo to provide the owner or master of the Trinidad and Tobago ship or his representatives with appropriate information in writing on the cargo sufficiently in advance of loading, to enable the necessary precautions for proper stowage and safe carriage of the cargo to be put into effect.

(2) Subsection (1) shall not apply to the production process of cargoes for use in the search and exploitation of seabed mineral resources on board ships need to facilitate such operations.

(3) Where a shipper under subsection (1), who resides in Trinidad and Tobago, fails to comply with subsection (1), he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the shipper commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(5) For the purposes of this section “shipper”, means any person by whom or on whose behalf a contract of carriage of goods by sea has been concluded with the owner or master of a ship or any person by whom or in whose name or on whose behalf the goods are actually delivered to the owner or master in relation to the contract for carriage by sea.

303. (1) The owner or master of a Trinidad and Prohibition on blending of bulk liquid cargo and production processes Tobago ship shall not blend bulk liquid cargo while the Trinidad and Tobago ship is on a voyage.

(2) The owner or master of a Trinidad and Tobago ship shall not conduct production processes while on a voyage.

(3) Subsection (1) shall not apply to the production process of cargo for use in the search and exploration of sea bed mineral resources on board Trinidad and Tobago ships used to facilitate such operations.

(4) The owner or master of a Trinidad and Tobago ship, under subsection (1) or (2), who breaches subsection (1) or (2) commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(6) For the purposes of this section, “production process” means any deliberate operation whereby a chemical reaction takes place between the cargo of a ship and other substance or cargo.

Requirement to have information

304.(1) Prior to loading solid bulk cargo on a Trinidad and Tobago ship, the owner or master of a Trinidad and Tobago ship shall be in possession of information on cargo and the stability of the Trinidad and Tobago ship.

(2) Where the owner or master of a Trinidad and Tobago ship fails to comply with subsection (1), he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

305. The ship to ship transfer of bulk cargo in the waters of Trinidad and Tobago shall be conducted in accordance with this Part or Regulations made under section 519 or 520.

Ship to ship transfer
of bulk cargo

Dangerous Goods

306. Notwithstanding section 285, sections 309 to 313 also applies to Cargo ships of less than five hundred gross tonnage conducting international voyages outside of the Caribbean Trading Area and the Director General may, where he considers that the sheltered nature and conditions of voyage under subsection (1) are such as to render the application of any regulations made under section 519 and 520 unreasonable or unnecessary, may take other effective measures to ensure the required safety for those ships.

Application of
sections 309 to 313

307. (1) the owner or master of a Trinidad and Tobago ship shall not carry any dangerous goods on a Trinidad and Tobago ship or offshore installation unless there has been issued a certificate under section 310 to transport the dangerous goods.

Carriage or stowage
of dangerous goods

(2) The owner or offshore installation manager of an offshore installation shall not store dangerous goods unless a certificate has been issued under section 312 for the storage of the dangerous goods on the offshore installation.

(3) The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or master of the Trinidad and Tobago ship commits an

offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Requirements *re*:
dangerous goods

308. (1) The owner or master of a Trinidad and Tobago ship shall ensure that, where the dangerous goods on board a Trinidad and Tobago ship can emit toxic or flammable gasses or cause oxygen deprivation in the cargo spaces, the necessary instruments or equipment is on board and available for use with the necessary accompanying instructions.

(2) The owner or master of a Trinidad and Tobago ship who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Requirement to have
Certificate to
transport or store
dangerous goods

309. (1) Where the owner or master of a Trinidad and Tobago ship wishes to transport or store dangerous goods on the Trinidad and Tobago ship, he shall apply to the Authority for a Certificate to so transport or store the dangerous goods.

(2) The owner or master of a Trinidad and Tobago ship or offshore installation who wishes to—

- (a) transport or store dangerous goods on a Trinidad and Tobago ship; or
- (b) store dangerous goods on an offshore installation,

shall apply to the Authority for approval to so transport or store.

(3) Where the Authority is in receipt of an application under subsection (2), an inspection shall be conducted in accordance with Part XIV to determine the suitability of the ship to so transport.

(4) Where after an inspection is conducted in accordance with subsection (3), the Authority is satisfied that the Trinidad and Tobago ship is suitable to transport dangerous goods it shall issue a Dangerous Goods Transport Certificate.

(5) Where the owner or Offshore Installation Manager of an offshore installation wishes to store dangerous goods on the offshore installation, he shall apply to the Authority for a Certificate to store the dangerous goods.

(6) Where the Authority is in receipt of an application under subsection (5), an inspection shall be conducted in accordance with Part XV to determine the suitability if the offshore installation to so store.

(7) Where after an inspection is conducted in accordance with subsection (6), the Authority is satisfied that the offshore installation is suitable for storage of dangerous goods it shall issue a Dangerous Goods Storage Certificate.

310. (1) The owner or master of a Trinidad and Tobago ship on a voyage carrying cargo, cargo units or cargo transport units on or under the deck of the Trinidad and Tobago ship containing dangerous goods, shall ensure that the ship is so loaded, stowed and secured so as to prevent, as far as practicable, throughout the voyage—

- (a) damage or hazard to the Trinidad and Tobago ship and the persons on board; or
- (b) shifting of cargo or dangerous goods or loss of cargo or dangerous goods overboard,

in accordance with Regulations made under this Act.

(2) The owner or Offshore Installation Manager of an offshore installation shall ensure that the dangerous goods contained in cargo units or cargo transport units are stowed and secured so as to prevent as far as practicable—

(a) damage or hazard to the offshore installation and the persons on board; or

(b) shifting of the cargo units or cargo transport units or loss overboard of dangerous goods, in accordance with Regulations made under this Act.

(3) The owner or master of a Trinidad and Tobago ship who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Marking and
labelling of
dangerous goods for
the purpose of
carriage

311. (1) The owner or master of a Trinidad and Tobago ship or offshore installation or any person on board a Trinidad and Tobago ship, shall in transporting a dangerous good on a Trinidad and Tobago ship distinctly mark the dangerous good and label it as to the nature of the dangerous goods on the outside of the outermost package containing the same, in accordance with the International Maritime Dangerous Goods Code.

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5, the ship shall be deemed, for the purpose of this Act, to be unsafe by

reason of improper loading and the Certificates of the Trinidad and Tobago ship may be withdrawn by the Authority.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5, the ship shall be deemed, for the purpose of this Act, to be unsafe by reason of improper loading and the Certificates of the Trinidad and Tobago ship may be withdrawn by the Authority.

312. (1) The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall, where he wishes to carry or have dangerous goods on board the Trinidad and Tobago ship or offshore installation, apply to the Authority for the approval of the cargo security manual for the Trinidad and Tobago ship or offshore installation.

Requirement to carry approved cargo security manual

(2) The Authority shall, where it is—

(a) satisfied that the cargo security manual submitted under subsection (1) meets the requirements of this Act and regulations made hereunder, approve the cargo security manual; or

(b) not satisfied that the security manual submitted under subsection (1) meets the requirements of this Act and regulations made hereunder, not approve the cargo security manual and made suggestions for amendments and the amended cargo security manual may be resubmitted for approval under this section.

(3) The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation which carries or has dangerous goods on board shall carry on board the Trinidad and

Tobago ship or offshore installation, at all times, the approved cargo security manual for the Trinidad and Tobago ship or offshore installation.

(4) The owner or master of a Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation who fails to carry the approved cargo security manual for the Trinidad and Tobago ship or offshore installation commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Reporting loss,
possible loss or theft
of dangerous goods

313. (1) Where a Trinidad and Tobago ship or an offshore installation which carries or has on board dangerous goods—

- (a) loses or believes the dangerous goods are lost; or
- (b) believes the dangerous goods have been stolen,

the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation shall report the loss, possible loss or theft to—

- (a) the Authority; or
- (b) in the case of a Trinidad and Tobago ship not in the waters of Trinidad and Tobago, the nearest maritime administration.

(2) Where the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation fails to report the loss or possible theft as required by subsection (1), he commits a

shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

PART XX

MARITIME SECURITY

314. For the purposes of this Part—

Interpretation of
certain words and
phrases in Part XX

“Designated Authority” means the entity designated by the Authority to perform the duties and functions as defined in the International Ship and Port Facility Security Code;

“International Ship and Port Facility Security Code” means the code for ship and port security developed by the Organisation; and

“MASAC Committee” means the technical committee set up under section 319.

315. This Part applies to—

Application of
Part XX

(a) the following types of ships engaged on international voyages:

- (i) passenger ships;
- (ii) cargo ships of five hundred tons or more; and
- (iii) mobile offshore drilling units;
- (iv) offshore installations;

(b) a port facility serving ships engaged on international voyages; and

- (c) any port facility that is required, on occasion, to serve ships arriving from or departing on international voyages and is specified by way of a notice by the designated authority in accordance with the regulations made under this Act.

Responsibilities of
the Director General
for enhanced security
levels

316. (1) The Director General shall—

- (a) ensure that the maritime security levels set for ships, port facilities and offshore installations are adhered to;
 - (b) where maritime security levels set for ships, port facilities and offshore installations are updated, ensure that ships, port facilities and offshore installations adhere to the updated maritime security levels;
 - (c) ensure that Ship Security risk assessments are carried out for trans-shipments and Declarations of Security are established which include communication of any security incident to the Authority;
 - (d) determine which of the port facilities located, within its territory, are required to designate a port facility security officer to be responsible for the preparation of the port facility security plan; and
 - (e) be responsible for approving the port facility security plan and any subsequent amendments to a previously approved plan.
- (2) Subsection (1)(c) shall not apply to—
- (a) a Trinidad and Tobago ship not engaged in international trade, conducting ship to ship transfers in the waters of Trinidad and Tobago; or
 - (b) a Trinidad and Tobago ship not engaged in inter-island trade and offshore installation

conducting ship to offshore installation transfers in the waters of Trinidad and Tobago.

(3) The Director General may require a Declaration of Security from a ship or mobile offshore drilling unit listed under section 315(a), in accordance with regulations made under this Act.

(4) The Director General may delegate to a Recognised Security Organisation, his responsibilities under this Part, except the responsibilities to—

- (a) set applicable security levels for port facilities or ship to ship activity in Trinidad and Tobago territorial waters;
- (b) approve a port facility security assessment and subsequent amendments to an approved assessment;
- (c) determine the port facilities that will be required to designate a port facility security officer;
- (d) approve a port facility security plan;
- (e) exercise control and compliance measures in accordance with regulations made under this Act; and
- (f) establish the requirements for a Declaration of Security.

(5) The Director General may discharge his duties and responsibilities under subsection (1), in relation to port facilities through the Designated Authority designated by the President under section 317.

317. (1) The President, may on the advice of the ^{Designated} Authority, by Order designate an agency to be the ^{Authority} Designated Authority, in relation to—

- (a) a port facility security, for the purpose of meeting the requirements of the

International Ship and Port Facility Security Code; and

- (b) an offshore installation, for the purpose of meeting the comparable requirements to those of the International Ship and Port Facility Security Code.

(2) Until such time as an agency is designated under subsection (1), the Authority shall function as the Designated Authority.

Responsibilities of
the Designated
Authority

318. The Designated Authority shall, for the purposes of section 316(5)—

- (a) determine which of the port facilities or offshore installations located within Trinidad and Tobago are required to have an approved Port Facility Security Plan; and
- (b) approve Port Facility Security Plans for port facilities or Offshore Installation Security Plans for offshore installations located within Trinidad and Tobago and any subsequent amendments to a previously approved Port Facility Security Plans.

President to appoint
MASAC Committee

319. (1) There shall be a technical committee for the purposes of maritime safety and security herein after referred to as the Maritime Security Advisory Committee (“MASAC Committee”).

(2) The President shall appoint the following as members of the Committee:

- (a) the Permanent Secretary of the Ministry with responsibility for national security, who shall be the Chairperson of the Committee; and
- (b) a representative from each of the following agencies:

- (i) Trinidad and Tobago Defence Force

- (Coast Guard), who shall be of the Rank of Commander or above;
- (ii) Ministry of National Security, Trinidad and Tobago Fire Service;
 - (iii) Ministry of National Security, Trinidad and Tobago Police Service;
 - (iv) Ministry of National Security (Immigration Division);
 - (v) Ministry of Works and Transport, Maritime Authority;
 - (vi) Ministry of Works and Transport, Legal Advisor (Maritime Authority);
 - (vii) Ministry of Finance, Customs and Excise Division;
 - (viii) Port Authority of Trinidad and Tobago;
 - (ix) Tobago House of Assembly; and
 - (x) Office of Disaster Preparedness and Management (ODPM).

(3) The members of the MASAC Committee shall be appointed for a period of three years.

(4) The members of the MASAC Committee shall be paid such remuneration as the President determines.

320. (1) The MASAC Committee shall advise the Authority of the maritime security level for all port facilities and offshore installations. Functions of the MASAC Committee

(2) Where the MASAC Committee advises the Authority that the security level at a port facility or offshore installation should be changed, the Authority shall change the security level accordingly.

(3) The MASAC Committee shall—

- (a) receive and review information about

security threats to port facilities and offshore installations and channel the information, as appropriate;

- (b) review and advise on procedures for information sharing for threat warnings, response, intelligence-gathering and threat assessment among public and private entities;
- (c) advise the Authority, the Minister and the Minister with responsibility for national security on maritime security and related measures;
- (d) advise on effective security measures that maintain or enhance operational efficiencies and minimize impact on trade; and
- (e) provide semi-annual reports or as required to the Authority, the Minister and the Minister with responsibility for national security.

Requirement to
appoint a Company
Security Officer

321. The owner of a Trinidad and Tobago ship shall engage a Company Security Officer who shall ensure that—

- (a) a ship's security officer is appointed for the Trinidad and Tobago ship and properly trained and qualified to perform his duties and responsibilities;
- (b) the Trinidad and Tobago ship has a ship's security plan; and
- (c) the master of the Trinidad and Tobago ship has available on board, at all times, information through which officers duly authorised by any State can identify—
 - (i) the person responsible for appointing the members of the crew or other persons currently employed or

- engaged on board the ship in any capacity on the business of the ship;
- (ii) the person responsible for deciding the engagement of the Trinidad and Tobago ship; and
 - (iii) in cases where the Trinidad and Tobago ship is employed under the terms of a charter party or parties, the parties to such charter party or parties.

322. A Company Security Officer of a Trinidad and Tobago ship shall ensure that a Ship Security Assessment of the Trinidad and Tobago ship is carried out by qualified persons and a Ship Security Assessment Report shall be prepared.

323. (1) The owner or master of a Trinidad and Tobago Ship shall cause to be prepared, a Ship Security Plan on the basis of the Ship Security Assessment under section 322 and submit the Ship's Security Plan to the Director General for approval.

(2) Subject to section 325, where a Trinidad and Tobago Ship's Security Plan, in respect of a Trinidad and Tobago ship, has been approved by the Director General, the owner or master of the Trinidad and Tobago ship shall implement the Trinidad and Tobago Ship's Security Plan.

324. (1) The Director General shall, prior to implementation of a Ship's Security Plan in respect of a Trinidad and Tobago ship listed under section 315(a), cause a review to be conducted of the Ship's Security Plan of the Trinidad and Tobago ship or mobile offshore drilling unit.

(2) The Director General shall, where he approves the Ship's Security Plan under subsection (1), issue the ship with an Interim Ship Security Certificate.

(3) An Interim International Ship Security Certificate shall be valid for five months from the date of issue.

Issue of
International Ship
Security Certificate

325. (1) Upon the approval of a Ship Security Plan under section 324, the owner or master of the Trinidad and Tobago ship or mobile offshore drilling unit shall implement the approved Ship's Security Plan and the Authority shall cause an audit of the Trinidad and Tobago ship to be conducted.

(2) Where the auditor is satisfied that a Trinidad and Tobago ship or mobile offshore drilling unit, which has implemented an approved Ship Security Plan, has met the requirements of this Act and regulations made hereunder, he shall issue an International Ship Security Certificate.

(3) An International Ship Security Certificate shall be valid for five years from the date of issue.

Requirement to
appoint an Offshore
Installation Security
Manager

326. The owner or manager of mobile offshore drilling unit or Offshore Installation Manager of an offshore installation shall engage an Offshore Installation Security Manager who shall ensure that—

- (a) an Offshore Installation Security Officer is appointed to the offshore installation and properly trained and qualified to perform his duties and responsibilities;
- (b) the offshore installation has an offshore installation security plan; and
- (c) the manager of the offshore installation has available on board, at all times, information through which officers duly authorised by any State can identify the person responsible for appointing the members of the crew or other persons currently employed or engaged on board the offshore installation in any capacity on the business of the offshore installation.

327. An Offshore Installation Manager shall ensure that an Offshore Installation Assessment of the offshore installation is carried out by qualified persons and an Offshore Installation Security Assessment Report shall be prepared.

328. (1) The Offshore Installation Manager of an offshore installation shall cause to be prepared, an Offshore Installation Security Plan on the basis of an Offshore Installation Security Assessment under section 327 and submit the Offshore Installation Security Plan to the Designated Authority for approval.

(2) Subject to section 329, where an Offshore Installation Security Plan has been approved by the Designated Authority, the Offshore Installation Manager of the offshore installation shall implement the plan.

329. (1) The Designated Authority shall, prior to the implementation of an Offshore Installation Security Plan, conduct a review of the Offshore Installation Security Plan for the offshore installation.

(2) The Designated Authority shall, where it approves the Offshore Installation Security Plan of an offshore installation, issue the offshore installation, an Interim Offshore Installation Security Certificate in accordance with Regulation made under this Act.

(3) An Interim Offshore Installation Security Certificate shall be valid for five months from the date of issue.

330. (1) Upon the approval of an Offshore Installation Security Plan under section 329, the Offshore Installation Manager of the offshore installation shall implement the approved Offshore Installation Security Plan and the Authority shall cause an audit of the offshore installation to be conducted.

(2) Where the auditor is satisfied that the offshore installation which has implemented an approved Offshore Installation Security Plan, has met

the requirements of this Act and regulations made hereunder, issue an Offshore Installation Security Certificate.

(3) An Offshore Installation Security Certificate shall be valid for five years from the date of issue.

Port Facility
Security Officer

331. The Port Facility Operator of a Trinidad and Tobago Port Facility shall engage a Port Facility Security Officer who shall—

- (a) develop Port Facility's Security plan;
- (b) implement all measures contained in the Port Facility's Security Plan;
- (c) conduct drills in accordance with regulations made under this Act;
- (d) conduct internal security audits and reassessments of existing security plans and assessments;
- (e) train all personnel supporting the Port Facility's Security Plan;
- (f) report all security incidents to the Authority;
- (g) be responsible for ensuring that security equipment is maintained and calibrated; and
- (h) coordinate and liaise with Ship Security officers on security matters and establish Declarations of Security.

Port Facility
Security Assessment

332. The Authority shall ensure that a Port Facility Security Assessment of a port facility within Trinidad and Tobago is carried out by qualified persons and a Port Security Assessment Report shall be prepared.

Requirement to have
Port Facility
Security Plan

333. (1) The Port Facility Security Officer, under section 331, shall cause to be prepared, a Port Facility Security Plan on the basis of the Port Facility Security Assessment under section 332 and submit the Port Security Plan to the Designated Authority for approval.

(2) Subject to section 331, where a Port Facility Security Plan has been approved by the Designated Authority, the Port Security Officer of the Port Facility shall implement the approved Port Facility's Security Plan.

334. (1) The Designated Authority shall, prior to implementation of a Port Facility Security Plan by a port facility, review the Port Facility Security Plan for the port facilities and, where satisfied that it meets the requirements of this Act and regulations made hereunder, approve the Port Facility Security Plan.

Review of Port Security Plans and issue of Interim Port Facility Security Certificate

(2) The Designated Authority shall, where it approves the Port Facility Security Plan, issue the port facility with an Interim Port Facility Security Certificate.

(3) Where a port does not have a valid Interim Port Facility Security Certificate or a valid Port Facility Security Certificate, it shall not accommodate any ship over five hundred gross tons engaged in international trade.

335. (1) Upon the approval of a Port Facility Security Plan under section 334, the owner or manager of the port facility the approved Port Facility Security Plan and the Authority shall cause an audit of the port facility to be conducted.

Port Facility Security Certificate

(2) Where the auditor is satisfied that the port facility which has implemented an approved Port Facility Security Plan, has met the requirements of this Act and regulations made hereunder, issue a Port Facility Security Certificate.

(3) A Port Facility Security Certificate shall be valid for five years from the date of issue.

(4) A Port Facility Security Certificate may be withdrawn, at any time, during an annual or intermediate audit if there are major non-conformities with the Act.

(5) Where a Port Facility Security Certificate has been issued or withdrawn under this section, the Director General shall, by Notification published in the *Gazette*, list the name of the Port Facility for which a Port Facility Security Certificate has been issued or withdrawn.

Failure to have Ship Security Plan, Offshore installation Security Plan or Port Facility Security Plan

336. (1) The owner or master of a ship under section 335 or Offshore Installation Manager of an offshore installation or the owner or manager of a port facility who conducts operations without an approved—

- (a) Ship Security Plan;
- (b) Offshore installation Security Plan; or
- (c) Port Facility Security Plan,

as applicable, commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and in the case of an offshore installation, the offshore installation shall be required to cease operations.

(2) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5 and in the case of an offshore installation, the offshore installation shall be required to cease operations.

Renewal, additional, intermediate and annual audits in respect of this Part

337. (1) The renewal, additional and intermediate audits of ships, offshore installations or port facilities shall, for the purposes of this Part, be conducted in accordance with Part XIV.

(2) The annual audit of offshore installations and port facilities shall, for the purposes of this Part, be conducted in accordance with Part XIV.

Certificates may be in electronic form

338. (1) The Director General may issue a Ship Security Certificate in electronic form.

(2) The Designated Authority may issue an Offshore Installation Security Certificate and a Port Security Certificate in electronic form.

PART XXI

LOAD LINES

339. For the purposes of this Part—

Interpretations of
certain words and
phrases in Part XXI

“Convention State” means a State, the Government of which is a party to the Load Line Convention;

“existing ship” means a ship which is not a new ship;

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“Load Line Certificate” means an International Load Line Certificate or a Trinidad and Tobago Local Load Line Certificate;

“Load Line Convention” means the International Convention on Load Lines, 1966 and its Protocol of 1988;

“Load Line Convention Regulations” means the regulations made by the Minister to give effect to the Load Line Convention;

“load line ship” means an international load line ship, that is to say, an existing ship of not less than one hundred and fifty gross tons or a new ship of twenty-four metres or more in length which carries cargo or passengers on international voyages;

“new ship” means a ship whose keel is laid or which is at a similar stage of construction on or after July 1st, 2016; and

“Trinidad and Tobago local load line ship” means a Trinidad and Tobago ship of not less than one hundred gross tons and over

twenty-four metres that has been issued a Trinidad and Tobago Local Load Line Certificate and operates only in the waters of Trinidad and Tobago.

Non-application of
Part XXI

340. This Part shall not apply to—

- (a) a Trinidad and Tobago warship;
- (b) a pleasure craft; and
- (c) a fishing vessel.

Interim
International Load
Line Certificate and
Interim Trinidad and
Tobago Local Load
Line Certificate

341. (1) The Authority shall, prior to the grant of an International Load Line Certificate or a Trinidad and Tobago Local Load Line Certificate under this Part, conduct an initial survey of a Trinidad and Tobago ship to determine whether the Trinidad and Tobago ship meets the load line requirements of this Part.

(2) Subject to section 343, where the Authority is satisfied with the results of initial survey under subsection (1), it shall issue an Interim Load Line Certificate or an Interim Trinidad and Tobago Local Load Line Certificate in respect of the Trinidad and Tobago ship.

(3) An Interim International Load Line Certificate or an Interim Trinidad and Tobago Local Load Line Certificate shall be valid for no more than five months from the date of issue.

Stability

342. (1) The owner or master of a Trinidad and Tobago ship shall provide the Authority with stability data in respect of the Trinidad and Tobago ship in order for the Authority to verify the stability of the Trinidad and Tobago ship in accordance with Regulations made under this Act.

(2) Where the Authority verifies the stability of a Trinidad and Tobago ship under subsection (1), the Authority shall approve the stability data for the purpose of determining whether to issue an International Load Line Certificate.

343. The annual, renewal and additional surveys for ^{Surveys for load} load lines, under this Part, shall be conducted in ^{lines} accordance with Part XIV.

344. (1) The Authority or any person or organisation ^{Certificates issued} authorised by it may issue, in respect of a Trinidad and ^{under Load Line} Tobago ship which has been surveyed, a Load Line ^{Convention} Certificate and the Trinidad and Tobago ship shall be marked in accordance with the International Load Line Certificate or Trinidad and Tobago Local Load Line Certificate.

(2) The Authority or any person or organisation authorised by it may issue to a Trinidad and Tobago ship an International Load Line Exemption Certificate or a Trinidad and Tobago Local Load Line Exemption Certificate to any Trinidad and Tobago ship to which an exemption has been granted, in accordance with the Load Line Convention or regulations made under this Act.

345. (1) Where a Trinidad and Tobago ship has been ^{Issue of Load Line} surveyed and marked in accordance with the Load Line ^{Certificates} Regulations, the Authority shall, on the application of the owner of the Trinidad and Tobago ship issue—

- (a) an existing Trinidad and Tobago ship of not less than one hundred and fifty gross tons, or a new Trinidad and Tobago ship of twenty-four metres in length, an International Load Line Certificate (1966); and
- (b) a Trinidad and Tobago Load Line Certificate in respect of a Trinidad and Tobago ship which only operates in the waters of Trinidad and Tobago.

(2) The Authority may issue a Load Line Certificate or a Trinidad and Tobago Local Load Line Certificate referred to in subsection (1) in electronic form.

Certificates issued
by other maritime
administrations

346. (1) The Authority may request the maritime authority of a Convention State to issue an International Load Line Certificate in respect of a Trinidad and Tobago ship, and a certificate so issued and containing a statement that it was so issued shall have effect for the purposes of this Part as if it had been issued by the Authority.

(2) Where a valid Load Line Certificate issued in pursuance of subsection (1) is produced in respect of a ship, that ship shall, for the purposes of this Part, be deemed to have been surveyed under the Load Line Regulations and, if the deck line and load lines correspond with the marks specified in the certificate, the ship shall be deemed to be marked as required by this Part.

Certificates issued
on the request of
foreign States

347. (1) The Authority may, at the request of the maritime administration of a Convention State, issue an International Load Line Certificate in respect of a ship of that State, if he is satisfied that as in the case of a Trinidad and Tobago ship, he can properly issue the International Load Line Certificate.

(2) Where an International Load Line Certificate is issued under subsection (1), it shall contain a statement to the effect that it has been so issued.

Effect of a Load Line
Certificate

348. Where a valid Load Line Certificate issued under this Part is produced in respect of the ship to which the certificate relates, the Load Line Certificates indicates—

- (a) that the ship has been surveyed in accordance with the Load Line Regulations;
- (b) that the stability data in respect of the ship has been approved; and
- (c) where lines are marked on the ship according to the number and description to

the deck line and load line as required by the Load Line Regulations, and the positions of those lines so marked correspond to the positions of the deck lines and load lines as specified in the certificate, the ship shall be deemed to be marked as required by those Regulations.

349. A Load Line Certificate shall expire at the end of such period as specified therein but not exceeding five years from the date of the initial or renewal survey on which the Load Line Certificate was based and may be renewed.

Duration and
renewal of a Load
Line Certificate

350. (1) Where the Director General, on receipt of the report from the surveyor in respect of a Trinidad and Tobago ship, is satisfied that the Trinidad and Tobago ship is eligible for an exemption from—

Exemption Orders in
respect of Part XXI

(a) any of the requirements of this Part; or

(b) the requirements for a Load Line Certificate,

he shall, on the application of the owner, issue in respect of the Trinidad and Tobago ship an Exemption Certificate (to be called “an International Load Line Exemption Certificate or a Trinidad and Tobago Local Load Line Exemption Certificate) in respect of any or all of the requirements of this Part.

(2) An International Load Line Exemption Certificate or a Trinidad and Tobago Local Load Line Exemption Certificate granted under this section shall contain such conditions as the Authority deems necessary.

(3) Without prejudice to subsection (1), where a Trinidad and Tobago ship to which this Part applies does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Authority, on the application of the owner of the Trinidad and Tobago ship, specifying the international voyage in question, may exempt the ship from holding an International

Load Line Certificate while engaged on that voyage and issue an International Load Line Exemption Certificate in respect of the Trinidad and Tobago ship.

(4) Where an exemption is granted under this section, subject to any conditions, the exemption shall not have effect unless those conditions are complied with.

(5) An International Load Line Certificate shall be in such form as is approved by the Authority.

Duration and determination of exemption etc.

351. While a Load Line Certificate under this section is in force in respect of a Trinidad and Tobago ship, there shall be endorsed on the Load Line Certificate such information relating to—

- (a) periodical inspections of the Trinidad and Tobago ship in accordance with the Load Line Regulations; and
- (b) any extension or advancement of the period for which the certificate was issued as may be prescribed by the regulations.

Prohibition on proceeding to sea without Load Line Certificate

352. Subject to any exemption granted by, or under this Part, no Trinidad and Tobago ship shall proceed to sea on an international voyage unless there is in force, in respect of such ship, a Load Line Certificate.

Submersion of load line

353. (1) A ship shall not be so loaded as to submerge both of the appropriate load lines on each side of the Trinidad and Tobago ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being permitted under the Load Line Regulations to be loaded.

(2) Where any ship is loaded in contravention of this section, the owner or master commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or

master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5 and to such additional fine, as specified therein, as the Court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been increased by reason of the submersion.

(4) The additional fine under subsection (3) shall not exceed six thousand dollars for every centimetre or part thereof by which the appropriate load line on each side of the ship was submerged or would have been submerged if the ship has been in salt water and without any list.

(5) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a valid defence that the contravention was due solely to deviation or delay caused by stress of weather or any other cause of *force majeure* which neither the master, the owner, nor the charterer, if any, could have prevented or forestalled.

(6) Without prejudice to any proceedings under this section, where the ship is loaded in contravention of this section and the ship is—

- (a) a Trinidad and Tobago ship, the Trinidad and Tobago ship may be prevented from departing the port; and
- (b) a foreign ship, the foreign ship may be detained,

until such time as the ship is loaded in compliance with its load line requirements.

354. (1) The owner or master of a Trinidad and Tobago ship which has been issued a Load Line Certificate under section 347 who fails, without ^{Requirement to keep proper marks}

reasonable cause, to keep the ship marked in accordance with this Part commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars.

(2) A person who conceals, removes, alters, defaces or obliterates or permits any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any ship in accordance with this Part, except with the authority of a person entitled under the Load Line Regulations to authorise the alteration of the mark, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for ten years.

Ships not to proceed
to sea unless
complying with Load
Line Regulations

355. (1) The owner or master of a Trinidad and Tobago ship which has been issued a Load Line Certificate under section 347, shall not allow the Trinidad and Tobago ship to proceed to sea unless—

- (a) the Trinidad and Tobago ship has been surveyed in accordance with the Load Line Regulations either by a surveyor or by any organization authorised to act in that behalf by the Authority or, at its request, by the maritime administration of any Convention State; and
- (b) the Trinidad and Tobago ship has adequate stability for the voyage it is about to undertake.

(2) Where the owner or master of a Trinidad and Tobago ship allows the Trinidad and Tobago ship to proceed to sea or attempt to proceed to sea in contravention of this section, the master or owner thereof, each commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and the certificates of the Trinidad and Tobago ship may be withdrawn by the Authority until the Trinidad and Tobago ship has been surveyed.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5 and the certificates of the Trinidad and Tobago ship may be withdrawn by the Authority until the Trinidad and Tobago ship has been surveyed and marked.

356. (1) The owner or master of a Trinidad and Tobago ship shall ensure that an original Load Line Certificate issued under this Part is available in an accessible place in the Trinidad and Tobago ship for the information of all persons on board. Publication and display of Load Line Certificate and entry onto logbook of particulars of load lines.

(2) Where a Load Line Certificate has been issued under this Part in respect of a Trinidad and Tobago ship, the owner or master of the Trinidad and Tobago ship shall forthwith, upon receipt of the Load Line Certificate, cause a copy of it to be displayed in some conspicuous place on board the Trinidad and Tobago ship, and the Load Line Certificate shall be legible so long as the Load Line Certificate remains in force and the Trinidad and Tobago local load line ship is in use.

(3) The master or owner of any Trinidad and Tobago local load line ship who fails to comply with the provisions of this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and in the case of an offshore installation, the offshore installation shall be required to cease operations.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or master of the Trinidad and Tobago ship or offshore installation manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Contravention of
Load Line
Regulations and
detention of ship

357. (1) Where an inspection is conducted and it is found that a ship is loaded in contravention of section 355, the ship—

- (a) where it is a Trinidad and Tobago ship, is liable to its Load Line Certificates being withdrawn by the Authority; and
- (b) where it is a foreign ship, it may be detained under Part XXIX and proceedings may be taken against the master or owner thereof under section 355.

(2) Where the load lines on the ship are not marked as specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

PART XXII

FLAG STATE CONTROL AND PORT STATE CONTROL

Flag State Control

Annual inspection

358. (1) The Authority shall annually or upon a complaint or representation being made under section 363, inspect all Trinidad and Tobago ships to ensure that they are safe ships and comply with this Act and regulations made hereunder.

(2) The owner or master of a Trinidad and Tobago ship shall for the purposes of subsection (1), make his Trinidad and Tobago ship available for inspection annually.

(3) The owner or master of a Trinidad and Tobago ship who fails to make his ship available for inspection commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine

relative to the breach set out in the Fourth Column of Schedule 5.

359. (1) A person who sends or is a party to sending a ^{Sending} Trinidad and Tobago ship to sea in such an unsafe state ^{unseaworthy ships} that the life of any person on board the Trinidad and Tobago ship is likely to be endangered, commits an offence, unless he proves either—

- (a) that he used all reasonable means to ensure that the Trinidad and Tobago ship was sent to sea in a safe state; or
- (b) that sending the Trinidad and Tobago ship to sea in such an unsafe state was, under the circumstances, reasonable and justifiable.

(2) The master of a Trinidad and Tobago ship who knowingly takes an unsafe ship to sea in such an unsafe state that the life of any person on board the Trinidad and Tobago ship is likely to be endangered, commits an offence, unless he proves that taking the Trinidad and Tobago ship to sea in such unsafe state was under the circumstances reasonable and justifiable.

(3) A person who commits an offence under this section is liable on summary conviction to the fine of one hundred thousand dollars.

360. (1) The owner and the master of a Trinidad and Tobago ship and every agent charged with the ^{Duty to ensure} preparation of the Trinidad and Tobago ship for sea, or the sending of the Trinidad and Tobago ship to sea is bound to use all reasonable means to ensure that the Trinidad and Tobago ship is a safe ship for the voyage at the time when the voyage commences and to keep the Trinidad and Tobago ship, in the condition of a safe ship throughout the voyage.

(2) Where the owner or master of a Trinidad and Tobago ship or the agent charged with preparing the Trinidad and Tobago ship for sea, fails to ensure the

Trinidad and Tobago ship is a safe ship, the owner, master or agent commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and the relevant Certificates may be withdrawn.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner, master or agent of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5 and the relevant Certificates of the Trinidad and Tobago ship may be withdrawn by the Director General.

Withdrawal of
Certificates of
unseaworthy ships

361. Where the Director General or a surveyor receives a complaint or representation and has reason to believe that any Trinidad and Tobago ship is an unsafe ship, he shall ascertain whether or not the relevant Certificates of the Trinidad and Tobago ship is liable to be withdrawn.

Port State Control

Boarding of a foreign
ship

362. (1) A ship surveyor, an inspector, an auditor or any other marine officer may board a foreign ship for the purpose of verifying that there is in force in respect of a foreign ship, all applicable Certificates.

(2) Port State Control inspection shall be performed in accordance with the CMOU Guidelines on Port State Control.

Applicability of rules
as to submersion of
load lines of foreign
ships

363. (1) The provisions of section 355 shall apply to foreign ships while they are in the waters of Trinidad and Tobago as they apply to Trinidad and Tobago ships.

(2) Where, on an inspection, a foreign ship is found to have been so materially altered or that it is manifestly unfit to proceed to sea without danger to

human life, the foreign ship shall be detained, but where the foreign ship has been detained under Part XXIX, the Director General shall order the foreign ship to be released as soon as he is satisfied that the foreign ship is fit to proceed to sea without danger to human life.

364. The master of a foreign ship shall, prior to the arrival of a foreign ship into the waters of Trinidad and Tobago, produce to the appropriate authorities from whom a clearance for the foreign ship is demanded in respect of an international voyage from a port in Trinidad and Tobago, all applicable certificates and where such certificates are not produced, the foreign ship—

- (a) shall not be allowed entry into any port in Trinidad and Tobago; or
- (b) may be detained,

until the certificates are produced.

365. Where a foreign ship is within the waters of Trinidad and Tobago, the Authority may board the foreign ship where it is in receipt of a report that—

- (a) the vessel is not fit to proceed to sea; or
- (b) the certificates of the foreign ship are not in conformity with the requirements for the foreign ship,

for the purpose of inspection of the foreign ship.

PART XXIII

NON-CONVENTION SHIPS

SUB-PART I

Convention Safety Radio Certificates

366. The owner or master of a Trinidad and Tobago ship between 300 gross tons and 500 gross tons shall have the applicable Convention Safety Radio Certificate as required by regulations made under this Act.

Application for
Non-Convention
Safety Radio
Certificate

367. The owner or master of a Trinidad and Tobago ship between 300 gross tons and 500 gross tons who wishes to obtain a Convention Safety Radio Certificate shall apply to the Authority in the approved form and provide evidence of a Convention Safety Radio Licence issued by the Telecommunications Authority of Trinidad and Tobago in accordance with the Telecommunications Act.

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Issue of
Non-Convention
Safety Radio
Certificate

368. Where the Authority is satisfied that a Trinidad and Tobago ship, in respect of an application under section 370, meets the requirements of this Act and regulations made hereunder, it shall issue the ship with a Convention Safety Radio Certificate.

SUB-PART II

Caribbean Cargo Ships

Interpretations of
certain words and
phrases in relation to
Sub-Part II

369. For the purposes of this section and sections 372 to 382—

“barge” means a cargo ship not propelled by mechanical means;

“cargo ship” means a Trinidad and Tobago ship which carries not more than twelve passengers and is—

(a) less than five hundred gross tonnage; and

(b) more than twenty-four metres in length;

“length” in relation to a ship means ninety-six per cent of the total length on a waterline at eight-five per cent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be the greater and in a ship designed with a rake of keel, the waterline on which this length is measured shall be parallel;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products as defined by regulations made under this Act;

“oil tanker” means a cargo ship constructed or adapted for the carriage of oil in bulk in the cargo spaces defined by regulations made under this Act;

“Recognized Organization” means any organization recognized to perform statutory work on behalf of a flag State Administration in terms of certification and survey functions connected with the issuance of international certificates; and

“regional voyage” means a voyage within the Caribbean Trading Area.

370. (1) Sections 371 and 373 to 382 applies to cargo ships of— Application of Part Sub-Part II

- (a) less than five hundred gross tonnage, including oil tankers and tankers irrespective of length engaged on a voyage or trading in the Caribbean Trading Area;
- (b) twenty-four meters and above in length; and
- (c) conducting activities in the Caribbean Trading Area.

(2) Sections 372 to 383 shall not apply to—

- (a) Trinidad and Tobago warships and government ships not used for commercial purposes;
- (b) cargo ships, other than oil tankers and tankers of less than twenty-four meters in length;
- (c) pleasure craft, not engaged in trade or commercial charter;

- (d) fishing vessels; and
- (e) unmanned un-propelled barges, other than tanker barges and barges carrying dangerous goods as defined in this Part.

Issue of an
endorsement on
Caribbean Cargo
Ship Safety
Certificate

371. (1) The Authority shall, after an initial or renewal survey of a cargo ship under Part XIV and where the Trinidad cargo ship complies with Caribbean Cargo Ship Code, issue a Caribbean Cargo Ship Safety Certificate in respect of that cargo ship.

(2) The Authority may issue a Caribbean Cargo Ship Safety Certificate in electronic form.

(3) Where a Caribbean Cargo Ship Safety Certificate is issued under subsection (1), a Record of Equipment and cargo ship information shall be permanently attached thereto.

(4) The Authority may, *proprio motu* or on the request of a maritime administration party to any regional agreement on port state control, issue to or endorse a Caribbean Cargo Ship Safety Certificate for a foreign cargo ship, similarly applying the provisions of this Sub-Part.

(5) The Authority may request that the maritime administration of a party to a regional agreement on port state control issue or endorse a Caribbean Cargo Ship Safety Certificate to a cargo ship on its behalf.

(6) Notwithstanding the issue or endorsement under subsection (4) by the maritime authority party to the CMOU or a Recognized Organization acting on or behalf of the Authority, the Authority shall be responsible for all certificates issued or endorsements made on any such Caribbean Cargo Ship Safety Certificate.

(7) A Recognized Organization acting on or behalf of the Authority may issue a Caribbean Cargo

Ship Safety Certificate, similarly applying the provision of this Sub-Part.

(8) Where the Authority, a maritime administration party to the CMOU or a Recognized Organization imposes any other condition on a Caribbean Cargo Ship Safety Certificate, the condition shall be indicated on the relevant certificate.

372. (1) Where the owner or master of a cargo ship wishes to have the cargo ship exempt from any or all of the provisions of this Sub-Part, he shall apply to the Authority for such exemption. Exemption of Trinidad and Tobago cargo ship from this Part

(2) The Authority shall, where an application is made for an exemption from this Sub-Part and it is satisfied that an exemption should be granted, grant the exemption.

(3) Where the Authority exempts a cargo ship, the Director General shall issue the appropriate certificate to the cargo ship.

373. The owner or master of cargo ship shall not allow the ship to proceed to sea, unless there is in force in respect of such ship, Caribbean Cargo Ship Safety Certificate. Prohibition on Caribbean Cargo Ship proceeding to sea

374. (1) Where this Sub-Part or regulations made under this Act requires that a particular fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery be fitted or carried in a cargo ship or that any particular provision be made, the Authority may permit any other fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be fitted or carried or any other provision to be made in that vessel where it is satisfied by trials or otherwise that the alternative is at least as effective as that required by this Sub-Part or regulations made under this Act. Equivalents for Caribbean Cargo Ship Safety Certificate

(2) Where the Authority, under subsection (1),

permits an alternative of a particular fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be used, it shall endorse that fact on the Record of Equipment and cargo ship information form attached to Caribbean Cargo Ship Safety Certificate for the cargo ship.

Durations and
Validity of
Certificate

375. (1) The Authority shall, in granting a Caribbean Cargo Ship Safety Certificate, issue such certificate for a period not exceeding five years.

(2) The Authority shall, in granting an Exemption Certificate, not issue the Exemption Certificate for any period greater than the certificate to which it refers.

(3) Where a survey, under Part XIV, has been carried out and a Caribbean Cargo Ship Safety Certificate has been issued for a cargo ship, for a period of less than five years, the Authority may extend the period of validity of the Caribbean Cargo Ship Safety Certificate beyond the expiry date up to the five-year period, as set out in subsection (1) from the date of completion of survey on which the certificate is based.

(4) Where a cargo ship, at the time when a Caribbean Cargo Ship Safety Certificate expires is not in the country when it can be surveyed, the Authority may extend the period of validity of the certificate.

(5) The period of extension, under subsection (4), shall be only for the purpose of allowing the cargo ship to complete the voyage to Trinidad and Tobago or to a port in which it can be surveyed and then only in cases where it appears proper and reasonable to do so.

(6) A period of extension, under subsections (4) and (5), shall be for a period of no more than three months and the Cargo ship to which such an extension is granted shall, on its arrival in Trinidad and Tobago or the port in which it can be surveyed, be entitled by virtue of the extension to leave Trinidad and Tobago or

the port without having a new Caribbean Cargo Ship Safety Certificate.

(7) Where the Authority grants a certificate under this section, it shall be valid to a date not exceeding five years from the date of completion of the relevant renewal survey.

376. (1) Where the owner or master of a cargo ship conducts an alteration or a modification of a major character or outfitting relating thereto, he shall ensure that the alteration, modification or outfitting meets the requirements of the Caribbean Cargo Ship Safety Code.

(2) For the purposes of subsection (1), the following alterations and modifications shall be recognized as being of a major conversion:

- (a) any change that substantially alters the dimension of the cargo ship; and
- (b) any change to enable the cargo ship to engage on another service than that for which it was originally designed and constructed.

377. A Caribbean Cargo Ship Safety Certificate issued under section 371 shall cease to be valid in any of the following cases:

- (a) where the relevant surveys and inspections under Part XIV are not completed within the periods specified therein;
- (b) where the Caribbean Cargo Ship Safety Certificate is not endorsed in accordance with requirements of this Part; and
- (c) where the cargo ship is removed from the relevant register.

378. (1) A Record of Equipment, as referred to in section 371(3) and other information, shall be in the form approved by the Authority.

(2) Where Caribbean Cargo Ship Safety

Certificate is issued by the Authority under this Act, the owner or master of the cargo ship shall ensure that the Caribbean Cargo Ship Safety Certificate and the Record of Equipment under subsection (1), is readily available on board the cargo ship for examination at all times by the Authority.

Cancellation of
Caribbean Cargo
Ship Safety
Certificate

379. Where the owner or master of a Trinidad and Tobago cargo ship fails to—

- (a) maintain the Trinidad and Tobago cargo ship in the condition under which the Caribbean Cargo Ship Safety Certificate was issued; or
- (b) comply with the requirements for surveys, inspections or audits under Part XIV,

the Authority shall cancel the Caribbean Cargo Ship Safety Certificate of the cargo ship.

Forging of a
Caribbean Cargo
Ship Certificate

380. Any person who forges or fraudulently alters any—

- (a) Record of Equipment under section 378; or
- (b) Caribbean Cargo Ship Safety Certificate; or
- (c) anything contained in, or any signature to any such Equipment Record or Caribbean Cargo Ship Safety Certificate,

issued under this Act, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years and the Certificates of the ship may be withdrawn by the Authority.

SUB-PART III

Small Commercial Vessels

Interpretation of
certain words and
phrases in
Sub-Part III

381. For the purpose of this Part—

“small commercial vessel” means a Trinidad and Tobago ship that is—

- (a) less than five hundred gross tons (GT); and

- (b) five meters or more overall and less than twenty-four meters in length.

382. (1) This Sub-Part applies to Trinidad and Tobago ships which— Application of Sub-Part III

- (a) are trading in the Caribbean Trading Area;
- (b) are five meters or more overall and less than twenty-four meters in length;
- (c) operate within twenty miles of the nearest harbour or safe refuge; and
- (d) carry not more than one hundred and fifty passengers and where overnight accommodation is to be provided, such accommodation should be for no more than fifty passengers.

(2) This Sub-Part also applies to Trinidad and Tobago ships which are five metres or more overall but less than fifty metres that operate only in the waters of Trinidad and Tobago and carry up to seven hundred passengers.

(3) This Sub-Part shall not apply to—

- (a) a fishing vessel or pleasure craft;
- (b) a vessel holding a valid International Passenger Ship Safety Certificate;
- (c) a boat forming part of a vessel lifesaving equipment that is used to carry passengers only in emergencies or during emergency exercises;
- (d) small commercial vessels which carry twelve passengers or less for which a valid certificate has been issued under this Sub-Part specifically designed for such vessels; and
- (e) a Trinidad and Tobago ship constructed and adapted for the carriage in bulk or

liquid cargoes of a flammable or toxic nature such as a tanker.

Issue of Small
Commercial Vessel
code

383. (1) The Authority shall, after an initial or renewal survey of a small commercial vessel under Part XIV and where the small commercial vessel complies with regulations made under this Act, issue a Small Commercial Vessel Safety Certificate in respect of that small commercial vessel.

(2) The Authority may issue a Small Commercial Vessel Safety Certificate in electronic form.

Equivalence

384. (1) Where this Sub-Part or regulations made under this Act requires that a particular fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery be fitted or carried on a small commercial vessel or that any particular provision be made, the Authority may permit any other fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be fitted or carried or any other provision to be made on the small commercial vessel where it is satisfied by trials or otherwise that the alternative is, at least, as effective as that required by this Sub-Part or regulations made under this Act.

(2) Where the Authority, under subsection (1), permits an alternative of a particular fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be used, it shall endorse that fact on the Record of Life Saving Equipment and Fire Fighting Equipment and Small Commercial Vessel information form attached to the Small Commercial Vessel Safety Certificate for the small commercial vessel.

Duration of Small
Commercial Vessel
Code

385. The Authority, in granting a Small Commercial Vessel Safety Certificate, shall issue the certificate for a period of no more than five years.

Cancellation of Small
Commercial Vessel
Code

386. Where the Authority is satisfied that a small commercial vessel does not comply with this Act or regulations made hereunder, the Authority may cancel

the Small Commercial Vessel Safety Certificate issued under this Sub-Part.

387. A Small Commercial Vessel Safety Certificate Requirement for renewal of SCVC which is not endorsed to show the completion of the required annual survey is invalid and the owner or master of the small commercial vessel relative to the Small Commercial Vessel Safety Certificate shall present the Small Commercial Vessel to the Authority for the relevant and appropriate survey to revalidate the existing Small Commercial Vessel Safety Certificate.

388. (1) Where the owner or master of a small Grant of SCVC exemption commercial vessel wishes to have the small commercial vessel exempt from any or all of the provisions of this Sub-Part, he shall apply to the Authority for such exemption.

(2) The Authority, on the application of the owner or master under subsection (1), may, where it is satisfied that an exemption should be granted, exempt a small commercial vessel from any or all of the provisions of this Sub-Part if the provision is either impracticable or unreasonable in the case of that small commercial vessel.

(3) Where the Authority grants an exemption under subsection (1), it may be on such terms, if any, as it may specify and subject to giving reasonable notice, the Authority may alter or cancel the exemption.

(4) Where the Authority grants an exemption under this section, it shall note the equivalence on the Small Commercial Vessel Safety Certificate issued to the vessel under section 385.

SUB-PART IV

Watercraft

389. For the purposes of sections 392 to 396—
“personal watercraft” means—

Interpretation of certain words and phrases in 390-394

(a) a vessel of less than five meters in

length that uses an internal combustion engine powering a water-jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing or kneeling on the vessel and not within the confines of the hull; or

- (b) a vessel designed to be used as an appurtenance or hull appendage to a ship for the purposes of water sport;

“pleasure craft” means a vessel, however propelled, for the transport or entertainment of persons, that is not used for commercial purposes; and

“watercraft” means a personal watercraft or a pleasure craft.

Application of
Sub-Part IV

390. This Sub-Part shall apply to ships that are watercraft—

- (a) which are within the waters of Trinidad and Tobago; and
- (b) not permanently anchored or affixed to the shore.

Prohibition on
operating pleasure
vessel

391. (1) The owner or operator of—

- (a) a Trinidad and Tobago ship that is a watercraft shall not operate the watercraft within the waters of Trinidad and Tobago without a Watercraft Safety Certificate issued under this Act; or
- (b) a foreign ship that is a personal water craft, the owner or operator of the personal water craft shall not operate the personal water craft within the waters of Trinidad and Tobago unless he has a safety certificate for such personal water craft issued by the

maritime administration relative to the personal watercraft and a permit to operate such watercraft issued under this Act.

(2) Notwithstanding subsection (1)(b), the Authority may, on the application of the owner or master of a foreign ship that is a watercraft issue a temporary identification to the watercraft subject to such conditions as the Authority determines.

(3) The identification issued under subsection (2) shall be valid for the period the watercraft is in the waters of Trinidad and Tobago unless cancelled by the Authority.

(4) Notwithstanding the issue of a temporary identification under subsection (3), the user of a watercraft is required to have a permit to use the watercraft in the waters of Trinidad and Tobago.

(5) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the owner or master of the watercraft commits an offence and is liable on summary conviction to the fine relative to the breach, set out in the Fourth Column of Schedule 5

392. (1) The Authority shall, after an initial or renewal survey of a watercraft under Part XIV and where the watercraft complies with regulations made under this Act, issue a Watercraft Safety Certificate in respect of that watercraft.

Issue of Pleasure
Vessel Safety
Certificate

(2) The Authority may issue a Watercraft Safety Certificate in electronic form.

(3) Where a person wishes to use his watercraft within the waters of Trinidad and Tobago, he shall apply to the Director General for a permit to so operate.

(4) Where the Authority is satisfied that a watercraft is safe to be operated in the waters of Trinidad and Tobago, it shall issue a permit in respect of the water craft and the watercraft shall be operated in accordance with regulations made under this Act.

Duration of Pleasure
Vessel Safety
Certificate

393. The Authority, in granting a Watercraft Safety Certificate, shall issue the certificate for a period of no more than five years.

Cancellation of
Pleasure Vessel
Safety Certificate

394. Where the Authority is satisfied that a watercraft does not comply with this Act or regulations made hereunder, the Authority may cancel the Watercraft Safety Certificate issued under this Sub-Part.

SUB-PART V

Submersibles

Issue of Submersible
Craft Compliance
Certificate

395. (1) The Authority shall, after an initial or renewal survey of a submersible under Part XIV and where the submersible complies with regulations made under this Act, issue a Submersible Craft Compliance Certificate for that submersible craft, diving bell or apparatus.

(2) Where a Submersible Craft Compliance Certificate is issued under this Part, the Submersible Craft Compliance Certificate only authorises the submersible craft, diving bell or apparatus to operate in the waters of Trinidad and Tobago.

(3) The Authority may issue a Submersible Craft Compliance Certificate in electronic form.

(4) For the purposes of this section—

“apparatus” includes any remotely operated vessel, structure, diving plant or any other form of equipment;

“diving-bell” means any compression chamber

which is capable of being manned and is designed for use under the surface of the water in supporting human life, being a chamber in which any occupant is, or may be exposed to a pressure of more than three hundred millibars above atmospheric pressure during normal operation;

“submersible craft” means any description of manned mobile submersible apparatus, not being a diving-bell, which is being designed to maintain some or all of its occupants at or near atmospheric pressure including free, self-propelled, tethered, towed or bottoms contact propelled apparatus and atmospheric diving-suits; and

“supporting apparatus” means any apparatus used, or designed for use, in connection with the operation of a submersible craft.

SUB-PART VI

Fishing Vessels

396. This Sub-Part shall not apply to fishing vessels under five metres in length. Non-application of Sub-Part VI

397. (1) The Authority, shall after an initial survey made under this Act, issue a Fishing Vessel Safety Certificate in respect of the fishing vessel. Issue of Fishing Vessel Safety Certificate

(2) The Authority may issue a Fishing Vessel Safety Certificate in electronic form.

398. (1) The Authority shall issue a fishing vessel, over five metres but under twenty-four metres in length, a Tonnage Certificate in accordance with regulations made under this Act. Requirement for fishing vessels over five meters but under twenty-four metres

(2) The Authority shall assign to a fishing vessel, over five metres in length but under twenty-four metres in length, a minimum freeboard, in accordance with Part XX.

(3) The Authority shall issue a fishing vessel, over twenty-four metres in length, an International Tonnage Certificate, in accordance with regulations made under this Act.

(4) The Authority shall issue to a fishing vessel over twenty-four metres in length a Load Line Certificate in accordance with Part XXI.

(5) Before the Authority issues a Certificate under section 399 in respect of a fishing vessel it shall, in addition to the unique number issued under section 71, issue a unique fishing identification mark as issued by the Organisation.

Equivalence for fishing vessels

399. Where this Sub-Part or Regulations made under this Act requires that particular fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery be fitted or carried in a fishing vessel or that any particular provision be made, the Authority may permit any other fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be fitted or carried or any other provision to be made in that fishing vessel where it is satisfied by trials or otherwise that the alternative is at least as effective as that required by this Sub-Part or regulations made under this Act.

Fishing vessels not to operate near VTS or VTMS

400. (1) The owner or master of a fishing vessel shall not operate the fishing vessel within the established lanes of the VTS or VTMS.

(2) The owner or master of a fishing vessel that contravenes subsection (1), commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner or master of the fishing vessel commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

401. Notwithstanding the issue of a licence or permit authorising a person to fish in the waters of Trinidad and Tobago issued under any written law, no person may operate a fishing vessel in the waters of Trinidad and Tobago unless it is registered under this Act.

Not authorised to fish in waters of Trinidad and Tobago without registration

PART XXIV

WRECKS AND SALVAGE

402. (1) For the purpose of this Part—

“hazard” means any condition or threat that—

Interpretation of certain words and phrases in Part XXIV

(a) poses a danger or impediment to navigation; or

(b) may reasonably be expected to result in harmful consequences to the marine environment or damage to the coast line or related interests of one or more States; and

“removal” means any form of prevention, mitigation or elimination of the hazard created by a wreck.

403. The Chief Receiver of Wrecks may, with a view to the preservation of shipwrecked persons, or a vessel, cargo or apparel require—

Power of Chief receiver where ship about to be wrecked

(a) such persons as he thinks necessary to assist him;

(b) the master or other person having the charge of the vessel near at hand, to give such assistance with his men or vessel, as he is able to; and

(c) the use of any available machinery, vehicle or equipment.

404. (1) Where the Trinidad and Tobago ship or offshore installation becomes wrecked, the owner of a Trinidad and Tobago ship or Offshore Installation

Owner required to remove wreck

Manager of an offshore installation, is liable to remove the wreck and for all associated costs relative thereto.

(2) The owner of a foreign ship shall where the foreign ship becomes wrecked in the waters of Trinidad and Tobago, be liable to remove the wreck and for all associated costs relative thereto.

(3) Where the owner of a wreck under subsection (1) intends to remove the wreck from the waters of Trinidad and Tobago, he shall notify the Authority in accordance with regulations made under this Act.

(4) Where the owner of a wreck under subsection (1) fails to remove the wreck from the waters of Trinidad and Tobago in accordance with regulations made under this Act, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and in the case of an offshore installation, the offshore installation shall be required to cease operations.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner or master of the Trinidad and Tobago ship or offshore installation manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule.

Requirements where
ship is about to
become a wreck

405. (1) Where the Chief Receiver of Wrecks determines that a Trinidad and Tobago ship is about to, or may reasonably be expected to sink or strand, and, where effective measures to assist the Trinidad and Tobago ship or any property in danger are not already being taken, he shall notify the owner of the Trinidad and Tobago ship that the Trinidad and Tobago ship should be—

(a) repaired; or

(b) broken in accordance with Part VI.

(2) Where the Authority requires the owner of a Trinidad and Tobago ship to repair or break a Trinidad and Tobago ship under this section and he fails to do so, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(4) The owner of a foreign vessel, which may reasonably be expected to sink or strand in the waters of Trinidad and Tobago, shall be required by the Authority to remove the foreign ship from the waters of Trinidad and Tobago.

(5) Where the Authority determines that a ship or offshore installation is abandoned within the waters of Trinidad and Tobago, it shall notify the owner of the ship or Offshore Installation Manager that—

- (a) he is required to remove the ship or offshore installation so that it should not become a hazard or hindrance to navigation;
- (b) where it is a foreign ship, that it should be removed from the waters of Trinidad and Tobago.

406. (1) When a vessel is wrecked, stranded, abandoned or in distress, or an offshore installation is abandoned or in distress, any person may, for the purpose of rendering assistance to the vessel or offshore installation, its cargo or apparel, or of saving the life of any person—

- (a) pass and re-pass, with or without vehicles, machinery or equipment, over any adjoining lands unless there is some public road equally convenient; and

Power to pass over adjoining lands

- (b) deposit on those lands any cargo or other articles recovered from the vessel,

without being impeded or hindered or being subject to liability for trespass by the owner or occupier, but such person may not cause any more damage to the adjoining lands than is reasonably necessary for the purpose of rendering that assistance.

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights conferred by subsection (1) is a charge on the vessel, offshore installation, cargo or apparel in respect of or by which the damage is caused, and the amount payable in respect, of the damage shall, in the case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as salvage under this Part.

- (3) An owner or occupier of land who—

- (a) impedes or hinders any person in the exercise of the rights conferred by subsection (1);
- (b) impedes or hinders the deposit of any cargo or other article recovered from the vessel or offshore installation on any land; or
- (c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit,

commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or occupier of the land commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

407. Where, during anytime the Chief Receiver of Wrecks or a person acting under his orders is engaged in the execution of the duties imposed on the Chief Receiver of Wrecks and a person is killed, maimed or hurt by reason of the execution of his duties, no action, suit or prosecution against the Chief Receiver of Wrecks or person acting under his orders is maintainable by, or on behalf of the person killed, maimed or hurt, unless the Chief Receiver of Wrecks or person acting under his order used more force than was reasonably necessary in the circumstances.

408. Every person who—

- (a) without reasonable cause, fails to comply with any lawful requestor order of the Chief Receiver of Wrecks or a person acting under his order; or
- (b) wilfully impedes or obstructs the Chief Receiver of Wrecks or any person acting under his orders in the execution of his duty,

commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for one year.

409. The provisions of this Part relating to the removal of wrecks shall apply to every article or thing being or forming part of the tackle, equipment, cargo or stores of a ship or offshore installation.

410. (1) Where the Chief Receiver of Wrecks gives a notification under section 407 and the owner or master of the vessel or Offshore Installation Manager of the offshore installation takes no action to remove the vessel or offshore installation, the Chief Receiver of Wrecks shall take possession of the wreck, abandoned vessel or abandoned offshore installation and within two weeks of giving notice to the owner or master of the ship or Offshore Installation Manager of the offshore

installation and within one week of coming into possession publish a Notice in the *Gazette* and at least two daily newspapers in circulation in Trinidad and Tobago for two days for two consecutive weeks in such manner as he may deem fit, a description of the wreck, abandoned vessel or abandoned offshore installation and of any marks by which it is distinguished.

(2) Where the ship, to which subsection (1) relates, is a foreign ship, the Chief Receiver of Wrecks shall, prior to taking possession of the wreck, notify the flag State of the foreign ship.

Claims of owners to wreck, abandoned vessel or abandoned offshore installation

411. (1) The owner of any wreck or abandoned vessel or abandoned offshore installation in the possession of the Chief Receiver of Wrecks or the agent of the owner shall—

- (a) upon establishing his claim to the wreck, abandoned vessel or abandoned offshore installation to the satisfaction of the Chief Receiver of Wrecks within three months after the time at which the wreck came into the possession of the Chief Receiver of Wrecks; and
- (b) upon paying the Customs duties, if any, and the salvage fees and expenses due,

be entitled to have the wreck, abandoned vessel or abandoned offshore installation or the proceeds thereof delivered up to him.

(2) Where a foreign ship or any articles belonging to, or forming part of—

- (a) a foreign ship which has been wrecked or abandoned in the waters of Trinidad and Tobago; or
- (b) the cargo of the foreign ship, are found on, or near the shores or are brought within any port in Trinidad and Tobago,

the consular officer of the State to which the foreign ship or, in the case of cargo, to which the owner of the cargo belongs shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner so far as the custody and disposal of the foreign ship or articles or cargo of the foreign ship are concerned under like circumstances.

412. (1) The Chief Receiver of Wrecks may, three months after a notice has been published under section 412, sell any wreck, abandoned vessel which is a Trinidad and Tobago ship or abandoned offshore installation in the custody of a wreck receiver where—

Sale of wreck, abandoned vessel or abandoned offshore installation in certain cases

- (a) in his opinion it is damaged to such an extent or is of so perishable in nature that it is not worthwhile to retain;
- (b) in his opinion it is not of sufficient value to pay for storage; or
- (c) it has not been removed within a time, specified by the Chief Receiver.

(2) Where a flag State of a foreign ship has been notified under section 413(2) and—

- (a) the flag state of the foreign ship gives permission to sell the foreign ship, wreck or articles or cargo of the foreign ship or wreck, the Authority shall sell the foreign ship, wreck or articles or cargo of the foreign ship or wreck;
- (b) six months have passed and the flag state of the foreign ship has not communicated with the Authority, the Authority may approach the High Court for an Order to sell the foreign ship.

(3) Where a foreign ship, wreck or articles or cargo of the foreign ship or wreck has been sold under subsection (2), the Authority shall inform the flag state of the foreign ship, wreck or articles or cargo of the foreign ship or wreck of the sale.

(4) The proceeds of any sale made under subsection (1) shall, after defraying the expenses thereof, be held by the Chief Receiver of Wrecks for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

(5) The Authority in selling a vessel or offshore installation under this section, may do so using—

- (a) public auction; or
- (b) private treaty,

and the proceeds from the sale shall be deposited into the Maritime Authority Fund.

State entitled to unclaimed wreck, abandoned vessels or abandoned offshore installation

413. (1) The State is entitled to all unclaimed wrecks, abandoned vessels and abandoned offshore installation within any part of Trinidad and Tobago or found or taken possession of outside Trinidad and Tobago and brought within Trinidad and Tobago, except in any place where the State has granted to any person the right to any such wreck and the State is deemed to be the owner of such wreck.

(2) Where the State is deemed to be the owner of a wreck under subsection (1), the Chief Receiver of Wrecks may on behalf of the State deal with the wreck under section 414.

Discharge of receiver

414. Upon—

- (a) delivery of the wreck by the Chief Receiver of Wrecks; or
- (b) payment of the proceeds of sale of the wreck or abandoned vessel by the Chief Receiver of Wrecks,

under this Part, the Chief Receiver of Wrecks shall be discharged from all liability in respect thereof but such delivery shall not prejudice or affect any question which may be raised by third parties concerning the rights or title to the wreck or concerning the title to the land on which the wreck or abandoned vessel was found.

415. (1) Subject to any written law, where any vessel or offshore installation which is sunk, stranded or abandoned in Trinidad and Tobago is, in the opinion of the Chief Receiver of Wrecks, an obstruction, or is likely to become an obstruction or danger to navigation, the Chief Receiver of Wrecks may—

- (a) take possession of and raise, remove or destroy the whole or any part of the vessel in accordance with this Act or Regulations made hereunder;
- (b) light or buoy any such vessel or part thereof until it is raised, removed or destroyed;
- (c) subject to subsections (2) and (3), sell in such manner as the Chief Receiver of Wrecks thinks fit, any vessel or part thereof so raised or removed, and also any other property recovered in the exercise of its power under this section and out of the proceeds of the sale, reimburse itself for the expenses incurred by it in relation thereto under this section; and
- (d) hold the surplus of the proceeds under paragraph (c) or deposit for payment to the persons thereafter establishing a right to the surplus of the proceeds.

(2) A deposit under subsection (1)(d) shall be paid into the Maritime Authority Fund for use by the Authority, unless the person entitled to the proceeds or any part thereof makes his claim within one year after the sale of the vessel.

(3) A sale under this section shall not, except in the case of property which is of a perishable nature or which would deteriorate in value by delay, be made under this section until at least seven days' notice of the

intended sale has been given in the *Gazette* or a daily newspaper.

(4) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the Chief Receiver of Wrecks the fair market value thereof, to be ascertained by agreement between the Authority and the owner, or failing such agreement, by some person to be named for the purpose by the Chief Receiver of Wrecks and the sum paid as the value of any property under this subsection shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

(5) Where the proceeds of any sale referred to in this section are less than the costs incurred by the Authority under subsection (1), the Authority may recover the difference from the owner of the vessel as a debt due to the Authority.

Breaking up and
removing wreck or
abandoned offshore
installation

416. (1) Where any person being the owner of any vessel or offshore installation or any wrecked, submerged, sunken or stranded vessel or offshore installation, or the duly authorised agent or servant of such owner is desirous of breaking up such vessel or offshore installation prior to removal from the waters of Trinidad and Tobago, such person shall, obtain—

- (a) a Deletion Certificate; and
- (b) the written permission of the Chief Receiver of Wrecks under Part VI for the breaking of the wreck.

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship or Offshore

Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

417. (1) A person shall not, without the leave of the owner or master or Offshore Installation Manager of an offshore installation, board any vessel or offshore installation which is wrecked, stranded or in distress unless that person is authorised by the Chief Receiver of Wrecks and where a person contravenes this section, he commits an offence and is liable on summary conviction to a fine of ten thousand dollars and may be removed by force.

(2) Where a person refuses to allow any person duly authorised by a wreck receiver to board any wreck or stranded or in distress vessel, he commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

418. (1) A person shall not—

- (a) impede or hinder the salvaging of any vessel or offshore installation stranded or in danger of being stranded or otherwise in distress within the waters of Trinidad and Tobago or of any part of the cargo or apparel thereof or of any wreck or abandoned vessel or offshore installation;
- (b) conceal any wreck or abandoned vessel or offshore installation or deface or obliterate any marks thereon; or
- (c) wrongfully remove any part of a vessel stranded or in danger of being stranded or otherwise in distress within the waters of Trinidad and Tobago or any part of the cargo or apparel thereof, or any wreck or abandoned vessel.

Unauthorised
boarding of wreck

Interfering with
wreck, abandoned
vessel or abandoned
offshore installation

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Taking of wreck
abandoned vessel or
offshore installation
at time of casualty

419. (1) Where a vessel is wrecked or stranded or a vessel or offshore installation is abandoned or in distress within the waters of Trinidad and Tobago, any cargo or other articles belonging to the vessel or offshore installation which are washed ashore or otherwise lost or taken from the vessel or offshore installation shall be delivered to the Chief Receiver of Wrecks.

(2) A person, whether or not the owner of any cargo or article, referred to in subsection (1) who—

(a) conceals or keeps possession of any such cargo or article; or

(b) refuses to deliver any such cargo or article to the Chief Receiver of Wrecks or any person authorised by the Chief Receiver of Wrecks to demand such cargo or article,

commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Power of Receiver of
Wrecks in respect of
wreck, abandoned
vessel or abandoned
offshore installation

420. Where the Chief Receiver of Wrecks takes possession of a wreck, abandoned vessel or abandoned offshore installation he may—

- (a) dispose of the wreck, abandoned vessel or abandoned offshore installation as he sees fit; or
- (b) sell the wreck, abandoned vessel or abandoned offshore installation, where applicable, by auction or by private treaty.

421. (1) Where any person finds a wreck outside the waters of Trinidad and Tobago, he shall seek approval of the Authority before he brings the wreck into the waters of Trinidad and Tobago.

Duties of persons
of finding wreck or
abandoned vessels

(2) A person who fails, without reasonable cause, to comply with this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and shall, in addition, forfeit any claim to salvage and is liable to pay to the owner of the wreck if it is claimed, or to the State if it is unclaimed, double the value thereof to be recoverable in the same manner as a fine imposed under this Act.

(3) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner or master of the Trinidad and Tobago ship or Offshore Installation Manager of an offshore installation commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5 and shall, in addition, forfeit any claim to salvage and is liable to pay to the owner of the wreck if it is claimed, or to the State if it is unclaimed, double the value thereof to be recoverable in the same manner as a fine imposed under this Act.

Salvage

422. For the purposes of sections 425 and 426—

“salvage” means all expenses properly incurred by the salvor in the performance of salvage operations; and

Interpretation of
certain words and
phrases in
sections 425 and 426

“salvage operations” means any act or activity undertaken to assist a vessel or other property in danger in navigable waters or on other waters whatsoever.

Salvage of vessel or cargo

423. (1) Where a vessel or cargo from a vessel is stranded or is in distress within the waters of Trinidad and Tobago and salvage operations are rendered by a person other than a receiver in assisting the vessel or saving the cargo of the vessel or any part thereof, the person (hereinafter referred to as “the salvor”) shall register the salvage claim with the Authority in accordance with regulations made under this Act.

(2) There shall be payable to the salvor by the owner of the vessel or cargo, an amount of salvage—

(a) as agreed between the parties in accordance with regulations made under this Act; or

(b) to be determined in case of dispute, in the manner set out in this Part.

(3) Where the Authority is the salvor, the Authority is entitled to the payment for the amount of the salvage under subsections (2) and (4) and shall have the same rights and remedies in respect to those services as any other salvor.

(4) Subject to subsection (2), any dispute as to salvage shall be determined by the High Court.

(5) A dispute relating to salvage may be determined on the application either of the salvor or the owner of the property saved, or of their respective agents.

Time limit for salvage proceedings

424. (1) No action shall be instituted in respect of any salvage services unless proceedings therein are commenced within two years after the date when the salvage services were rendered.

(2) The Court may extend the period, under subsection (1), to such extent and on such conditions as it thinks fit.

PART XXV

Harbours

425. For the purposes of this Part—

“jetty” means a protruding part of a wharf;

“public wharf” means a wharf that is supervised and operated by the Government of Trinidad and Tobago; and

“wharf” means a structure built along the mean low water mark so that ships may be alongside for loading and unloading but does not include a sufferance wharf.

Interpretation of
certain words and
phrases in
Part XXV

426. (1) The President may, on the advice of the Authority, by Order, establish any harbour and define the limits thereof, and may alter the name or limits of any harbour, and may declare that any harbour be established under this Act.

President may
establish harbour

(2) Notwithstanding subsection (1), a harbour created under the repealed Harbours Act, and listed in Schedule 4, shall continue as a harbour under this Act.

Chap. 50:06
Schedule 4

427. (1) No person shall obstruct or impede navigation within the harbour and its approaches without the approval of the Harbour Officer of the harbour.

Obstruction in
harbour or its
approaches

(2) A person who wishes to place anything in a harbour or its approaches which may obstruct or impeded navigation shall apply to the Authority for approval to do so.

(3) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach, set out in the Fourth Column of Schedule 5.

Power of Chief
Harbour Master

428. (1) The Chief Harbour Master may, for the effective management and control of any harbour, or its approaches, direct—

- (a) where any vessel shall be moored or anchored, the mooring arrangements or the method of anchoring within a harbour or its approaches;
- (b) the removal of any vessel from one berth or anchorage to another berth or anchorage and the time within which such removal is to be effected; and
- (c) the movement of vessels within a harbour and the approaches to a harbour.

(2) The Chief Harbour Master may declare, by Notification in the *Gazette*, the berth, locations, anchorages and fairways that may be used by vessels and the area which are prohibited or restricted areas.

(3) The Chief Harbour Master may issue Notices to Mariners.

Power of Harbour
Officer

429. (1) The Harbour Officer of a harbour may, for the effective management and control of the harbour and its approaches over which he has management control, direct—

- (a) where any vessel shall be moored or anchored and the method of anchoring within the harbour and its approaches;
- (b) the removal of any vessel from berth or anchorage to another berth or anchorage and the time within which such removal is to be effected; and
- (c) the movement of vessels within the harbour and approaches to the harbour.

(2) The Harbour Officer of a harbour may direct vessels to leave any harbour or its approaches within such time as may be specified in the direction, if he is of

the opinion that it would not be in the interest of Trinidad and Tobago for such vessel to remain within such harbour or its approaches.

(3) A direction to a vessel under subsection (2) may be given—

- (a) to the owner of the vessel or to any person in control of the vessel;
- (b) to the master of the vessel; or
- (c) to any salvor in possession of the vessel, or to any person who is a servant or agent of any salvor in possession of the vessel, and who is in charge of the salvage operations.

430. (1) The owner or master of a foreign ship shall ^{Entering a harbour or its approaches} not, except where the foreign ship is simply transiting through the waters of Trinidad and Tobago, enter or leave a harbour or its approaches, unless he first obtains approval from the Harbour Officer of the harbour he wishes to navigate.

(2) Where the owner or master of a foreign ship contravenes subsection (1), the foreign ship shall not be permitted to enter or leave any harbour or its approaches.

(3) Where the Harbour Officer is satisfied that a foreign ship, under subsection (1), should be allowed to enter the harbour or its approaches, he may give the owner or master of the foreign ship, permission to enter the harbour or its approaches.

(4) Where the owner or master of a Trinidad and Tobago ship intends to enter or leave a harbour or its approaches, he shall inform the Harbour Officer of the harbour of his intention to enter or leave the harbour or its approaches and pay the prescribed fee to be known as the “harbour fee”.

(5) Where the owner or master of a Trinidad and Tobago ship, under subsection (1), fails to inform the

Harbour Officer of his intention to enter or leave a harbour or its approaches and he subsequently enters or leaves the harbour, he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Direction as to anchorage

431. (1) The Chief Harbour Master or a Harbour Officer, if he thinks it proper and necessary for the safety of shipping and the convenience of the public, may order the master of a vessel—

- (a) arriving in the harbour to come to anchor in any particular place in the harbour pointed out by the Chief Harbour Master or Harbour Officer; and
- (b) which has already come to anchor within the harbour, to remove the vessel to some other place pointed out by the Chief Harbour Master or Harbour Officer.

(2) Where the Chief Harbour Master or a Harbour Officer orders the master of a foreign ship to anchor in any particular place under subsection (1), the master of the foreign ship shall pay the prescribed fee for such anchorage.

(3) The owner or master of any vessel who refuses or neglects to obey an order, under subsection (1), commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or

master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

432. A Harbour Officer may visit any ship coming ^{Visit to vessels on arrival} into his harbour before or immediately after it comes to anchor.

433. (1) Where a ship has been visited by a Harbour Officer within a harbour or its approaches, the Harbour Officer shall require the master the person or agent in charge of the ship or agent of the ship to submit data on all general information pertaining to the ship in the form approved by the Authority. ^{Requirement for information to be provided to the Harbour Master}

(2) A master or person in charge of a vessel who refuses, or without reasonable cause, fails to comply with a request for data under subsection (1), commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the master or person in charge of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(4) The Harbour Officer shall, without delay, make a return to the Authority specifying the particulars of the entry made by him.

(5) The return, under subsection (1), shall be in such form as may be approved by the Authority.

434. (1) The owner, master or agent of a ship shall, ^{Owner, agent or master to report arrival or departure} upon arrival or where a ship is to depart from a harbour, furnish such information as the Harbour Officer may require relating to the ship, its passengers and its cargo

and the estimated time of entering or leaving the harbour.

(2) The owner, master or agent of any vessel who fails to comply with this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner, master or agent of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Going on board or
communicating
before the Harbour
Officer's visit
Chap. 28:05

435. (1) Where a vessel arrives in the waters of Trinidad and Tobago, no person, except officers of Customs, a visiting officer acting under the Quarantine Act or a pilot shall—

- (a) go on board the vessel; or
- (b) receive any letters, papers or packages from the vessel,

before the vessel has been boarded by a Harbour Officer, Assistant Harbour Officer or some persons acting under the authority of one of them, without the written permission of the Harbour Officer.

(2) A person who contravenes this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

436. (1) No person shall put a mooring buoy in a ^{Mooring buoys} harbour or its approaches without the permission of the Harbour Officer.

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

437. (1) No person shall haul up or place for repair ^{Repair of vessel in} any vessel on any public wharf, jetty or slip in any ^{harbour} harbour without the permission of the Harbour Officer of the harbour.

(2) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

438. (1) No person shall, in any harbour, make fast or ^{Making fast to} cause to be made fast any vessel, in such manner that ^{wharves} such vessel lies alongside or close to any wharf or jetty, except during such time as such vessel is actually taking in or discharging cargo.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars, which shall be charged upon the vessel.

439. The Comptroller of Customs and Excise or any ^{Restriction on} other officer of the Customs and Excise Division shall ^{clearance at customs}

not issue a clearance to any vessel except upon the production of a certificate from the Harbour Officer certifying that all things required by this Act to be complied with prior to the departure of the vessel, have been complied with.

Power to stop vessel
departing without
clearance

440. (1) Where the Harbour Officer or Assistant Harbour Officer of a harbour has grounds to believe that any ship is about to depart contrary to a direction given by the Harbour Officer under this Act, or without being duly cleared by the Comptroller of Customs and Excise or other proper officer of Customs, the Harbour Officer or Assistant Harbour Officer may stop the ship and where the ship is—

- (a) a Trinidad and Tobago ship the Authority may withdraw the relevant Certificates of the ship; and
- (b) a foreign ship the ship may be detained in accordance with Part XXIX.

(2) The Harbour Officer or Assistant Harbour Officer may, in stopping and detaining the vessel under subsection (1), use the assistance of any other person as he thinks fit, and if necessary use force.

(3) Notwithstanding the decision of a Harbour Officer or Assistant Harbour Officer to stop a vessel from departing under subsections (1) and (2), the Chief Harbour Master may, upon review of the circumstances, give clearance to the owner or master of a ship to depart.

Restriction on
proceeding to sea
without appropriate
certificate

441. (1) The owner or master of a Trinidad and Tobago ship shall not allow the ship to proceed to sea on international voyage from a port in Trinidad and Tobago unless there are applicable Certificates in force in relation to the Trinidad and Tobago ship on board and all fees required to be paid are paid.

(2) Where the owner or master of a Trinidad and Tobago ship fails to comply with subsection (1), he commits a shipping violation and is liable to the

administrative fine relative to the breach, as set out in the Third Column of Schedule 5 and the Certificates of the ship may be withdrawn by the Authority.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the owner or master of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5 and the Certificates of the ship may be withdrawn by the Authority.

442. (1) Where the master of any vessel which Penalty for clearing without certificate departs or sails from any port in Trinidad and Tobago, or if the agent of any vessel clears or cause any such vessel to be cleared, without a certificate from the Harbour Officer certifying that all things required to be complied with under—

(a) this Act; and

(b) the Immigration Act,

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have been respectively complied with, the master or agent commit a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5.

(2) Where the administrative fine for a shipping violation, under subsection (1), is not paid, the master or agent of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

443. Any person who forges or alters any report or Penalty for forgery of report of certificate certificate, or anything contained in, or any signature to any such report or certificate for the purpose of proceeding to sea, commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and to imprisonment for five years.

PART XXVI

MARITIME SEARCH AND RESCUE

Interpretation of
certain words and
phrases in
Part XXVI

444. For the purposes of this Part—

“Convention” means the International Convention on Maritime Search and Rescue, 1979 as amended from time to time;

“maritime search and rescue area” is that area associated with any Convention or Agreement to which Trinidad and Tobago is a party and which allows for search and rescue services outside of the search and rescue area;

“rescue” means an operation to retrieve persons in distress, provide for their initial medical or other needs and deliver them to a place of safety;

“rescue coordination centre” means a unit responsible for promoting the efficient organisation of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue area;

“search” means an operation, normally coordinated by a rescue coordination centre or a rescue sub-centre using available persons and facilities to locate persons in distress;

“search and rescue area” means the internal waters, territorial sea, exclusive economic zone and archipelagic waters of Trinidad and Tobago;

“search and rescue facility” a mobile search and rescue service;

“search and rescue service” means the performance of distress monitoring, communication, coordination of search and rescue functions, including the provision of medical advice, initial medical assistance or medical evacuation through the use of public and private resources including cooperating aircraft, vessels and other craft and installations; and

“sub-centre” means a unit subordinate to a rescue coordination centre established to complement the latter according to particular positions of the responsible authorities.

445. The Chief Harbour Master shall be the Maritime Search and Rescue Administrator for the purposes of this Part.

Chief Harbour
Master to be
Maritime Search
and Rescue
Administrator

446. The Director General may designate persons as rescue coordinators to organize search and rescue operations and such designations shall be published in the *Gazette*.

Designation of rescue
coordinators

447. (1) The Trinidad and Tobago Defence Force (Coast Guard) shall be a rescue coordinator to organise search and rescue operations for the maritime search and rescue area.

Role of Defence
Force as executing
arm for search and
rescue

(2) Where more than one search and rescue operation is being conducted in the maritime search and rescue area and the Trinidad and Tobago Defence Force (Coast Guard) is involved in such operations, the Trinidad and Tobago Defence Force (Coast Guard) shall take operational control of the maritime search and rescue operations.

448. (1) The Authority shall be responsible for—

Maritime Search and
Rescue

- (a) maritime search and rescue services;
- (b) the provision of assistance to a person who is, or appears to be, in distress within the maritime search and rescue area,

regardless of the nationality or status of such a person or the circumstances in which that person is found; and

- (c) communication with persons in distress, with search and rescue facilities and other rescue co-ordination centres or rescue sub-centres.

(2) The Authority shall ensure that—

- (a) adequate shore-based communication infrastructure;
- (b) efficient distress alert routing; and
- (c) proper operational co-ordination,

are provided to effectively support search and rescue services within the waters of Trinidad and Tobago.

Power of rescue
coordinating centres

449. A rescue coordinating centre, on being informed that—

- (a) a person on a ship, offshore installation or aircraft is in distress; or
- (b) a person, ship or aircraft is missing,

in the waters of Trinidad and Tobago or maritime search and rescue region under circumstances that indicate that they may be in distress, it—

- (c) shall direct all ships within an area that the rescue coordinator specifies to report their positions; or
- (d) may direct any ships or aircraft to take part in a search for that person, ship or aircraft or to otherwise render assistance; or
- (e) may give any other directions that the rescue coordinator considers necessary to carry out search and rescue operations for that person, ship, offshore installation or aircraft.

Duty to comply with
direction

450. (1) The master of a ship or the captain of an aircraft shall, where it is reasonable to do so, comply

with a direction given to it or them under section 451.

(2) The master of a Trinidad and Tobago ship who fails to comply with a direction under section 451, commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(4) Where the master of a foreign ship fails to comply with a direction under section 451, the Authority shall report the failure to the maritime administration with responsibility for the ship.

451. (1) Subject to subsection (3), the master of a ship in the waters of Trinidad and Tobago, on receiving a signal from any source that a person, a ship, offshore installation or an aircraft is in distress, shall proceed with all speed to render assistance and if possible, inform the persons in distress or the sender of the signal.

(2) It shall be an offence for a master of a Trinidad and Tobago ship in the waters of Trinidad and Tobago not to render assistance under subsection (1).

(3) Where a ship under subsection (1) is a foreign ship and the master of the foreign ship fails to render assistance, the Authority shall inform the maritime administration with responsibility for the ship of the failure of the master of the foreign ship to render assistance.

(4) It shall be a defence for a master of a ship in the waters of Trinidad and Tobago who fails to comply with subsection (1), that it would have imperilled life, the ship or another ship if he were to proceed to the assistance of a person, a ship, offshore installation or an aircraft in distress.

(5) Where the master of a ship in the waters of Trinidad and Tobago fails to comply with subsection (1), on the grounds that it would have imperilled life, the ship or another vessel if he were to proceed to the assistance of a person, a ship, offshore installation or an aircraft in distress he shall enter the reason in the official log book of the ship.

Requirement to
assist person found
at sea

452. (1) The master of a ship in the waters of Trinidad and Tobago shall render assistance to any person who is found at sea who requires assistance.

(2) It shall be an offence for a master of a ship in the waters of Trinidad and Tobago not to render assistance under subsection (1) and the master shall be subject to an inquiry into his conduct under Part XXVI.

(3) It shall be a defence for a master of a ship in the waters of Trinidad and Tobago who fails to comply with subsection (1), that it would have imperilled life, the ship or another ship if he were to proceed to the assistance of the person.

(4) Where the master of a ship in the waters of Trinidad and Tobago fails to comply with subsection (1), on the grounds that it would have imperilled life, the vessel or another vessel if he were to proceed to the assistance of the person, he shall enter the reason in the official log book of the ship.

Impeding a search
and rescue operation

453. (1) The master of a ship in the waters of Trinidad and Tobago shall not impede a rescue operation in progress in the waters of Trinidad and Tobago.

(2) The master of a Trinidad and Tobago ship, under subsection (1), who does not comply with subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(4) Where the ship under subsection (1) is a foreign ship, the Authority shall inform the maritime administration with responsibility for the ship that the foreign ship impeded a rescue operation in progress in the waters of Trinidad and Tobago.

454. (1) During search and rescue operations, the rescue coordinator responsible for the search and rescue services may call for collaboration and support from—

- (a) other Government services or departments;
- (b) the Ministry of National Security;
- (c) private companies or persons; and
- (d) a neighbouring search and rescue region centre, of another search and rescue area;
or
- (e) a rescue coordinating sub-centre.

(2) The Authority may enter into Memoranda of Understanding concerning the provision of assistance for search and rescue, with any Statutory Authority, Corporation or private agency in Trinidad and Tobago.

455. (1) In every case of collision between two Trinidad and Tobago ships within the waters of Trinidad and Tobago, the owner, master or person in charge of each Trinidad and Tobago ship, if in so far as he can do so without danger to his own ship, crew and passengers, shall—

- (a) render to the other Trinidad and Tobago ship, its master, crew and passengers the assistance as may be practicable and

necessary to save them from any danger caused by the collision, and shall stay by the other Trinidad and Tobago ship until he ascertains that there is no further need for assistance; and

- (b) give to the owner, master or person in charge of the other Trinidad and Tobago ship the name of his own ship, the official number of the ship and the port of registry to which it belongs, and also the name of its previous port of call and the port to which it is bound.

(2) Where the master or person in charge of a ship under subsection (1) fails, without reasonable cause, to comply with subsection (1), he commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the master or person in charge of the Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

(4) Where the master or a person in charge of the Trinidad and Tobago ship who commits a shipping violation under subsection (2) is an officer licensed under this Act, he shall, in addition to being liable to an administrative fine and the penalty for the offence under that subsection, also be subject to an inquiry into his conduct under Part XXVI.

Ships, offshore installations and person in distress to use any means to signal distress

456. This Part shall not prevent the use by any ship, offshore installation or person in distress, of any means at their disposal to attract attention, make known their position and obtain help.

457. Every ship or offshore installation shall be capable of transmitting—

Requirements in
respect of
communications

- (a) ship-to-shore distress alerts by at least two separate and independent means, each using a different radio communication service in accordance with Regulations made under this Act;
- (b) shore-to-ship distress alerts;
- (c) in relation to offshore installations, installation-to-air communications; and
- (d) receiving—
 - (i) ship-to-ship distress alerts;
 - (ii) search and rescue co-ordinating communications;
 - (iii) on-scene communications;
 - (iv) signals for locating beacons;
 - (v) maritime safety information;
 - (vi) general radio communications to and from shore-based radio systems or networks; and
 - (vii) bridge to bridge communications.

PART XXVII

LIMITATION OF LIABILITY

458. For the purposes of this Part—

Interpretation of
certain words and
phrases in
Part XXVII

- (a) the tonnage of a Trinidad and Tobago ship shall be the gross tonnage calculated in accordance with the Tonnage Regulations;
- (b) the tonnage of a foreign ship shall be the gross tonnage reflected in the Certificate of Registry of the foreign ship or the International Tonnage Certificate for the foreign ship; and
- (c) “ship owner” means the owner, charterer, manager or operator of a ship.

Application of
Part XXVII

459. (1) This Part applies whenever a person referred to under section 462 seeks to limit his liability before the Court or seeks to procure the release of a ship or other property or the discharge of any security given.

(2) This Part shall not apply to offshore installations.

Owner or salvor of
ship entitled to limit
liability

460. (1) The owner or salvor of a ship may limit his liability in accordance with section 463.

(2) Where a claim under section 463 is made against any person for whose act, neglect or default the owner or salvor of a ship is responsible, the person is entitled to limit his liability in accordance with section 463.

(3) For the purposes of this Part, the liability of the owner or salvor of a ship shall include liability in an action brought against the ship itself.

(4) An insurer of liability for claims subject to limitation under this Part may benefit from the provisions of this Part, to the same extent as the assured.

Claims subject to
limitation

461. (1) Subject to sections 464 and 465, the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

- (a) claims in respect of loss of life or personal injury or loss or damage to property, including damage to harbour works, basin, waterways and aids to navigation, occurring on board or in direct connection with the operation of the ship or salvage operations of the ship or salvage operations and consequential loss resulting therefrom;
- (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
- (c) claims in respect of other loss resulting

from infringement of rights, other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;

- (d) claims in respect of the removal, destruction or rendering harmless of cargo of a ship; and
- (e) claims of a person other than a person liable in respect of measures taken in order to minimize loss, for which the person liable may limit his liability in accordance with this Part and further loss caused by such measures.

(2) Notwithstanding the fact that a claim under subsection (1) is brought by way of recourse or for indemnity under a contract or otherwise, such claim shall be subject to limitation of liability under this Part.

(3) To the extent that a claim relates to remuneration under a contract with the person liable, a claim made under subsection (1)(d), (e) or (f) shall not be subject to liability.

462. (1) The provisions of this Part do not apply to Claims exempted from limitation claims—

- (a) for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage, 1989, as amended or contribution in general average;
- (b) for oil pollution damage within the meaning of the International Convention on Civil Liability of Oil Pollution Damage, 1969 or any amendments or Protocol thereto which is in force;
- (c) subject to any international convention or written law governing or prohibiting limitation for nuclear damage;

- (d) against ship owners of a nuclear ship for nuclear damage; or
- (e) by servants of the ship owners or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependents or other persons entitled to make such claims where under the law governing the contract of service between the ship owner or salvor and such servants, the ship owner or salvor—
 - (i) is not entitled to limit his liability in respect of such claims; or
 - (ii) is by such law only permitted to limit his liability to an amount greater than that provided for in section 466.

Conduct barring
limitation

463. A person is not entitled to limit his liability under this Part, where it is proven that the loss resulted from his personal act or omission, committed with the intent to cause such loss or recklessly and with knowledge that such loss would probably result.

Counterclaims

464. Where a person entitled to limit his liability under this Part has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Part shall apply to the balance, if any.

General limits of
liability

465. (1) The limits of liability other than those under section 469 arising on any distinct occasion shall be calculated in the manner, as set out in subsection (2).

(2) For the purposes of determining the limits of liability for claims, claims shall be calculated as follows:

- (a) in respect of each claim for loss of life or personal injury—
 - (i) up to 3.02 million Units of Account for a ship with tonnage not exceeding 2000 tons;

(ii) for a ship with a tonnage in excess thereof, in addition to the amount provided in subparagraph (i), the following amount:

(A) for each ton from 2001 to 30,000 tons, 1,208 Units of Account;

(B) for each ton from 30,001 to 70,000 tons, 906 Units of Account; and

(C) for each ton in excess of 70,000 tons, 604 Units of Accounts; and

(b) in respect of any other claims—

(i) 1.51 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess of 2,000 tons, in addition to the amount set out in paragraph (i), the following:

(A) for each ton from 2,001 to 30,000 tons, 604 Units of Account;

(B) for each ton from 30,001 tons to 70,000 tons, 453 Units of Account; and

(C) for each ton in excess of 70,001 tons, 302 Units of Account.

(2) Where the amount calculated in accordance with subsection (2)(a) is insufficient to pay the claims mentioned therein in full, the amount calculated under subsection (2)(b) shall be available for payment of the unpaid balance of claims under subsection (2)(a) and such unpaid balance shall rank rateably with claims mentioned under subsection (2)(b).

(3) Notwithstanding subsection (2)(a), without prejudice to the right of claims for loss of life or personal injury, claims in respect of damages to harbour works, basins and waterways and aids to navigation shall have such priority over other claims under subsection (2)(b).

Limits of liability of salvors

466. The limits of liability for any salvor—

- (a) not operating from any ship; or
- (b) operating solely on the ship,

to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons in relation to claims under section 467(2)(b).

Limits of passenger claims

467. (1) The limit of liability of the owner of a ship for claims arising on any distinct occasion for loss of life or personal injury to passengers of the ship shall be an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate.

(2) For the purpose of this section, "claims arising on any distinct occasion for loss of life or personal injury to passengers of the ship" shall mean any such claim brought by, or on behalf of any person carried in the ship—

- (a) under a contract for passenger carriage; or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

Unit of Account

468. (1) A "Unit of Account" under this Part is a Special Drawing Right as defined by the International Monetary Fund.

(2) The value of Trinidad and Tobago dollars in terms of a Special Drawing Right, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions.

469. (1) The limits of liability determined in accordance with section 467 shall apply to the aggregate of all claims which arises against—

- (a) the person or persons under section 462(1) and any person for whose act, neglect or default he or they are responsible;
- (b) the owner of a ship rendering salvaging services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or
- (c) the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

(2) The limits of liability determined in accordance with section 469 shall apply to the aggregate of all claims subject thereto, which may arise on any distinct occasion against the ship owner in respect of the ship under section 469 and any person for whose act, neglect, or default he or they are responsible.

470. (1) Where an action is instituted to enforce a claim which is subject to limitation, a person liable may only invoke the right to limit liability of a limitation fund—

- (a) has been constituted in accordance with section 473; or
- (b) is constituted when the right to limit liability is invoked.

(2) Where the limitation of liability is invoked without the constitution of a limitation fund, section 474 shall apply.

471. (1) A person alleged to be liable and seeking to limit liability under this Part may constitute a

limitation fund with the Court in which legal proceedings are instituted in respect of claims subject to limitation.

(2) A fund under subsection (1) shall be constituted—

- (a) in the sum of such of the amounts set out in sections 467 and 469 as may be applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date on which the fund is constituted; and
- (b) either by depositing the sum, or by producing a guarantee acceptable to the Court.

(3) A fund constituted under this section shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

Distribution of the
limitation fund

472. (1) Subject to subsection 467(1), (2), (3) and (4) and section 469, a limitation fund shall be distributed among the claimants in proportion to their established claims against the fund.

(2) Where, prior to the distribution of a limitation fund, the person liable or his insurer has settled a claim against the fund that person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Part.

(3) Subject to any other written law, the right of subrogation under subsection (2) may also be exercised by persons other than those mentioned in that subsection in respect of any amount of compensation which they may have paid.

(4) Where a person who is liable, or any other person, establishes that he may be compelled to pay

at a later date, in whole or in part an amount of compensation with regard to which a person would have enjoyed a right of subrogation pursuant to subsections (2) and (3) had the compensation been paid before the liability fund was distributed, the Court may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the liability fund.

473. (1) Where a limitation fund has been constituted Bar to other actions in accordance with section 473, a person having made a claim against the limitation fund shall be barred from exercising any right in respect of the claim against any other assets of a person by, or on behalf of whom the fund has been constituted.

(2) Where, after a limitation fund has been constituted in accordance with section 473, any ship or other property belonging to a person on behalf of whom the limitation fund has been constituted has been arrested or attached within Trinidad and Tobago for a claim which may be raised against the limitation fund, or any security given, the Court may, by Order, release the ship.

(3) The release of a ship under subsection (2) shall be ordered where the limitation fund has been constituted at the port—

- (a) where the occurrence took place, or, if it took place outside of the port at the first port of call thereafter;
- (b) of disembarkation, in respect of claims for loss of life or personal injury; or
- (c) of discharge, in respect of damage to cargo.

(4) This subsection shall apply only where—

- (a) the claimant brings a claim against the limitation fund before the Court administering that limitation fund; and

- (b) the limitation fund is available and freely transferable in respect of that claim.

Governing law

474. Where a limitation fund is constituted in Trinidad and Tobago, the rules relating to its constitution and distribution, and all rules of procedure in connection therewith, shall be governed by the laws of Trinidad and Tobago.

PART XXVIII

CASUALTY INVESTIGATIONS

Casualty investigation

475. The Authority may, where an accident or incident occurs—

- (a) in the waters of Trinidad and Tobago; or
 (b) in respect of a Trinidad and Tobago ship,

hold one or more casualty investigations in accordance with regulations made under this Act.

Report of accident and loss of ship

476. (1) Where—

- (a) a ship in the waters of Trinidad and Tobago; or
 (b) a Trinidad and Tobago ship anywhere in the world,

has been involved in any accident or incident whether or not occasioning loss of life or any serious injury to any person, or has received any material damage affecting its safety or its efficiency either in its hull or, in the case of a ship propelled by mechanical power, in any part of its machinery, or has been in collision or transmit, the master shall as soon as practicable after the occurrence of the accident or damage, notify the Director General in writing of the accident or damage, and of the probable cause thereof, stating the name of the ship, its official number, its port of registry or the port to which it belongs and its location.

(2) Where the owner or agent of any ship, to which this section applies, has reason to believe that the

ship has sustained damage or caused any such accident or received any damage as mentioned in subsection (1), he shall satisfy himself that the accident or damage has been reported to the Director General by the master.

(3) Where an owner or agent under subsection (1) has reason to believe that the accident or damage has not been reported as required by sub-section (1), he shall, as soon as possible, send the Director General a notice in writing stating the name of the ship, its official number and its port of registry and stating to the best of his knowledge and belief, the nature and extent of the accident or damage, the probable cause thereof and the location of the ship.

(4) The master, owner or agent who fails, without reasonable cause, to comply with this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the owner, master or agent commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

477. (1) Where, during a casualty investigation, it ^{Inquiry into fitness} appears to the Authority that a seafarer, who holds a ^{or conduct} Certificate or licence under this Act—

- (a) is unfit to discharge his duties, whether by reason of incompetence or misconduct or for any other reason; or
- (b) has been seriously negligent in the discharge of his duties,

it may suspend the Certificate or licence pending the outcome of the inquiry and require the seafarer concerned to deliver the Certificate or licence to the Director General.

(2) A person who fails to deliver a Certificate or licence as required under this section commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5

(3) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

Effects on certificates
or licences

478. (1) When, as a result of a casualty investigation, the Authority—

(a) is satisfied that any seafarer—

(i) is unfit to discharge his duties whether by reason of incompetence or misconduct or for any other reason; or

(ii) has been seriously negligent in the discharge of his duties; and

(b) in a case coming under paragraph (a), is further satisfied that circumstances caused or contributed to a casualty,

the Authority may cancel or suspend any Certificate or licence issued to the seafarer under this Act or censure him in accordance with regulations made under this Act.

(2) Where a Certificate or licence is cancelled or suspended pursuant to subsection (1), the seafarer concerned shall, forthwith, deliver the Certificate or licence to the Director General.

(3) A person who fails to deliver a Certificate or licence as required under this section commits a shipping violation and is liable to the administrative fine relative to the breach as set out in the Third Column of Schedule 5

(4) Where the administrative fine for a shipping

violation under subsection (3) is not paid, the person commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

479. Where a death occurs on board a Trinidad and Tobago ship, upon the master reporting the death to the Authority and the relevant authorities at the first port of arrival and providing the log extract to the Authority, the Authority shall conduct a casualty investigation. Inquiry into death on board

480. Where, as a result of a casualty investigation under section 477, the Certificate of Competency or Certificate of Proficiency of any person has been cancelled or suspended, the person may appeal the decision to the High Court. Appeals to High Court

481. Where a Certificate or licence has been suspended or cancelled under section 479 or 480, the Authority may, where it is of the opinion that the justice of the case so requires— Authority may re-issue or grant new Certificates

- (a) re-issue the Certificate or licence or, as the case may be, reduce the period of suspension; or
- (b) grant a new Certificate or licence of the same or a lower grade in place of that cancelled or suspended.

PART XXIX

DETENTION, SEIZURE OR FORFEITURE OF SHIP AND CEASING OF OPERATIONS OF AN OFFSHORE INSTALLATION

482. (1) Where the Director General, an inspector, Chief Harbour Master, Harbour Officer or a surveyor is satisfied that a foreign ship is to be detained under this Act, he may adopt any means or measure as set out in the CMOU Guidelines for the Detention of Ships suitable or necessary to prevent the ship from sailing while it is an unsafe ship and issue a Detention Order accordingly unless a Release Order is granted under subsection (3). Detention of foreign ship

(2) Where a Detention Order has been made under subsection (1), the owner or master of the ship may appeal to the Authority against the Detention Order.

(3) Where an application is made by the owner or master of a foreign ship under subsection (1), that the ship should be released and the Director General is satisfied that the ship should be released, he may cancel the Detention Order and issue a Release Order in respect of the ship.

(4) Where a foreign ship has been detained under this section, a consular officer for the State to which the ship belongs shall be informed forthwith.

(5) The owner or master of a ship or a consular officer, referred to in subsection (4), may require that a person of his choice accompany any person making an inspection or survey under Part XIV.

Seizure and
forfeiture

483. Where the owner or master of a Trinidad and Tobago ship is convicted of an offence under this Act and a fine has been imposed and the fine is not paid forthwith, the Court may direct the Authority to seize the ship and the ship shall be deemed to be forfeited to the State.

Arrest of and
distress on ship

484. Where any Court has power to make an order under this Act directing payment to be made of any seafarer's wages, fines or other sums of money, then, if the party so directed to pay the same is the owner or master of a ship, and the same is not paid at the time or in the manner prescribed in the order, the Court which made the order may, in addition to any other powers it may have for the purpose of compelling payment, and direct that the ship be arrested and the amount remaining unpaid to be levied by distress and sale of the ship, its tackle, furniture and apparel.

Seizure of property
liable to salvage

485. (1) Where salvage is due to any person under this Act, the Chief Receiver of Wrecks shall, where—

- (a) the salvage is due in respect of service rendered in assisting any vessel or in saving life there from or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and
- (b) the salvage is due in respect of the saving of any wreck and the wreck is not sold as unclaimed under this Act, seize the wreck.

(2) Subject to provisions hereinafter mentioned, the Chief Receiver of Wrecks shall detain the vessel and the cargo and apparel, or the wreck (hereinafter referred to as “seized property”), until payment is made for salvage or process is issued for the arrest or detention thereof by a Court of competent jurisdiction.

(3) The Chief Receiver of Wrecks may release any seized property where security is given to his satisfaction save that where the claim for salvage exceeds one hundred thousand dollars, the Court shall be satisfied as to the adequacy of the security.

(4) Where any security given for salvage under this section is in amount exceeding ten thousand dollars it may be enforced by the High Court in the same manner as if bail had been given in that Court.

486. (1) Where the owner or master of a foreign ship allows the foreign ship to leave or attempt to leave any port in Trinidad and Tobago while under detention under this Part, the owner or master thereof commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

Allowing ship to leave without clearance while under detention

(2) Where the administrative fine for a shipping violation under subsection (1) is not paid, the owner or master of the foreign ship commits an offence and is liable on summary conviction to the fine relative to the breach set out in the Fourth Column of Schedule 5.

487. (1) Where a Trinidad and Tobago ship is subject to forfeiture under this Act, an officer may seize and

Proceedings on forfeiture of ship

detain the Trinidad and Tobago ship and the Authority may apply to the High Court for an Order under subsection (2).

(2) Upon an application being made under subsection (1), the High Court may order the ship and its equipment forfeited.

(3) Anything forfeited under this section becomes the property of the State and may be sold or otherwise dealt with as the Authority thinks fit.

(4) An officer who seizes and detains a ship, pursuant to subsection (1), is not liable for such seizure or detention where the Court, before which a trial relating to the seizure or detention is held, is satisfied that there were reasonable grounds for the seizure or detention notwithstanding, that the ship is not brought in for adjudication or if so brought in, is declared not liable to forfeiture.

(5) Where the Court referred to in subsection (4) is satisfied that there were no reasonable grounds for the seizure or detention of a ship, the Court may award costs and damages to any party aggrieved and make such order as it thinks just.

(6) Where a ship is forfeited under this section, the Registrar of Ships shall amend the Register of Ships accordingly in accordance with Part IV.

(7) In this section, “officer” means—

- (a) any public officer appointed by the Minister in writing signed by him to be an officer for the purposes of this section;
- (b) a police officer; or
- (c) a member of the Trinidad and Tobago Defence Force.

488. (1) Where an application is made to the High Court or an offshore installation to be forfeit under this Act, the High Court may order the offshore installation and its equipment forfeited.

Forfeiture of an
offshore installation

(2) Anything forfeited under this section becomes the property of the State and may be sold or otherwise dealt with as the Authority sees fit and the Registrar of Ships shall amend the Register of Offshore Installations accordingly in accordance with Part IV.

489. (1) Where the Director General, an inspector or a surveyor is satisfied that an offshore installation does not meet the requirements of this Act and is unsafe, the Director General may issue a Cessation of Operations Order in respect to the offshore installation requiring the offshore installation to cease all of its operations.

(2) Where a Cessation of Operations Order has been made under subsection (1), the Offshore Installation Manager of the offshore installation may appeal to the Authority against the Cessation of Operations Order for the offshore installation to be released back into operation.

(3) Where an application is made by the Offshore Installation Manager of the offshore installation under subsection (2), that the offshore installation should be released and the Director General is satisfied that the offshore installation should be released he may cancel the Cessation of Operations Order and issue a Release Order in respect of the offshore installation.

490. Where a Trinidad and Tobago ship is prevented from going to sea or the Certificates of the Trinidad and Tobago ship have been withdrawn under this Act and the Trinidad and Tobago ship is an unsafe ship within the meaning of this Part, the owner of the Trinidad and Tobago ship is liable to pay to the Authority any costs of, and incidental to, the resurvey of the Trinidad and Tobago ship.

PART XXX JURISDICTION

491. (1) For the purpose of conferring jurisdiction under this Act, every offence on board a Trinidad and

Tobago ship shall be deemed committed and every cause of complaint to have arisen, in the place where the same was actually committed or arose.

(2) Where, in any proceedings under this Act, a question arises as to whether or not any ship or person is governed by this Act, the Trinidad and Tobago ship or person shall be deemed to be governed by this Act unless the contrary is proved.

Jurisdiction over ship lying or passing off the coast.

492. (1) A Court which has jurisdiction in any part of the coast of Trinidad and Tobago shall have jurisdiction over a ship lying or passing off that coast, or being in any bay, channel, lake, river or other navigable water near such coast and over all persons on board that ship or for the time being belonging thereto, in the same manner as if the ship or persons were within the limits of the original jurisdiction.

(2) Jurisdiction conferred by subsection (1) shall be in addition to and not in derogation of any jurisdiction or power conferred by any other law.

Jurisdiction as to offences on board ships

493. Notwithstanding anything contained in any written law, where any person on board any Trinidad and Tobago ship does any act or makes any omission which would be an offence if done or made in Trinidad and Tobago, that person, regardless of the position of the ship at the time of the act or omission, commits an offence and may be tried by any Court having jurisdiction in Trinidad and Tobago.

Jurisdiction as to unsatisfied mortgages

494. Where a Trinidad and Tobago ship is removed from the Register of Ships on account of a transfer to a person not qualified to own a Trinidad and Tobago ship, any unsatisfied mortgage may be enforced by that Court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a Court to the effect of that judgment.

495. (1) No Court in Trinidad and Tobago shall entertain an action *in personam* to enforce a claim to which this section applies unless—

Jurisdiction in collision and other cases.

- (a) the defendant has his habitual residence or a place of business within Trinidad and Tobago;
- (b) the cause of action arose within the waters of Trinidad and Tobago or within the limits of a harbour or port of Trinidad and Tobago; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the Court, or has been heard and determined in the Court.

(2) No Court in Trinidad and Tobago shall entertain an action *in personam* to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any Court outside of Trinidad and Tobago against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) Subsections (1) and (2) apply to counterclaims, not being counterclaims in proceedings arising out of the same incident or series of incidents, as they apply to actions *in personam*, and a reference to the plaintiff is a reference to the plaintiff on the counterclaim and a reference to the defendant is a reference to the defendant to the counterclaim.

496. (1) In any case in which an action may be brought *in rem* against any ship, where the person who would be liable on the claim in an action *in personam* was, when the cause of action arose, the owner or charterer of, or in possession or in control of the ship, the admiralty jurisdiction of the High Court may, whether the claim gives rise to a maritime lien on the ship or not, be invoked by an action *in rem* against—

Actions *in rem*

- (a) the ship, if at the time when the action is

brought it is beneficially owned as respects all the shares therein by that person; or

- (b) any other ship which, at the time when the action is brought, is beneficially owned as aforesaid, but in determining whether a person would be liable on a claim in an action *in personam*, it shall be assumed that he has his habitual residence or a place of business within Trinidad and Tobago.

(2) Subsection (1) shall not apply to actions arising from claims to the possession or ownership of a ship or to the ownership of any share therein, or any claim in respect of a mortgage or charge on a ship or any share therein.

PART XXXI

LEGAL PROCEEDINGS

Prosecution of
offences and
penalties
Chap. 4:20

497. (1) Except as otherwise expressly provided in this Act, proceedings in respect of offences under this Act shall be prosecuted under the Summary Courts Act.

(2) A person who commits an offence under this Act, for which no specific penalty is provided, is liable to a fine of twenty thousand dollars and to imprisonment for two years.

(3) Where an offence under this Act is a continuing one, and no penalty is provided in respect of the continuance thereof elsewhere than in this section, every person who commits that offence, in addition to any other liability, is liable to a fine of one thousand dollars for every day or part thereof during which the offence continues.

Administrative
Penalties

498. (1) Where the Director General has reason to believe that a person has committed a shipping violation in the First and Second Column of the table, as set out

in Schedule 5 he may, at or about the time the alleged shipping violation is believed to have been committed, give an infringement notice to the alleged offender.

(2) An infringement notice shall be in the prescribed form and shall—

- (a) contain a description of the alleged shipping violation; and
- (b) advise that the alleged offender is required to pay the amount of money specified in the notice as being the administrative penalty as set out in the Third Column in Schedule 5 for the shipping violation may be paid to the Authority within twenty-eight days after giving of the notice failing which, he commits an offence and is liable on summary conviction to the penalty set out in the Fourth Column for the shipping violation.

(3) In an infringement notice, the amount specified as being the administrative penalty for the shipping violation referred to in the notice shall be the amount that was the prescribed administrative penalty at the time the shipping data is believed to have been committed.

(4) The Director General may, in a particular case, extend the period of twenty-eight days for payment of the administrative penalty and may do so whether or not that period has elapsed.

(5) If the administrative penalty specified in an infringement notice is paid within twenty-eight days or such further time as is allowed under subsection (4) and the notice is not withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would be if the alleged offender had been convicted by a Court of, and punished for, the alleged offence.

(6) The Director General may, whether or not the administrative penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice of withdrawal in the prescribed form.

(7) If an infringement notice is withdrawn after payment of the administrative penalty, the amount shall be refunded by the Authority.

(8) Where an alleged offender fails to pay an administrative fine after the period of time for payment or the extended period for the payment of the administrative penalty for a shipping violation, the alleged offender commits an offence and is liable on summary conviction to the fines set out in the Fourth Column of Schedule 5 in respect of the shipping violation.

(9) On payment of any sum of money under this section—

- (a) the person reasonably suspected of having committed the offence in respect of which the payment has been made shall, if in custody, be discharged;
- (b) any ship detained in respect of the offence shall no longer be subject of a detention order; and
- (c) no further proceedings shall be taken against such person or ship in respect of the offence.

Limitation of actions
in civil proceedings

499. (1) Subject to this section, no action shall be maintainable to enforce any claim or lien against a ship or its owners in respect of any damage or loss to another ship, its cargo or freight, or to any property on board, or in respect of damages for loss of life or personal injuries suffered by any person on board the ship, caused by the fault of the first-mentioned ship irrespective of whether the ship is wholly or partly in

fault, or in respect of any salvage services, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered.

(2) No action shall be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of damages for loss of life or personal injuries, unless the proceedings have commenced within one year from the date of payment.

(3) Any Court of competent jurisdiction may, in accordance with the Rules of Court, extend any conditions as the Court thinks fit and if satisfied that during that period there has not been a reasonable opportunity of arresting the defendant ship within Trinidad and Tobago, extend the period to the extent necessary to give a reasonable opportunity.

(4) Nothing in this section shall affect any written law relating to compensation for workmen.

500. The Rules Committee established by the ^{Rules of Court} Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make Rules of Court for the purposes of this Act.

PART XXXII REGULATIONS

501. (1) The Minister, may make Regulations ^{Power of Minister to make Regulations} generally for the administration of this Act and for any other matter required to be prescribed or for which Regulations are required under this Act.

(2) Where the Minister makes Regulations under this Part, he shall do so on the advice of the Authority.

(3) Notwithstanding the generality of subsection (1), the Minister may make Regulations in respect of—

(a) fees required under this Act to be prescribed; and

(b) forms required under this Act to be prescribed.

(4) Notwithstanding section 63 of the Interpretation Act, Regulations made under this Act may prescribe a penalty up to one hundred and fifty thousand dollars and imprisonment for ten years.

Engagement of Seafarers

Regulations for the engagement of seafarers on non-convention vessels

502. (1) The Minister may, on the advice of the Authority, make Regulations—

(a) for the engagement of seafarers and matters pertaining to the engagement of seafarers in respect of vessels over five metres and which are not engaged on an international voyage;

(b) for the issue of—

(i) Certificates of Competency to seafarers;

(ii) Certificates of Proficiency to seafarers; and

(iii) endorsements on Certificates of Competency; and

(c) prescribing standards and procedures for the audit and quality management of recognized maritime training institutions in Trinidad & Tobago.

(2) The Minister, in making Regulations under this section may provide for the terms to be contained in different types of crew agreements including—

(a) the name of the Trinidad and Tobago ship in which the seafarer undertakes to serve;

(b) either the nature and, as far as it is

practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement which shall not exceed twelve months, and where applicable, the port at which it is intended the crew shall be discharged, and the places or ports of the world, if any, to which the voyage or engagement is not to extend;

- (c) the number and description of the crew;
- (d) if possible, the place and date at which each seafarer is to be on board or to begin work;
- (e) the capacity in which each seafarer is to serve;
- (f) the prescribed scale of the provisions which are furnished to seafarers;
- (g) as to conduct on board and as to fines and other lawful punishment for misconduct;
- (h) a list of young persons under the age of eighteen years and the dates of their birth; and
- (i) appropriate insurance coverage for the particular crew member to whom the agreement relates.

503. (1) The Minister may, on the advice of the Authority, in relation to the engagement of seafarers on Convention ships or offshore installations, make such Regulations to provide for—

- (a) the conditions of service of those persons serving on Trinidad and Tobago ships;
- (b) matters connected therewith and, in particulars, relating to—
 - (i) apprenticeship to sea service;
 - (ii) the implementation of any international convention relating to the employment, welfare, security,

Engagement of
Seafarers on
Convention ships or
offshore installations
Regulations

certification or status of officers and seafarers;

- (iii) the avoidance of agreements made contrary to such Regulations as may be prescribed;
 - (iv) wages in general, and the rights related thereto of persons employed on Trinidad and Tobago ships, safe working conditions, health and welfare for masters and seafarers employed on ships;
 - (v) the accommodation to be provided for officers and seafarers on board ships, the position, standard and construction of accommodation on Trinidad and Tobago ships and all matters related thereto;
 - (vi) the employment of persons under the age of eighteen years;
 - (vii) the limitations to which a seafarer's right to make an allotment are subject; and
 - (viii) the right of a person named in an allotment note to sue in his own name;
- (c) the form of allotment notes; and
- (d) crew agreements.

(2) Regulations under this section may—

- (a) provide for securing, as far as practicable, safe working conditions and safe means of access for masters and seafarers employed on Trinidad and Tobago ships or offshore installations and requiring the reporting of injuries sustained by them;
- (b) require the maintenance, inspection and testing of any equipment and impose conditions on its use;

- (c) require, prohibit or regulate the use of any material or process;
- (d) require the provision and use of any protective clothing or equipment;
- (e) limit the hours of employment of seafarer in any specified operation or in any specified circumstances; and
- (f) make provision for the discharge, by persons appointed from among the persons employed in a ship or offshore installation, of functions in connection with the arrangements to be made under Regulations.

(3) Regulations under this section may require—

- (a) such provisions and water to be provided for seafarers employed on Trinidad and Tobago ships or offshore installations; and
- (b) Trinidad and Tobago ships or offshore installations to carry such medicines, medical stores, appliances and books containing instructions and advice, as may be specified in the Regulations.

(4) Regulations made under subsection (3), may exempt any Trinidad and Tobago ship or offshore installation from any requirement, either generally or in respect of a particular voyage.

(5) Where the provisions of any Regulations made under subsection (3)(a) are not complied with, in the case of a ship or offshore installation, the master or owner commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5, unless he proves that the failure to comply was not due to his neglect or default.

(6) Where the administrative fine for a shipping violation under subsection (2) is not paid, the person

commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in Fourth Column of Schedule 5, unless he proves that the failure to comply was not due to his neglect or default.

(7) Regulations under this section may be made for the purpose of maintaining discipline on board Trinidad and Tobago ships or offshore installations, including—

- (a) any misconduct on board as a disciplinary offence and enabling the master or such an officer, as may be designated by the master to impose fines on seafarers committing disciplinary offences;
- (b) the procedure for the hearing of appeals against fines for disciplinary offences;
- (c) the setting up of a disciplinary committee of persons employed on the ships and for the exercise by all or any of those members of the powers of the master in dealing with disciplinary offences; and
- (d) the payment of fines for disciplinary offences.

Medical
examinations,
hospitals and
cooking Regulation

504. The Minister may, on the advice of the Authority, in relation to medical examinations, hospitals on board ships and cooking on board ships, make Regulations for—

- (a) the medical examination of all persons seeking employment in any capacity on board a ship and the issuing of medical certificates in respect of such persons;
- (b) hospital accommodation on board a ship; and
- (c) the examination and granting of certificates to persons qualified to be employed as ships' cooks.

Crew accommodation
and recreational
facilities Regulations

505. (1) The Minister may, on the advice of the Authority, make Regulations with respect to the crew,

accommodation to be provided on Trinidad and Tobago ships and offshore installations.

(2) Without prejudice to the generality of subsection (1), Regulations made under this section may, in particular—

- (a) prescribe the minimum space per person which shall be provided by way of sleeping accommodation for seafarers and the maximum number of persons by whom a specified part of such sleeping accommodation may be used;
- (b) prescribe the equipment to be provided in the sleeping rooms, washrooms, mess rooms and galley on the Trinidad and Tobago ship or offshore installation;
- (c) prescribe the requirements for recreational facilities on board a Trinidad and Tobago ship or offshore installation;
- (d) regulate the position on the Trinidad and Tobago ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;
- (e) provide for the protection of the crew against injury, poor air quality, vibrations, heat, cold and noise on a Trinidad and Tobago ship or offshore installation;
- (f) prescribe the water, heating, lighting, ventilation and sanitary facilities to be supplied on a Trinidad and Tobago ship or offshore installation;
- (g) require the submission, to a surveyor of Trinidad and Tobago ships or offshore installations, of plans and specifications of

any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation and authorise the surveyor to inspect any such works;

- (h) provide for the maintenance and repair of any such accommodation, and prohibit or restrict the use of any such accommodation, and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed;
- (i) provide for the inspection, measuring and marking of crew accommodation on a Trinidad and Tobago ship or offshore installation and its certification for the purpose of ascertaining register tonnage;
- (j) exempt Trinidad and Tobago ships or offshore installations of any description or any ship from any requirements of the Regulations; and
- (k) require the master of the ship or offshore installation, or any officer authorized by him, to carry out such inspections of the crew accommodation as may be prescribed.

(3) In this section, “crew accommodation” includes sleeping rooms, mess rooms, sanitary accommodation, storerooms and catering accommodations provided for the use of seafarer, but does not include any accommodation which is also used by, or provided for use of passengers.

Official Log Book
Regulations

506. The Minister may, on the advice of the Authority in respect of the Official Log Book for Trinidad and Tobago ships or offshore installations, make Regulations prescribing—

- (a) the form of Official Log Books;
- (b) the particulars to be entered in the Official Log Books;

- (c) the persons by whom such entries are to be made, signed or witnessed; and
- (d) the procedure to be followed in the making of such entries and in their amendment or cancelation.

Registration of Ships and Offshore Installations

507. (1) The Minister may, on the advice of the Authority, make Regulations relating to—

- (a) the registration of ships and offshore installations and more particularly in respect of the manner in which Trinidad and Tobago ships, any class of ships or an offshore installation may be registered under this Act;
- (b) the grant of a new Certificate of Registry;
- (c) the loss of a Certificate of Registry;
- (d) the keeping of a record of masters;
- (e) the endorsement of a change of ownership on a Certificate of Registry;
- (f) the delivery up of the Certificate of Registry of a ship that is lost or broken or has ceased to be a Trinidad and Tobago ship;
- (g) a continuous synopsis record in respect of ships;
- (h) the obligation to register ships and offshore installations and failure to comply therewith;
- (i) the manner in which Trinidad and Tobago ships, any class of those ships or an offshore installation may be registered under this Act;
- (j) all matters relevant to the maintenance of a Register of offshore installations;
- (k) the marking and other means of identification of any installation, whether registrable or exempted from registration;

Registration of ships
and offshore
installations
Regulations

- (l) the issue of certificates of registration or exemption and the custody, surrender, production or display of the certificates or copies of them;
- (m) the payment of fees in connection with making of applications under the regulations, the issue of certificates or other matters;
- (n) matters arising out of the termination of any registration or exemption, or any conditions attached thereto;
- (o) requiring offshore installations or parts of offshore installations to be certified by such persons and in such manner as may be provided by regulations, in respect of such matters affecting safety as may be so provided, fit for the purpose or purposes specified by regulations;
- (p) the imposition of requirements as to the survey, testing, audit and inspection of offshore installations or parts of offshore installations in respect of matters covered or required to be covered by a certificate of fitness;
- (q) the imposition of any prohibition or restriction with respect to offshore installations or parts of offshore installations which fail to comply with any provision of regulations made under this Act;
- (r) the issue of certificates of fitness and the custody, surrender, production or display of the certificates or copies of them;
- (s) requiring the payment of fees in connection with the making of applications under the regulations, the carrying out of surveys, tests, audits and inspections, the issue of certificates or other matters;

(*t*) matters arising out of the termination or modification of any certificate of fitness; and

(*u*) any other incidental matters.

(2) Regulations made under subsection (1)(*j*) to (*u*) inclusive, may provide for the Authority to exempt or authorise an offshore installation or part of an offshore installation from all or any of the provisions of the regulations, either in a particular case, or in a specified class or description of cases.

(3) The Minister may, on the advice of the Authority, make regulations for the safety, health and welfare of persons on offshore installations, the safety and the security of such offshore installations and the prevention of accidents on, or near them, including Regulations for—

(*a*) visitors or other persons, whether or not in the course of their employment;

(*b*) the transport of persons and things to, or from, an offshore installation;

(*c*) ships or aircraft in the neighbourhood of an offshore installation; and

(*d*) any operation or work whether on, or near an offshore installation, or in the water, or below the offshore installation.

(4) The Minister may prescribe requirements to be fulfilled with respect to the installation manager appointed under subsection (4)(*a*) or (*b*) including—

(*a*) requirements as to qualifications, experience, health or age;

(*b*) different provisions for managers of different types of offshore installations or managers whose responsibilities differ in other respects; and

(*c*) different provisions for managers

appointed under paragraphs (a) and (b), respectively.

Tonnage Regulations **508.** (1) The Minister may, on the advice of the Authority, make Regulations, herein after referred to as “the Tonnage Regulations” to—

- (a) provide for ascertaining the tonnage of ships;
- (b) make different provisions for different description of ships or for the same description of ships in different circumstances;
- (c) make any provision of the Regulations dependent on compliance with such conditions to be evidenced in such manner as may be specified in the Regulations;
- (d) to assign lower tonnages to ships, as applicable; and
- (e) to provide for the issue of documents certifying the registered tonnage of any Trinidad and Tobago ship.

(2) In making Regulations under subsection (1), the Minister shall have regard to the International Convention on Tonnage Measurement of Ships, 1969 including any amendments thereof.

Ship Builders

Ship Construction Regulations **509.** The Minister may, on the advice of the Authority, make Regulations prescribing—

- (a) standards and requirements for premises for the purpose of carrying out an inspection;
- (b) the class of ship or offshore installation required to be registered in the register book for ships or offshore installations under construction;
- (c) the conditions and guidelines subject to which the rights of ships or offshore

installations under construction shall be registered and the manner in which such a record shall be kept;

- (d) the class of ship or offshore installation required to be registered in the register book for ships or offshore installations under construction; and
- (e) the conditions and guidelines subject to which the rights of ships or offshore installations under construction shall be registered, and the manner in which such a record shall be kept.

Manning and Certification

510. (1) Subject to subsection (2), the Minister may, ^{Ship Construction Regulations} on the advice of the Authority, make Regulations—

- (a) requiring Trinidad and Tobago ships and offshore installations to carry such number of qualified officers of any description, qualified doctors and qualified cooks and such number of other seafarers or qualified seafarers of any description;
- (b) prescribing standards of competency to be attained and other conditions to be satisfied, subject to any exemptions allowed by, or under the regulations, by officers and other seafarers of any description in order to be qualified under this Act;
- (c) requiring that, in any case, a Trinidad and Tobago ship or offshore installation shall be under the charge of a properly certificated master and that watches at sea and in port are always kept by appropriately qualified officers; and
- (d) prescribing medical fitness requirements for seafarers.

(2) The Minister, in making regulations under this section, shall have regard to—

- (a) the provisions of the STCW Convention; and
- (b) the security on board a Trinidad and Tobago ship or offshore installation.

(3) The Minister shall not exercise his power to make regulations requiring ships to carry seafarers other than medical practitioners and cooks, except to the extent that it appears to him to be necessary or expedient in the interest of safety.

(4) Without prejudice to the generality of subsection (1)(b)—

- (a) the conditions prescribed under that paragraph may include conditions as to nationality; and
- (b) regulations made under that paragraph may provide for—
 - (i) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
 - (ii) the conduct of any examinations, the conditions for admission to them and the appointment and remuneration of examiners;
 - (iii) the issue, form and recording of certificates and other documents;
 - (iv) the payment of fees; and
 - (v) prescribing the rights and obligations of holders of Certificates of Competency and the offences for which certificates may be suspended or cancelled.

511. (1) Subject to subsection (2), the Minister may, Manning and
Certification
Regulations with the advice of the Authority, make Regulations—

- (a) requiring Trinidad and Tobago ships or offshore installations to carry such number of qualified officers of any description, qualified doctors and qualified cooks and such number of other seafarers or qualified seafarers of any description as may be specified in the Regulations;
- (b) prescribing the standards of training and certification of seafarers;
- (c) requiring that in any case a ship shall be under the charge of a properly certificated master and that watches at sea and in port are always kept by appropriately qualified officers;
- (d) for the granting of dispensations; and
- (e) prescribing medical fitness requirements for seafarers.

(2) Without prejudice to the generality of subsection (1)(b), regulations made under that paragraph may provide for—

- (a) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
- (b) the conduct of any examinations, the conditions for admission to them and the appointment and remuneration of examiners;
- (c) the issue, form and recording of certificates and other documents;
- (d) the payment of fees; and
- (e) prescribing the rights and obligations of holders of Certificates of Competency and Certificates of Proficiency and the offences for which certificates may be suspended or cancelled.

(3) The Minister may, on the advice of the Authority, make Regulations for the engagement of seafarers and matters pertaining to the engagement of seafarers in respect of vessels over five metres and which are not engaged on an international voyage.

(4) The Minister may, on the advice of the Authority, by Regulations prescribe the form and contents required for any Seafarers' Employment Agreement.

Quality Systems

Quality Systems
Regulations

512. The Minister may, on the advice of the Authority, make Regulations for the review, planning, design, presentation and evaluation of quality systems for—

- (a) the Authority;
- (b) the management and operations of Trinidad and Tobago vessels and offshore installations; and
- (c) recognised training institutions and recruitment and placement services.

Safety Precautions and Navigational Safety

Safety Precautions
and Navigational
Safety Regulations

513. The Minister may, on the advice of the Authority, make Regulations relating to—

- (a) signals of distress and emergency and the signals prescribed by the Regulations shall be deemed to be signals of distress and emergency; and
- (b) the operation of vessels near to an offshore installation.

Collision Regulations

514. (1) The Minister may, on the advice of the Authority, make Regulations, hereinafter referred to as "Collision Regulations"—

- (a) for the prevention of collision at sea;
- (b) with respect to the lights to be carried and exhibited;
- (c) with respect to the other signals to be carried and used; and
- (d) with respect to the steering and sailing rules to be observed by Trinidad and Tobago ships,

and in making such Regulations, he shall have regard to the Collision Convention.

(2) The owner and master of a Trinidad and Tobago ship, and of a seaplane and other craft shall comply with the Collision Regulations and shall not carry or exhibit any lights or use any signals other than those required by the Collision Regulations.

(3) A owner or master of a Trinidad and Tobago ship who contravenes the Collision Regulations commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(4) Where the administrative fine for a shipping violation under subsection (3) is not paid, the owner or master of a Trinidad and Tobago ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Aids to Navigation

515. (1) The Minister may, on the advice of the Aids to Navigation
Regulations Authority, make Regulations—

- (a) stipulating the systems of lighting and other characteristics, marks and features of aids to navigation;
- (b) for the laying, collecting and deposition of dues in respect of aids to navigation;

- (c) prescribing the penalties for any contravention of such Regulations; and
- (d) for the exemptions of particular ships or classes of ships from the requirements relating to the payment of dues for aids to navigation.

(2) In making Regulations, with respect to subsection (1)(a), the Minister shall have due regard for the International Association of Lighthouses Authorities Harmonized Buoyage “System B”, or any other international system of buoyage which may replace it.

Vessel Traffic Systems

Regulations relating
to vessel traffic
services

516. The Minister may, on the advice of the Authority, make Regulations relating to vessel traffic services including—

- (a) the establishment and recognition of a Vessel Traffic Management System and local vessel traffic services;
- (b) the manner of authorization by the Authority for local vessel traffic services;
- (c) the conditions for the grant of authorisations for the local vessel traffic service;
- (d) the inspection, testing and auditing of the Vessel Traffic Management System and local vessel traffic services;
- (e) training and certification in relation to vessel traffic services;
- (f) the creation of vessel traffic management system sectors, traffic lanes and traffic separation schemes;
- (g) the provision of reports and information to the Vessel Traffic Service Unit;

- (h) the form of the reports under paragraph (g) and information and the period within which such reports are to be provided;
- (i) the levying, collection and deposition of fees and dues in respect of Vessel Traffic Management Systems;
- (j) the exemption of prescribed classes of ships from the requirements of this Part and Regulations made hereunder; and
- (k) the prescription of penalties for any contravention of Regulations made hereunder.

SOLAS

517. (1) The Minister may, on the advice of the Regulation to enforce the Safety Convention Authority, make Regulations in relation to any Trinidad and Tobago ship or offshore installation to which the Safety Convention applies, and in so doing, shall have regard to the following Codes made under the Convention:

- (a) the International Safety Management Code (ISM Code);
- (b) the International Code on Intact Stability (IS Code);
- (c) the International Code for Fire Safety Systems (FSS Code);
- (d) the International Life-Saving Appliance Code (LSA Code);
- (e) the International Code for Fire Test Procedure (FTP Code);
- (f) the International Code for Safety Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-land Radioactive Waste on Board Ships (INF Code);
- (g) the International Code of Safety for High Speed Craft, 1994 (HSC Code 1994);

- (h) the International Code of Safety for High Speed Craft, 2000, and any amendments made thereto from time to time (HSC Code 2000);
- (i) International Ship and Port Facility Security Code (ISPS Code);
- (j) International Code for the Construction and Equipment of ships Carrying Chemicals in Bulk (IBC Code);
- (k) International Code for Application for Fire Test Procedures (FTP Code);
- (l) International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code);
- (m) International Code for Safe Carriage of Grain in Bulk (Grain Code);
- (n) International Convention on the Control of Harmful Anti-Fouling Systems on Ships 2001 (AFS Code);
- (o) International Convention for Safe Containers, 1972 (CSC Convention);
- (p) Mobile Offshore Drilling Unit Code (MODU Code);
- (q) Code of Safe Practice for Solid Bulk Cargoes (BC Code);
- (r) Code of Safe practice for Cargo Stowage and Securing (CSS Code);
- (s) Code of Safe Practice for the Carriage of Cargoes and Persons by Offshore Supply Vessels (OSV Code);
- (t) Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code);
- (u) Code of Safety for Dynamically Supported Craft;

- (v) Code of Practice for Packing of Cargo Transport Units (CTU Code);
- (w) International Convention for the Safety of Life at Sea (SOLAS);
- (x) International Convention on Load Lines 1966;
- (y) International Convention on Tonnage measurement of Ships 1969;
- (z) International Convention on Standards of Training, Certification and Watch Keeping for Seafarers (STCW), as amended, including the 1995 and 2010 Manila Amendments;
- (aa) Convention on the International Regulations for Preventing Collisions at Sea 1972 (COLREG 72);
- (ab) International Convention for the Control and Management of Ship's Ballast Water and Sediments (BWM Convention);
- (ac) Convention on Facilitation of International Maritime Traffic (FAL), 1965;
- (ad) International Convention on Maritime Search and Rescue (SAR) 1979;
- (ae) Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) 1988 and its Protocol, 1988;
- (af) International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969; and
- (ag) International Maritime Dangerous Goods (IMDG) Code.

(3) Where any further codes are developed under the Convention, the Minister may, on the advice of the Authority, make Regulations to give effect to those codes.

(4) The Minister may, on the advice of the Authority, in relation to ships to which the Safety Convention applies, make Regulations in order to give full effect to the Safety Convention and such Regulations may include matters for which there are no express provisions in the Convention.

(5) Regulations made under this section shall be subject to negative resolution of Parliament.

Dangerous Goods
Regulations

518. (1) The Minister may, on the advice of the Authority, by Regulations to be known as “Dangerous Goods Regulations”, establish which goods, articles or materials to be carried in a ship are dangerous goods including—

- (a) the method of packing and stowing dangerous goods;
- (b) the quantity of dangerous goods which may be carried in any ship;
- (c) the place or places within a ship in which they may be carried;
- (d) the marking that is to be placed on any package or container in which goods may be placed for shipment; and
- (e) the precautions that are to be taken with respect to the carriage of dangerous goods and the powers of inspection to determine compliance with the provisions of the Dangerous Goods Regulations.

Small Commercial
Vessel code and
Caribbean Cargo
Ship Regulations

519. The Minister may, on the advice of the Authority, make Regulations with respect to—

- (a) Small Commercial Vessel Code (SCV Code);
and
- (b) Caribbean Cargo Ship Safety Code (CCSS Code).

Maritime Security

520. (1) The Minister may, on the advice of the Authority, make Regulations generally with respect to the security of Trinidad and Tobago ships or offshore installations and port facilities and in particular for—

- (a) the methods of gathering and assessing information with respect to security threats to ships and port facilities;
- (b) the maintenance of communications protocols for ships, offshore installations and port facilities;
- (c) the prevention of unauthorised access to Trinidad and Tobago ships or offshore installations, port facilities and their restricted areas;
- (d) the prevention of the introduction of unauthorised weapons, incendiary devices or explosives to ships, offshore installations or port facilities;
- (e) the provision of means for raising the alarm in reaction to security threats or security incidents;
- (f) the establishment and implementation of ship securing plans at port facilities based upon security assessments; and
- (g) training drills and exercises to ensure familiarity with security plans and procedures.

(2) In making regulations under subsection (1), the Minister shall take into consideration the International Ship and Port Security Code as implemented through Chapter XI-2 of the Safety Convention.

521. (1) The Minister, on the advice of the Authority, may make regulations in respect of enhanced maritime security arrangements.

- (2) Without limiting the generality of subsection (1), the Minister may make regulations for—
- (a) stipulating special measures to enhance maritime security as it relates to—
 - (i) owner, charterer, manager or master of any ship;
 - (ii) port facility operator;
 - (iii) Trinidad and Tobago ships or classes of Trinidad and Tobago ships;
 - (iv) port facilities; and
 - (v) offshore installations;
 - (b) the exemptions of particular—
 - (i) Trinidad and Tobago ships or classes of Trinidad and Tobago ships; and
 - (ii) port facilities;
 - (c) exceptions;
 - (d) the Maritime Safety and Security Advisory Committee;
 - (e) ship security assessments and ship security plans;
 - (f) port facility assessments and port facility security plans;
 - (g) port facility security committees;
 - (h) offshore installations security assessments and security plans;
 - (i) duties of—
 - (i) company security officers;
 - (ii) Ship Security officers;
 - (iii) port facility security officers; and
 - (iv) offshore installations security officers;
 - (j) powers of inspection;
 - (k) stipulating control and compliance

measures as it relates to—

- (i) the control of ships in port;
- (ii) ships intending to enter a port; and
- (iii) the inspection, audit and review of Trinidad and Tobago ships and offshore installations, security assessments and security plans;
- (l) stipulating equivalent security arrangements;
- (m) stipulating details of the continuous synopsis records;
- (n) stipulating details for “offshore installation security zone” and “water-side restricted zone”;
- (o) the levying, collection and deposition of fees and dues in respect of security arrangements; and
- (p) prescribing the penalties for any contravention of such regulations.

(3) In making regulations with respect to subsection (1), the Minister shall have due regard to the International Ship and Port Facility Security Code (ISPS Code), as amended from time to time.

Load Line

Load Line
Regulations

522. (1) The Minister may, on the advice of the Authority, make such Regulations, hereinafter referred to as “the Load Line Regulations” as it appears to him to be necessary for the purpose of giving effect to the Load Line Convention.

(2) The Load Line Regulations shall make provisions for determining the period during which any exemption granted shall remain in force including—

- (a) provisions enabling the period for which the exemption under this section or certificate is originally granted or issued to be extended within such limits and in such

circumstances as may be prescribed by the regulations; and

- (b) provisions for terminating the exemption under this section and for cancelling any such certificate in such circumstances as may be prescribed.

Deck Cargo
Regulations

523. (1) The Minister may, on the advice of the Authority, make Regulations to be called “the Deck Cargo Regulations”, prescribing requirements to be complied with for a Trinidad and Tobago ship carrying cargo.

(2) Where the Load Line Regulations provide for assigning special freeboards to Trinidad and Tobago ships, the Deck Cargo Regulations may prescribe special requirements to be complied with in circumstances where any such special freeboard has effect.

(3) In prescribing a special requirement under subsection (2), the Minister shall have regard, in particular, to the provisions of Chapter IV of Annex I of the Load Line Convention.

(4) Where any provisions of the Deck Cargo Regulations are contravened—

- (a) in the case of a Trinidad and Tobago ship;
or

(b) in the case of any other ship while the ship is within any port in Trinidad and Tobago, the master of the ship commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(5) Where the administrative fine for a shipping violation under subsection (4) is not paid, the master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

Non-Convention Ships

524. The Minister may, on the advice of the ^{Fishing Vessels} Authority, make Regulations prescribing the class of ^{Regulations} vessels required to be registered in the register book for fishing vessels.

525. The Minister may, on the advice of the ^{Cargo Ships} Authority, make Regulations for the standards for the— ^{Regulations}

- (a) construction;
- (b) installation;
- (c) structural strength;
- (d) fittings;
- (e) material;
- (f) appliances;
- (g) apparatus; and
- (h) freeboard, stability and water tight integrity,

of cargo ships under Part XXIII.

526. The Minister may, on the advice of the ^{Regulations for} Authority, make Regulations prescribing safety ^{safety requirements} requirements and providing for the survey and issue of ^{and issue of local} local safety certificates in respect of any Trinidad and Tobago ship or class of Trinidad and Tobago ship to which the Safety Convention does not apply.

527. (1) The Minister may, on the advice of ^{Cargo ship} the Authority, make Regulations, for inter alia, the ^{construction and} requirements for issue and revocation of— ^{survey regulations}

- (a) a Safety Equipment Certificate;
- (b) a Safety Construction Certificate;
- (c) a Safety Radio Certificate;
- (d) a Passenger Ship Safety Certificate;
- (e) a Safety Management Certificate;
- (f) a Document of Compliance Certificate;

- (g) an Exemption Certificate;
- (h) a Small Commercial Vessel Certificate;
- (i) a Caribbean Cargo Ship Safety Certificate;
- (j) a Port Facility Security Certificate;
- (k) a Certificate of Fitness for the Carriage of Dangerous Goods; and
- (l) an International Ship Security Certificate.

(2) The Minister may make Regulations prescribing safety requirements and providing for the survey and issue of local safety certificates in respect of any Trinidad and Tobago ship or class of ship to which the Safety Convention does not apply.

Local passenger
ships Regulations

528. (1) The Minister may, on the advice of the Authority, make Regulations—

- (a) with respect to accommodation, facilities and provisions on board local passenger ships which carry passengers between ports in Trinidad and Tobago;
- (b) requiring the preparation and furnishing of particulars for all passengers carried to or from a port in Trinidad and Tobago;
- (c) regulating the maximum number of passengers which a Trinidad and Tobago ship may carry from a port in Trinidad and Tobago;
- (d) prescribing the safety requirements for local passenger ships operating between ports in Trinidad and Tobago; and
- (e) requiring the preparations and furnishing of particulars as to all births and deaths occurring on a Trinidad and Tobago ship or the birth or death of a Trinidad and Tobago citizen on board a foreign ship that calls at a Trinidad and Tobago port.

529. The Minister may, on the advice of the Submersible craft
Regulations Authority, make Regulations generally for the administration of this Part and, in particular, for the following purposes:

- (a) the operation of submersible craft, diving bells or apparatus;
- (b) the requirements for, and the registration of submersible craft, diving bell or apparatus;
- (c) specifying construction requirements for submersible craft, diving bell, apparatus or supporting apparatus;
- (d) specifying requirements for the carrying of safety equipment and spares by submersible craft, diving bell or apparatus;
- (e) providing survey requirements for submersible craft, diving bell or apparatus;
- (f) prescribing the qualifications necessary to be held by persons operating submersible craft, diving bell or apparatus;
- (g) equivalents;
- (h) forgery of documents;
- (i) number of persons on board a submersible craft, diving bell or apparatus;
- (j) alteration and modification of a submersible craft, diving bell or apparatus; and
- (k) cancellation of a Submersible Craft Safety Certificate.

530. The Minister may, on the advice of the Regulations for
Trinidad and Tobago
Government ships Authority, make Regulations prescribing the manner and extent to which the provisions of this Act apply to Trinidad and Tobago Government ships operated for non-commercial purposes.

531. The Minister may, on the advice of Pleasure Craft
Regulations the Authority, make Regulations prescribing safety

requirements, providing for the registration, survey and inspection, issue of Pleasure Craft Safety Certificates and documents, pleasure craft manning and training certification, safety equipment carriage vessels construction and machinery and any other matter in respect of safety and protection of the marine environment that may be relevant to the pleasure craft.

Communications

Marine
Communication
Regulations

532. The Minister may, on the advice of the Authority, make regulations—

- (a) for the provision of radio communication services on board Trinidad and Tobago ships, offshore installations and ports including—
 - (i) global maritime distress and safety system identities;
 - (ii) radio installations on Trinidad and Tobago ships, offshore installations and ports;
 - (iii) radio watch keeping on Trinidad and Tobago ships, offshore installations and ports;
 - (iv) sources of energy for radio equipment;
 - (v) performance standards for radio equipment of ships, offshore installations and ports;
 - (vi) maintenance requirements;
 - (vii) radio personnel employed on Trinidad and Tobago ships, offshore installations and at ports; and
 - (viii) radio records keeping;
- (b) safety of navigation;
- (c) navigational warnings;
- (d) meteorological services and warnings;

- (e) search and rescue services;
- (f) ship reporting systems;
- (g) vessel traffic services; and
- (h) International Code of Signals and IAMSAR Manual.

(5) The Minister, in making regulations under subsection (1), shall have due regard to the Telecommunications Act.

Chap. 47:31

PART XXXIII

MISCELLANEOUS

533. (1) A person who, immediately before the date of commencement of this Act, is actively engaged in the building of a ship shall apply to the Authority to be registered within twelve months upon the coming into force of this Act and no offence shall be deemed to have been committed by that person during this period for the purpose of registration.

(2) A person who, immediately before the date of commencement of this Act, is actively engaged in constructing an offshore installation shall apply to the Authority to be registered within twelve months upon the coming into force of this Act and no offence shall be deemed to have been committed by that person during this period for the purpose of registration.

(3) Where, immediately before the commencement of this Act, a person had been issued a certificate, licence or permit under the Shipping Act, Chap. 50:10, he shall apply to the Authority to be registered within twelve months upon the coming into force of this Act, his Certificate shall remain valid and no offence shall be deemed to have been committed by that person during this period for the purpose of registration.

(4) The Authority shall, within six months of receiving an application under this section, issue or refuse a licence.

(5) A person who contravenes subsection (1) commits a shipping violation and is liable to the administrative fine relative to the breach, as set out in the Third Column of Schedule 5.

(6) Where the administrative fine for a shipping violation under subsection (5) is not paid, the master of the ship commits an offence and is liable on summary conviction to the fine relative to the breach, as set out in the Fourth Column of Schedule 5.

(7) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars.

Minister may by
Order amend
Schedules

534. The Minister may, by Order, amend the Schedules to the Act.

Exemption of
Trinidad and Tobago
Government ships
from the application
of Act

535. (1) Except as otherwise provided in this Act, nothing in this Act shall apply—

- (a) to Trinidad and Tobago Government ships operated for non-commercial purposes; and
- (b) to ships or aircraft of the Defence Force.

(2) Notwithstanding subsection (1) all certificates issued under the repealed Act shall remain in force until they expire.

Chap. 50:10
repealed

536. (1) The Shipping Act is repealed.

(2) Notwithstanding subsection (1), Regulations made under the repealed Shipping Act shall, until Regulations are made under this Act, remain in force.

Consequential
amendments

537. The Acts referred to in the First Column are repealed or amended, as set out in the Second Column of Schedule 6.

Schedule 6

538. All proceedings commenced under the Shipping Act, the Harbours Act, the Droghers Act or the Motor Launches Act shall continue under those Acts as if they had not be repealed. Continuation of proceedings

539. All actions taken by any person under the Shipping (Port and Ship Security) Regulations, 2004 are deemed valid. Validation of acts under the Shipping (Port and Ship Security) Regulations LN. 131 of 2004

SCHEDULE 1

(Section 4)

CARIBBEAN TRADING AREA



SCHEDULE 2

[Section 8, 108(2), 111(4), 115(1), 120(2) and 121(2)]

FORMS

FORM A

Section 109(2)

BILL OF SALE

i. *Description of Vessel:*

IMO/Official Number:	Name of Ship:	How propelled:
Gross Tonnage:	Register/Net Tonnage:	Total Engine(s) Power (kw):
Length (metres):	Width (metres):	Moulded Depth (metres):

and as described in more detail in the Certificate of Survey/Register of Ships.

ii. *Details of Sale*

Transferor(s)	Full Name(s):	Address(es)/Principal Place of Business
I/We, the Transferor(s)		

in consideration of the sum of

Paid to me/us by:

Transferee	Full Name(s):	Address(es):
I/We, the Transferee(s)		

the receipt of which is acknowledged, TRANSFER ____ shares in the above ship (and in its boats and appurtenances) to the transferee(s).

Further, I/we the said transferor(s), for myself/ourselves and my/our heirs, or successors covenant with the said transferee(s) and his/hers/theirs/its assigns, that I/we have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from encumbrances*.

*(NOTE: if any subsisting encumbrances, insert the words "save as appears by the registry of the said ship")

iii. *For completion by individual as SOLE OWNER or individuals as JOINT OWNERS:*

In witness whereunto I/we have hereunto subscribed my/our name(s) on _____, 20__

Executed by the above named transferor(s) in the presence of:

Signature of transferor _____

Signature of transferor _____

Signature of witness _____

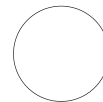
Full Name _____

Address _____

Occupation _____

iv. *For completion by BODY CORPORATE:*

In witness whereunto we hereunto have affixed our common seal on _____, 20__ in the presence of:



Signature of witness _____

Status _____
(Director, secretary, etc., under the company's articles)

Signature of witness _____

Status _____
(Director, secretary, etc., under the company's articles)

NOTE — A purchaser of a Registered Trinidad and Tobago ship does not obtain a complete title until the Bill of Sale has been recorded at the Port of Registry of the ship, and neglect of this precaution may entail serious consequences.

NOTE — Registered owners or mortgagors are reminded of the importance of keeping the Registrar of Shipping informed of any change of residence on their part.

FORM B

Section 111(4)

TRANSMISSION OF SHIP OR SHARE OR MORTGAGE BY
OPERATION OF LAWv. *Details of Vessel*

IMO/Official Number:	Name of Ship:	How propelled:
Gross Tonnage:	Register/Net Tonnage:	Total Engine(s) Power (kw):
Length (metres):	Width (metres):	Moulded Depth (metres):

and as described in more detail in the Certificate of Survey/Register of Ships.

vi. *Particulars of Transmission*

Full name(s) of registered owner(s)/transmitter(s)	Full address(es) of registered owner(s)/Transmitters	No. of shares affected	Reasons for transmission
Full name of transferee(s)	Full address(es) of transferee(s)	Nationality	No. of shares

3. Declaration

A. To be completed by sole or joint transmittee(s):

I/We, being the above transmittee/s of the number of shares or mortgage of the number of shares detailed above and whose name/s is/are subscribed below, declare that to the best of my/our knowledge and belief I am/we are entitled to be registered as owner/s or mortgagee/s of the above number of shares and the ship will be a Trinidad and Tobago-owned ship or will be controlled by a Trinidad and Tobago national/s in accordance with section ___ of the Shipping Act, 20__.

B. To be completed by body corporate transmittee/s:

I, the undersigned (Full name and designation of Authorized Officer) of __(full residential address)_____ of __(full name of company)_____

declare that this Company was incorporated in __(place of incorporation)___ on the_____(date in full)_____ under the law of ___(Country)___ and that the Company is the transmittee of the number of shares or mortgage of the number of shares detailed above. To the best of my knowledge and belief the Company is entitled to be registered as owner/mortgagee of the above number of shares and the ship will be a Trinidad and Tobago-owned ship or will be controlled by a Trinidad and Tobago national/s in accordance with section __ of the Shipping Act, 20__.

vii. *For completion by individual as SOLE TRANSMITTEE or individuals as JOINT TRANSMITTEES:*

In witness whereunto I/we have hereunto subscribed my/our name(s) on _____, 20__

Executed by the above named transmittee(s) in the presence of:

Signature of transmittee _____

Signature of transmittee _____

Signature of witness _____

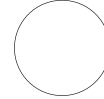
Full Name _____

Address _____

Occupation _____

5. For completion by BODY CORPORATE:

In witness whereunto we hereunto have affixed our common seal on _____, 20__ in the presence of:



Signature of witness _____

Status _____
(Director, secretary, etc., under the company's articles)

Signature of witness _____

Status _____
(Director, secretary, etc., under the company's articles)

FORM C

Section 115(1)

MORTGAGE (TO SECURE PRINCIPAL SUM AND INTEREST)

viii. *Details of Vessel*

IMO/Official Number:	Name of Ship:	How propelled:
Gross Tonnage:	Register/Net Tonnage:	Total Engine(s) Power (kw):
Length (metres):	Width (metres):	Moulded Depth (metres):

and as described in more detail in the Certificate of Survey/Register of Ships.

ix. *The Mortgage*

I/we*, _____

*as joint mortgagors (hereinafter called 'the mortgagor') in consideration of: _____

lent to me/us* today by:

*as joint mortgagees (hereinafter called 'the mortgagee') do hereby bind myself/ourselves **firstly** that I/we shall pay to the mortgagee(s) the said sum of _____

Together with the interest thereon at a rate of ___% per annum on the ___ day of _____ in every year;

and **secondly**, that if the said principal sum is not paid on the same day, I/we will during such time as the same or any part thereof remains unpaid, pay to the mortgagee(s), interest on the whole or such part thereof as may for the time being unpaid at the rate of

___% per annum by equal half-yearly on the _____ day of _____ and the _____ day of _____ in every year.

For the purpose of better securing to the mortgagee(s) the sums mentioned above, I/we hereby mortgage to the mortgagee(s) _____ shares in which I/we are the owners in the ship described above and in its appurtenances.

Lastly, I/we for myself/ourselves hereby declare that I/we have the power to mortgage in the manner aforesaid the above-mentioned shares and that they are free from encumbrances **save as appears by the registry of the above ship.*

3. For completion by individual as SOLE MORTGAGOR or individuals as JOINT MORTGAGORS:

In witness whereunto I/we have hereunto subscribed my/our name(s) on _____, 20__

Executed by the above named mortgagor(s) in the presence of:

Signature of mortgagor _____

Signature of mortgagor _____

Signature of witness _____

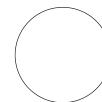
Full Name _____

Address _____

Occupation _____

x. For completion by BODY CORPORATE:

In witness whereunto we hereunto have affixed our common seal on _____, 20__ in the presence of:



Signature of witness _____

Status _____

(Director, secretary, etc., under the
company's articles)

Signature of witness _____

Status _____

(Director, secretary, etc., under the
company's articles)

NOTE — *The prompt registration of a Mortgage Deed at the Port of Registry of the ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, not from the date of the instrument.*

NOTE — *Registered Owners or Mortgagees are reminded of the importance of keeping the Registrar of Ships informed of any change of residence on their part.*

FORM D

Section 120(2)

MORTGAGE (TO SECURE ACCOUNT CURRENT/OTHER OBLIGATION)

1. *Details of vessel*

IMO/Official Number:	Name of Ship:	How propelled:
Gross Tonnage:	Register/Net Tonnage:	Total Engine(s) Power (kw):
Length (metres):	Width (metres):	Moulded Depth (metres):

and as described in more detail in the Certificate of Survey/Register of Ships.

2. *The Mortgage*

Whereas there is (state 'an account current' or write a short description of the obligation):

between:

Full Name(s)*	
Address (Place of Business In respect of a Company)	

*as joint mortgagors (hereinafter called ‘the mortgagor’);

and

Full Name(s)*	
Address (Place of Business In respect of a Company)	

*as joint mortgagees (hereinafter called ‘the mortgagee’)

3. Account Current

(Please complete this section in respect of “account current”, if this applies to you)

*I/we the mortgagor(s) in consideration of the advance made or to be made to *me/us by the mortgagee(s), bind *myself/ourselves to pay the mortgagee(s) the sums for the time being due on this security whether by way of principal, interest or otherwise at the time(s) and in the manner mentioned above.

4. Other Obligation

Please complete this section in respect of “other obligation”, if this applies to you.

I/We the mortgagor(s) in consideration of the following:

bind myself/ourselves to _____

for the purpose of better securing to the mortgagee(s) the sums/obligations mentioned above.

I/We hereby mortgage to the mortgagee(s) (state the no. of shares in figures and words):

shares of which I/we are the owners in the ship described above and its appurtenances. Lastly, I/we for myself/ourselves hereby declare that I/we have the power to mortgage in the manner aforesaid the above-mentioned shares and that they are free from encumbrances.*

(NOTE * Insert 'Save as appears by the registry of the above ship' as appropriate)

5. For completion by individual as SOLE MORTGAGOR or individuals as JOINT MORTGAGORS:

In witness whereunto I/we have hereunto subscribed my/our name(s) on _____, 20__

Executed by the above named mortgagor(s) in the presence of:

Signature of mortgagor _____

Signature of mortgagor _____

Signature of witness _____

Full Name _____

Address _____

Occupation _____

OFFICIAL USE ONLY

Mortgage (Priority)

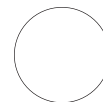
Time of Entry

Date of entry into the register

Officer's Signature/Initials

6. For completion by BODY CORPORATE:

In witness whereunto we hereunto have affixed our common seal on _____, 20__ in the presence of:



Signature of witness _____

Status _____

(Director, secretary, etc., under the company's articles)

OFFICIAL USE ONLY

Mortgage (Priority)

Time of Entry

Date of entry into the register

Officer's Signature/Initials

NOTE — *The prompt registration of a Mortgage Deed at the Port of Registry of the ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, not from the date of the instrument.*

NOTE — *Registered Owners or Mortgagees are reminded of the importance of keeping the Registrar of Ships informed of any change of residence on their part.*

FORM E

[Section 121(2)]

TRANSFER OF MORTGAGE—BY INDIVIDUAL OR JOINT OWNERS

Name of Ship:	
IMO/Official Number:	

For value received, I/We _____
the mortgagee(s) of the above ship pursuant to an instrument of
mortgage dated _____ and registered in the
Trinidad and Tobago Shipping Registry as Mortgage _____ on
_____ do hereby transfer to _____

of _____
having [an address in Trinidad and Tobago] [its principal place of
business] at _____
the benefit of the said mortgage.

Executed on this day of 20
by the following person(s) signing as transferor(s):

Signature of transferor _____

Signature of transferor _____

Signature of witness _____

Full Name _____

Address _____

Occupation _____

FORM F

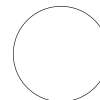
TRANSFER OF MORTGAGE—BY BODY CORPORATE

Name of Ship:	
IMO/Official Number:	

For value received, I/We _____
the mortgagee(s) of the above ship pursuant to an instrument of
mortgage dated _____ and registered in the Trinidad
and Tobago Shipping Registry as Mortgage _____ on
_____ do hereby transfer to _____
of _____
having [an address in Trinidad and Tobago] [its principal place of
business] at _____
the benefit of the said mortgage.

Executed on this day of 20
by—

- xi. the affixing of the common seal of the transferor in the presence of the following persons signing; and



xii. signing by the following persons;

Signature of witness _____

Status _____
(Director, secretary, etc., under the
company's articles)

SCHEDULE 3

Section 38

ALL REAL AND PERSONAL PROPERTY TO BE VESTED

1. All land, buildings and structures owned or leased by the Maritime Services Division situated and located as follows:

- (a) Head Office, Clarence House, 127-129 Duke Street, Port-of-Spain; and
- (b) Tobago.

2. All Aids to Navigation (Lighthouses, Buoys, Beacons, Channel Markers, and Leading Lights) owned or leased by the Maritime Services Division and located as follows:

- (a) Trinidad:
 - Brigand Hill Lighthouse (Tower Beacon), Manzanilla;
 - Chupara Point (Beacon), La Filette;
 - Galeota Point (Tower Beacon), Galeota;
 - Galera Point (Tower Beacon), Toco;
 - La Carriere (Beacon), Pointe-a-Pierre;
 - La Lune Point (Tower Beacon), Moruga;
 - Petit Matelot Point (Beacon), Matelot;
 - Punta Del Arenal (Tower Beacon), Icacos;
 - Chacachacare Lighthouse (Tower Beacon), Chacachacare Island;
 - Couva Shoal (Buoy), Couva;
 - Cronstadt Island (Pedestal Beacon), Cronstadt Island;
 - Darien Rock (Buoy), East Coast;
 - Diamond Rock (Buoy), Grand Boca;

- Gasparillo Island (Pedestal beacon), Gasparillo Island;
- Le Chapeau Rock (Pedestal Beacon), First Boca;
- Los Gallos (Buoy), Cedros;
- Middle Channel (Buoy), Icacos;
- Nelson Island (Beacon), Nelson Island;
- Oropouche Bank (Buoy), Oropouche;
- Point Baliene (Beacon), Gaspar Grande Island;
- Point De Cabras (Pedestal Beacon), Huevos Island;
- Reyna Point (Pedestal Beacon), Gaspar Grande Island;
- Saut D'eau Island (Pedestal Beacon), Saut D'eau Island;
- Soldado Rock (Pedestal Beacon), Soldado Island;
- Taparo Point (Tower Beacon), Erin;
- Teteron Rock (Buoy), Chaguaramas Bay;
- Three Fathom Bank (Buoy), Icacos;
- Victor Carter (Buoy), Cedros; and
- Wolf Rock (Pile Beacon), Icacos.

(b) Tobago:

- Bird of Paradise Island (Pedestal Beacon), Bird of Paradise Island;
- Booby Point (Pedestal Beacon), Buccoo;
- Bulldog Shoal (Buoy), Crown Point;
- Buccoo Reef North (Buoy), Buccoo;
- Buccoo Reef West (Buoy), Buccoo;
- Courland Point (Pedestal Beacon), Plymouth;
- Crown Point (Tower Beacon), Crown Point;
- Fort George Lighthouse (Tower Beacon), Scarborough;

- Man-O'-War Bay (Tower Beacon),
Charlotteville;
- Great River Shoal (Buoy), Bacolet;
- Minister Rock (Buoy), Scarborough;
- Smith's Island (Pedestal Beacon),
Scarborough;
- St. Giles (Melville) Island (Tower Beacon), St.
Giles (Melville) Island; and
- The Sisters Islet (Pedestal Beacon), Sisters
Island

3. All the books and records of the Maritime Services Division that are maintained at the Division's Head Office in Trinidad and Tobago and elsewhere.

4. All computer and communications equipment located on any premises occupied by the Maritime Services Division in Trinidad and Tobago or elsewhere.

5. All office furniture, fittings and equipment located on any premises occupied by the Maritime Services Division in Trinidad and Tobago or elsewhere.

6. All vessels and vehicles located on any premises occupied by the Maritime Services Division in Trinidad and Tobago or elsewhere.

7. All maintenance and operating supplies situated at Port of Spain, Trinidad or Tobago or elsewhere.

SCHEDULE 4

(Section 428)

HARBOURS

PORT-OF-SPAIN HARBOURS

The Port-of-Spain Harbour shall be as follows: So much of the Gulf of Paria as is enclosed by an imaginary line drawn from Martin Point on the Mainland to the Eastern-most point of Nelson Island, thence due South to Latitude 10° 36' 24" North and thence due East to the Mainland.

SCARBOROUGH HARBOUR

The Scarborough Harbour shall be as follows: Any part of Rocky Bay not at a greater distance from the shore than one nautical mile, not further East than a line drawn South from the Lodge Point, and not further West than a line drawn South from Lambeau Point.

SAN FERNANDO HARBOUR

The San Fernando Harbour shall be as follows: Such part of the Gulf of Paria as is comprised within a radius of 31 / 2 nautical miles from the Customs House of San Fernando.

BRIGHTON HARBOUR

The Brighton Harbour shall be as follows: All that portion of the Gulf of Paria enclosed by an imaginary line drawn from Point Galba in a direction 319° 15' (T) to a position in Latitude 10° 16' 35.8" N—

Longitude 61° 40' 13.2" W. to Latitude 10° 17' 05.4" N—

Longitude 61° 39' 41.0" W. to Latitude 10° 15' 22.0" N—

Longitude 61° 38' 10.5" W. to Latitude 10° 16' 00" N—

Longitude 61° 36' 50" W. to Latitude 10° 16' 52" N—

Longitude 61° 36' 59" W. to Latitude 10° 16' 56.6" N—

Longitude 61° 26' 29.0" W. to Latitude 10° 15' 48" N—

Longitude 61° 36' 17" W. to Latitude 10° 15' 03" N—

Longitude 61° 37' 05" W. thence due South to the land.

POINT LISAS HARBOUR

The Point Lisas Harbour shall be as follows: All that portion of the Gulf of Paria bounded as follows: (i) to the North—by the line of latitude 10° 25.1' North; (ii) to the West—by the line of longitude 61° 32.1' West extending southwards to the point of intersection with the line of latitude 10° 21.9' North; (iii) to the South—by the line of latitude 10° 19.8' North extending westwards to the intersection of Longitude 61° 28.53' West—the line produced to join the southernmost point of the western boundary and the westernmost point of the southern boundary; (iv) to the East—by the high water mark of the shoreline between the northern and southern boundary lines.

POINTE-A-PIERRE HARBOUR

The Pointe-a-Pierre Harbour shall be as follows: An area within a radius of one and three-quarter sea miles from La Cenier Light Beacon in approximately: Latitude—10 degrees 19' 19" North. Longitude—61 degrees 27' 17" West.

CEDROS HARBOUR

The Cedros Harbour shall be as follows: Such part of the Gulf of Paria bounded by an imaginary line drawn from a position 10° 05' 18" North, 061° 54' 00" West due North to Latitude 10° 07' 30" North due East to the mainland.

CHARLOTTEVILLE HARBOUR

The Charlotteville Harbour shall be as follows: Such part of the Caribbean Sea enclosed by an imaginary line drawn from a position 11° 20' 00" North, 060° 33' 31" West due East to Longitude 060° 34' 00" West thence due South to a position 11° 19' 18" North, 060° 34' 00" West thence in a direction 111° (T) to the mainland of Tobago.

POINT FORTIN HARBOUR

The Point Fortin Harbour shall be as follows: Such part of the Gulf of Paria bounded by an imaginary line drawn due West from Point Ligoure to Longitude 61° 43' 48" West thence due North to Latitude 10° 14' 12" North thence due West to Longitude 61° 44' 24" thence due North to Latitude 10° 15' 12" then due East to Longitude 61° 41' 00" West thence due South to the mainland.

SCHEDULE 5

(Section 500)

FIXED PENALTIES

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
49	Restriction on use or operation in the waters of Trinidad and Tobago	›\$75,000.00	(2) ›\$100,000.00
52	Restriction on construction or operation of offshore installations	›\$1,000,000.00	(2) ›\$2,000,000.00
54(5)	Obligation to register ships and offshore installations to operate under the laws of Trinidad and Tobago	(5)(a) ›\$20,000.00 (5)(b) ›\$400,000.00	Where it is— (a) a ship, to a fine of \$40,000.00; and (b) an offshore installation, to a fine of \$4,000,000.00
59	Registrar of Shipping to Register ship or offshore installation	(6) ›\$15,000.00 (8)(a) ›\$4,500.00 (8)(b) ›\$4,500.00	(6) › \$20,000.00 (8)(a) ›\$5,000.00 (8)(b) ›\$5,000.00

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
63	Certificate of use	(6) ›\$15,000.00	(6) ›\$20,000.00
71	Change of name or number of ship	(5) ›\$10,000.00	(5) ›\$20,000.00
82(2)	Use of national colours of another State and Defence Force pendant	(2) ›\$25,000.00	(2) ›\$30,000.00
83(1)	Penalty for unduly assuming Trinidad and Tobago character	(1) ›\$35,000.00	(1) ›\$50,000.00
85(3)	Prohibition on shipbuilding or building of off-shore installation	(3) ›\$75,000.00	(3) ›\$100,000.00 and a further fine of \$20,000.00 for every day he remains in contravention
91	Revocation of Shipbuilder's Registration Certificate or Offshore Installation Builder's Registration Certificate	(3) ›\$75,000.00	(3) \$100,000.00 and a further fine of \$20,000.00 for every day he remains in contravention
94(3)	Prohibition on shipbreaking or decommissioning of offshore installation	(3) ›\$75,000.00	(3)(a) ›\$100,000.00 (3)(b) \$750,000.00 (4)(b) ›\$ 500,000.00
96(4)	Decommissioning of offshore installations and pipelines	(4) ›\$400,000.00	(4) ›\$700,000.00
97(4)	Requirement for approval to break up a ship or decommissioning of offshore installations.	(4) ›\$30,000.00	(4) ›\$50,000.00

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
99	Requirement for ship breaker to have Deletion Certificate	(3) ›\$30,000.00	(3) ›\$50,000.00
100(5)	Manager of offshore installations	(5) ›\$75,000.00	(5) ›(a)\$100,000.00 and \$20,000.00 for every day breach continues
103(2)	Prohibition on operation near an offshore installation	(2) ›\$75,000.00	(2) ›\$100,000.00
126(7)	Power of Authority to suspend or cancel a Certificate of Competency	(7) ›\$7,500.00	(7) ›\$\$10,000.00 and imprisonment for 1 year
127(2)	Uncertified and unauthorized officers	(2) ›\$5,000.00	(2) ›\$10,000.00 and imprisonment for 1 year
139(2)	Prohibition on employment	(2) ›\$5,000.00	(2) ›\$10,000.00
140(4)	Crew agreements	(4) ›\$10,000.00	(4) ›\$20,000.00
143(2)	Requirement to provide employment agreements	(2) ›\$10,000.00	(2) ›\$20,000.00
145(2)	Record of employment	(2) ›\$5,000.00	(2) ›\$10,000.00
147(3)	Production and Surrender of Trinidad and Tobago Discharge Book	(3) ›\$3,000.00	(3) ›\$5,000.00
148(2)	Maintenance of Trinidad and Tobago Discharge Book by seafarer	(2)(a) ›\$3,000.00 (2)(b) ›\$5,000.00	(2)(a) ›\$5,000.00 (2)(b) ›\$10,000.00
150(1)	Employment of children and young persons	(1) ›\$15,000.00	(1) ›25,000.00 and imprisonment for 3 years

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
151(3)	Crew list	(3) ›\$10,000.00	(3) ›\$20,000.00
153(2)	Crew's knowledge of English	(2) ›\$10,000.00	(2) ›\$20,000.00
169(1)	Occupational safety	(1) ›\$375,000.00	(1) ›\$500,000.00
170(2)	Provisions and water	(2) ›\$7,000.00	(2) ›\$15,000.00
174(4)	Medical practitioner to be carried	(4) ›\$5,000.00	(4) ›\$10,000.00 and \$2,000.00 for every day thereafter
176(1)	General offences against discipline	(1)(a) ›\$7,000.00 (1)(b) ›\$750,000.00	(1)(a) ›\$10,000.00 (1)(b) ›\$1,000,000.00
189	Offences under section 185	›\$15,000.00	›\$20,000.000
193(2)	Requirements to keep and maintain Trinidad and Tobago Labour Certificate and declarations of Trinidad and Tobago Labour Compliance	(2) ›\$25,000.00	(2) ›\$30,000.00
198(3)	Intermediate inspection for validity and additional inspection	(2) ›\$15,000.00	(3) ›\$20,000.000
201	Requirement to carry Trinidad and Tobago Labour Certificate	›\$75,000.00	(3) ›\$30,000.00
205(4)	Official Log Book to be returned	(2) ›\$15,000.00 (4) ›\$15,000.00	(2) ›\$20,000.00 (4) ›\$20,000.00
206(2)	Delivery of Official Log Book	(2) ›\$15,000.00	(2) ›\$20,000.00

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
207(1), (2), (3)	Offences in respect of Official Log Book	(1) ›\$15,000.00 (2) ›\$15,000.00 (3) ›\$15,000.00	(1) ›\$25,000.00 (2) ›\$25,000.00 (3) ›\$25,000.00
208(4)	Ordinary log book of the ship and offshore installation	(4) ›\$15,000.00	(4) ›General \$20,000.00
209(6)	Crew List	(6) ›\$7,500.00	(6) ›\$10,000.00
210(6)	Returns of births and deaths	(6) ›\$7,500.00	(6) ›\$10,000.00
211(3)	Record of boat drill and fire drill to be kept in Official Log Book	(3) ›\$15,000.00	(3) ›\$20,000.00 General offence
222(9)	Powers of surveyors	(9) ›\$7,500.00	(9) ›\$10,000.00
238(4)	Maintenance of conditions after inspection	(4) ›\$10,000.00	(4) ›\$10,000.00
280(3)	Requirement to receive and follow instructions	(3) ›\$20,000.00	(3) ›\$30,000.00
281	Offences in relation to the Traffic Management System and local VTS Service	›\$20,000.00	›\$30,000.00
290	Penalty for carrying excess passengers	›\$10,000.00 for every passenger in excess	›\$20,000.00 for every passenger in excess
292	Penalty for non-compliance with conditions of Exemption Certificate	›\$15,000.00	›\$20,000.00
296(3)	Cancellation of Ship Safety Convention Certificate	(3) ›\$25,000.00	(3) ›\$30,000.00

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
297(2)	Notice of alterations affecting the ship	(2) ›\$250,000.00	(2) ›\$300,000.00
298(2)	Approval of proposed alteration	(2) ›\$250,000.00	(2) ›\$300,000.00
302(3)	Master or owner to require information	(3) ›\$40,000.00	(3) ›\$50,000.00
303(4)	Prohibition on blending of bulk liquid cargo and production processes	(4) ›\$75,000.00	(4) ›\$100,000.00
304(2)	Requirement to have information	(2) ›\$20,000.00	(2) ›\$25,000.00
307(3)	Carriage or stowage of dangerous goods	(3) ›\$75,000.00	(3) ›\$100,000.00 and 10 years imprisonment
308	Requirements <i>re:</i> dangerous goods	(2) ›\$75,000.00	(2) ›\$100,000.00
310(3)	Stowage and Security	(3) ›\$75,000.00	(3) ›\$100,000.00
311(2)	Marking and labelling of dangerous goods for the purpose of carriage	(2) ›\$40,000.00 and relevant certificates may be withdrawn	(2) ›\$60,000.00 and relevant certificates may be withdrawn
312(4)	Requirement to carry approved cargo securing manual	(4) ›\$40,000.00	(4) ›\$60,000.00 and imprisonment for 6 months
313(2)	Reporting of possible loss or theft of dangerous goods	(2) ›\$40,000.00	(2) ›\$60,000.00
336	Failure to have Ship Security Plan, Offshore Installation Security Plan or have Port Facility Security Plan	(3) ›\$40,000.00	(3) ›\$50,000.00

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
353	Submersion of Load Line	(2) \$20,000.00	\$30,000.00
354	Requirement to keep proper marks	\$420,000.00	\$30,000.00
355	Ships not to proceed to sea unless complying with Load Line Regulations	(1) \$75,000.00	\$100,000.00 and 10 years
356	Publication and display of Load Line Certificate and entry onto logbook of particulars of load lines	(3) \$50,000.00	(3) \$100,000.00
358	Annual inspection	\$20,000.00	\$40,000.00
360	Duty to ensure ship is safe	\$75,000.00	\$100,000.00 and Certificate may be withdrawn
391(5)	Prohibition on operating watercraft	(1) \$10,000.00	\$15,000.00 and where there is a collision, \$20,000.00
400(2)	Fishing Vessels not to operate near VTS or VTMS	(2) \$15,000.00	(2) \$30,000.00
404(4)	Owner required to remove wreck	(a) \$3,000,000.00 and \$5,000.00 for every day (b) \$100,000.00 and \$75,000.00 for every day	(c) A ship, \$5,000,000.00 and \$10,000.00 for every day (b) An offshore installation, \$15,000,000.00 and \$30,000.00 for every day

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
405(2)	Power of Chief Receiver where ship about to become a wreck	(3) \$7,500.00	(3) \$10,000.00
406(3)	Power to pass over adjoining lands	(3) \$7,500.00	\$10,000.00
416(2)	Requirements where ship about to become a wreck		
417(1)	Unauthorized boarding of wreck	(1) \$7,500.00	(a) \$10,000.00 (b) \$10,000.00
418(2)	Interfering with wreck, abandoned vessel or abandoned offshore installations	(2) \$35,000.00	(2) \$50,000.00
419(2)	Taking of wreck, abandoned ship or abandoned installation at time of casualty	(2) \$35,000.00	(2) \$50,000.00
421(1)	Duties of person finding wreck or abandoned vessels	(1) \$10,000.00	(2) \$20,000.00
427(1)	Obstruction in harbour or its approaches	(1) \$75,000.00	(3) \$100,000.00
430(5)	Entering a harbour or its approaches	(5) \$7,500.00	(5) \$10,000.00
431(3)	Direction as to anchorage	(3) \$75,000.00	\$100,000.00

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
434(2)	Owner, agent or master to report arrival or departure	(2) \$7,500.00	\$10,000.00
435(2)	Going on board or communicating before the Harbour Officer's visit	(2) \$30,000.00	\$50,000.00
436(2)	Mooring buoys	(2) \$5,000.00	\$10,000.00
437(2)	Repair of vessel in harbour	(2) 7,500.00	(2) \$10,000.00
438(2)	Making fast to wharves	(2) \$5,000.00	\$10,000.00
441(2)	Restriction on proceeding to sea without appropriate certificates	(2) \$15,000.00	\$20,000.00 and the Certificates may be withdrawn
442(2)	Penalty for clearing without certificate	(2) \$5,000.00	(2) \$10,000.00
450(2)	Duty to comply with directions	(2) \$50,000.00	\$100,000.00
453	Impeding a search and rescue operation	\$50,000.00	\$100,000.00
477(2)	Inquiry into fitness	(2) \$7,500.00	\$10,000.00
478(3)	Effects on Certificates	(3) \$7,500.00	\$10,000.00
486	Allowing ship to leave without clearance when under detention	\$75,000.00	\$100,000.00 and 5 years imprisonment

SCHEDULE 5—CONTINUED

<i>Clause Bill</i>	<i>Marginal Note</i>	<i>Administrative Fines</i>	<i>Penalties for offences</i>
503(5)	Engagement of Seafarers Regulations	(5) \$2000.00	(5) \$3,000.00
514(5)	Collision Regulations	(5) \$20,000.00	(5) \$30,000.00 and 6 months imprisonment
523(4)	Deck Cargo Regulations	(4) \$15,000.00	(4) \$20,000.00
532(5)(6)	Transitional	(5) \$20,000.00 (6) 300,000.00	(5) \$30,000.00 (6) \$500,000.00

SCHEDULE 6

(Section 539)

FIRST COLUMN ENACTMENT	SECOND COLUMN EXTENT OF AMENDMENT
Chap. 6:04 amended	The Coroners Act is amended by repealing section 3(2) and substituting the following new subsection: “ (2) The Port Health Officer shall, as to all matters arising under this Act, have all the powers and jurisdiction and discharge all the duties of a Coroner and shall be substituted for the District Medical Officer, and in this Act shall be read and construed accordingly.”.
Chap. 51:01 amended	The Port Authority Act is amended— (a) in the long title by deleting the word “harbour” and substituting the word “port”; (b) in section 2 by— (i) deleting the definition of “harbours” and substituting the following definition: “ “harbour” has the same meaning assigned to it by the Shipping Act, 2014;” and (ii) deleting the definition of “Harbour Master”; and “Chief Harbour Master referred

SCHEDULE 6—CONTINUED

FIRST COLUMN ENACTMENT	SECOND COLUMN EXTENT OF AMENDMENT
	<p style="text-align: right;">to in section 34 of the Shipping Act;” and</p> <p>(iii) by inserting in the appropriate alphabetical sequence, the following definition:</p> <p style="padding-left: 40px;">“port” means any place properly so called, whether or not proclaimed a harbour and whether natural or artificial, to which a ship may resort for shelter or to load or unload goods or to embark or disembark passengers, and shall include the wharves, jetties, ship docks and breakwaters, the machinery, plant, tools and any other property apportioning thereto;”</p> <p>(c) in section 8—</p> <p style="padding-left: 40px;">(i) by deleting the word “harbours” wherever it occurs and substituting the word “port”; and</p> <p style="padding-left: 40px;">(ii) in subsection (2), by deleting the words “Harbour Master” and substituting the words “Chief Harbour Master”;</p> <p>(d) in sections 16, 36, 44 and 45 by deleting the word “harbour” wherever it occurs and substituting the word “port”;</p> <p>(e) by repealing section 46 and substituting the following new section:</p> <p style="padding-left: 40px;">46 (1). There shall be levied upon every ship entering a port such marine service charges as may be fixed by the Authority by Regulations made under this Act.</p> <p style="padding-left: 40px;">(2) A book specifying all port marine services charges shall be made available for public inspection at the office of the General Manager.”;</p> <p>(f) in section 47, by—</p>

SCHEDULE 6—CONTINUED

FIRST COLUMN ENACTMENT	SECOND COLUMN EXTENT OF AMENDMENT
	<p>(i) deleting the words “dues or” wherever they occur and substituting the words “marine service”; and</p> <p>(ii) deleting the word “harbour” wherever it occurs and substituting the word “port”;</p> <p>(g) in section 48—</p> <p>(i) in the chapeau, by deleting the word “harbour” and substituting the word “port”; and</p> <p>(ii) by deleting paragraph (a) and substituting the following new paragraph:</p> <p style="padding-left: 40px;">“(a) from the Chief Harbour Master a certificate of clearance issued under the Shipping Act;”;</p> <p>(h) in section 49—</p> <p>(i) in subsection (1)—</p> <p style="padding-left: 40px;">(A) in paragraph (a), by deleting the word “harbour” and substituting the word “port”; and</p> <p style="padding-left: 40px;">(B) by deleting paragraph (c); and</p> <p>(ii) by repealing subsections (2) and (3);</p> <p>(i) in sections 50, 53, 56 and 57, by deleting the words “harbour” and “harbours” wherever they occur and substituting the words “port” and “ports” respectively; and</p> <p>(j) in section 17, by inserting after the words “on the”, the word “Chief”.</p>
Chap. 50:06, repealed	The Harbours Act is repealed.
Chap. 50:07 repealed	The Droghers Act is repealed.
Chap. 50:08 repealed	The Motor Launches Act is repealed.

SCHEDULE 6—CONTINUED

FIRST COLUMN ENACTMENT	SECOND COLUMN EXTENT OF AMENDMENT
Chap. 50:09 repealed	The Marking of Ships Act is repealed.
Chap. 51:02 amended	The Pilotage Act is amended by deleting the words “Harbour Master” wherever it occurs and substituting the words “Director General of the Maritime Authority”.

Passed in the Senate this day of ,
2020.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2020.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

No. 6 of 2020

FIRST SESSION

TWELFTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

AN ACT to repeal and replace the Shipping Act, Chap. 50:10, the Harbours Act, Chap. 50:06, the Droghers Act, Chap. 50:07, the Motor Launches Act, Chap. 50:08, to amend the Port Authority Act, Chap. 51:01 and the Coroners Act, Chap. 6:04 to provide for and the certification and registration of seafarers and the certification and registration of vessels and offshore installations, matters relating to crew safety and security of life at sea and matters incidental thereto

Received and read the

First time

Second time

Third time