

SAINT VINCENT AND THE GRENADINES

MERCHANT SHIPPING ACT, 1982

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SAINT VINCENT AND THE GRENADINES

ACT NO. 22 OF 1982

I Assent

SYDNEY D. GUN-MUNRO,

Governor-General.

15th June, 1982.

[L. S.]

AN ACT to consolidate and amend certain laws relating to Merchant Shipping and for matters incidental thereto.

[29th June, 1982,]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Merchant Shipping Act, 1982 and it shall come into operation on such date as the Governor-General may by Proclamation specify, and different dates may be specified for different provisions of the Act.

Short title
and Com-
mencement.

(2) Notwithstanding anything contained in sub section (1), every provision of this Act relevant to the Provisional Registration of ships under section 34, (including the appointment of Registrar, Deputy Commissioner for Maritime Commission) shall be deemed to have come into force on 1st day of March 1982 and it shall be competent to

undertake registration of ships under that section from that date, and in relation to any ship so registered all the relevant provisions of this Act shall be deemed to have come into force from that date.

(3) Save as provided in sub-section (2), any reference to the commencement of this Act shall be deemed to be a reference to the commencement of the relevant provision of this Act.

**Interpreta-
tion.**

2. In this Act unless the context otherwise requires —

“Authorised Officer” means any officer authorised by Government to discharge any of the functions under this Act.

“Cargo” includes livestock;

“Cargo ship” means a ship which is not a passenger ship; a fishing vessel or a pleasure yacht;

“Company” means a limited liability company and includes any corporation or public company;

“Consular Officer” when used in relation to Saint Vincent and the Grenadines means the diplomatic or Consular Representative of the Government of Saint Vincent or a person serving in a diplomatic, Consular or other foreign service of any country which, by arrangement with the Government of Saint Vincent, has undertaken to represent the interest of that Government; and when used in relation to any other country, means the officer recognised by the Government of Saint Vincent as a Consular Officer of that country;

“Commission” means Maritime Commission;

“Competent Officer” means any person appointed as such to discharge any functions or to exercise any rights under this Act;

“Crew” in relation to a ship includes seamen and apprentices;

“Crew accommodation” includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of seamen and apprentices, not being accommodation which is also used by or provided for the use of, passenger;

"Deputy Commissioner" means Deputy Commissioner for Maritime Affairs appointed under section 5;

"Dollar" means the Eastern Caribbean dollar;

"effects" in relation to persons, includes clothes and documents belonging to such person;

"Foreign ship" means any ship that is not a Saint Vincent ship;

"Government" means the Government of Saint Vincent and the Grenadines;

"Flag of the ship" in relation to Saint Vincent ship means the national flag of Saint Vincent and the Grenadines;

"law" includes any instrument having the force of law;

"Master" includes every person having command or charge of a ship other than a pilot;

"Minister" means the Minister responsible for shipping and includes any person acting under his authority;

"Order" means any direction given by the authority competent to issue it whether notified in the gazette or not;

"Owner" means any person, corporation, association or partnership registered as owner of a vessel and it also includes the Charterer or operator of any vessel who mans such vessel at his own expense or by his own procurement;

"passenger" means any person carried in a ship except —

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the Master to carry shipwrecked, distressed, or other persons, or by reason of any circumstances that neither the Master nor the owner could have prevented or forestalled; and

(c) a child under the age of one year;

“passenger ship” means any ship which carries or is meant to carry more than twelve passengers;

“prescribed” means prescribed by Rules or Regulations or in such other manner as the Government may deem appropriate;

“Proper officer” in relation to any function or activity means an officer appointed or authorised to perform and engaged in the performance of that function or activity;

“Registered” means registered under this Act;

“Registrar” means any person appointed as Registrar of ships under this Act;

“Saint Vincent” means Saint Vincent and the Grenadines;

“Saint Vincent Ship” means a ship registered under this Act and includes any ship that is deemed to be registered under this Act;

“seaman” includes every person (except a Master or pilot or a person temporarily employed on the ship while in Port) employed or engaged in any capacity on board any ship;

“Ship’s Registrar” means the Registrar of the Port at which a ship has been registered and includes the Deputy Commissioner for Maritime Affairs and his Agents;

“Shipping Master” means any person appointed for Saint Vincent to function as such in the Port of Kingstown in Saint Vincent;

“Surveyor of Ships” or “Surveyor” means a person appointed or competent to conduct survey of ships;

“vessel” means anything constructed or used for the carriage on, through or under water of persons or property and includes air cushioned or amphibious vehicles, hydrofoil craft and hovercraft and includes any ship or boat used in navigation;

“wages” includes all emoluments.

PART II

PORT OF REGISTRY AND REGISTRATION
AUTHORITIES

3. As from the commencement of this Act, KINGS-TOWN—SAINT VINCENT shall be the home Port of Registry of every ship registered or deemed to be registered under this Act.

KINGS-TOWN—
SAINT
VINCENT
to be Port
of Registry.

4. There shall be a Registrar of ships to perform the functions and discharge the duties of a Registrar under this Act.

Registrar
of ships.

5. (1) The Cabinet may, by order, appoint any person to be the Deputy Commissioner and any person so appointed—

Deputy
Commis-
sioner for
Maritime
Affairs.

- (a) shall perform the functions and discharge the duties of a Registrar under this Act outside Saint Vincent;
- (b) shall, subject to sub-section (1) of section 235 and to the directions of the Commission, carry out the administrative duties of the Maritime Commission in foreign Ports and undertake the general superintendence of all matters relating to Merchant shipping and Registration of Ships in foreign Ports under this Act;
- (c) may, in the performance of his duties, appoint Agents for the registration of ships, subject to the provisions of sub-section (2) of section 235 and to such other conditions as the Minister may impose; and
- (d) shall hold office for such term and subject to such conditions, restrictions and limitations as the Cabinet may specify.

(2) Every Agent for registration shall discharge his duties under the directions of the Deputy Commissioner and in accordance with such instructions as the Commission may give, and may at any time be removed from office.

Registrar and
Deputy Com-
missioner not
liable for
damages to
third party.

6. The Registrar or the Deputy Commissioner shall not be liable in damages to any person for any loss occurring to him by reason of anything done or omitted to be done in the discharge of his official duties unless the same has happened through any wilful negligence or misconduct on the part of the Registrar or the Deputy Commissioner, as the case may be.

PART III

REGISTRATION OF SHIPS

Registry
of ships.

7. (1) The Registrar shall keep a book to be called "the Registry of Ships" which shall contain —

- (a) the name of the ship;
- (b) the details of the Surveyor's Certificates;
- (c) the particulars respecting origin as set out in the declaration of ownership;
- (d) the name and description of the registered owner or owners and, if there are more owners than one, the proportion in which they are interested in the ship.

(2) The Deputy Commissioner shall keep a Registry of Ships as set out in sub-section (1) and submit the same or copy thereof to the Registrar at such time or during such interval as the Minister may direct, and such Registry shall include the particulars of ships registered by him and by his Agent, if any.

(3) Any person may, upon payment of the prescribed fee and during the official hours of attendance, inspect the Register at the Office of the Registrar or of the Deputy Commissioner.

Regulation
of shipping.

8. (1) No ship shall be used for trading to or from any part of Saint Vincent or for carrying of goods or persons within the waters of Saint Vincent, whether for reward or not, unless —

- (a) the ship is registered as Saint Vincent Ship, and provided with a certificate of registration in the prescribed form; or
- (b) stands exempted from registration under the law of Saint Vincent or of any other laws.

(2) Nothing contained in sub-section (1) shall apply to the following class of ships —

- (a) any ship which has a net tonnage of less than five hundred, whether of a self-propelled type or of a sailing type;
- (b) barges, lighters or other light vessels which do not carry persons on board whether it be crew or passengers (while on the way),
- (c) pleasure yacht;
- (d) any other vessel or class of vessels which the Cabinet may, by general or special Order notified in the Gazette, categorise as a ship exempted from registration.

(3) A ship required by this Act to be registered under sub-section (1), may be detained until the Master of the ship, if so required to do, produces the certificate of registry of the ship.

9. (1) Any ship which is in a seaworthy condition and which is not older than forty years may be registered if the same is owned by —

**Conditions
for
registration
of ship.**

- (a) an individual who is a citizen of Saint Vincent domiciled in Saint Vincent or;
- (b) by any other person referred to in sub-sections (2) or (3) —

(2) Any body corporate, partnership or other association of individuals, registered in accordance with the laws of Saint Vincent and having their main office in Saint Vincent shall also be eligible to apply for registration of any ship owned by them.

(3) In a case —

- (a) where a body corporate, partnership or other association of individuals, registered according to law in any foreign country, owns a ship, or
- (b) where the main office of any body corporate, partnership or other association of individuals owning any ship is situated outside Saint Vincent,

an application for registration of the ship may be made if the body corporate, partnership or association has a Registered Agent in Saint Vincent.

Home Port
to be
stated in
Registration
certificate.

10. The name of the home Port KINGSTOWN—SAINT VINCENT shall be prominently marked in the certificate of Registration of every ship registered under this Act.

Application
for registry.

11. (1) The application shall be made, in the case of an individual, by the person requiring to be registered as owner or by his agent, and in the case of a body corporate, partnership or other association of individuals, by its representative duly appointed under the common seal in the case of body corporate and by its Chief Executive in any other case.

(2) Every application for a ship to be registered shall be made to the Registrar or to the Deputy Commissioner in the prescribed form and shall be accompanied by the prescribed fee.

Registration
fee and
tonnage fee.

12. (1) The registration fee payable for registration of ships under this Act shall be EC\$2.50 per net ton and in addition thereto an annual tonnage fee calculated at EC\$1.00 per net ton shall also be payable on registration and annually thereafter.

(2) All the fees payable under sub-section (1) on registration shall be paid before the registration of the ship, and Certificate of Registration shall be issued in respect of any ship only on payment of such fee.

(3) The fee payable under this section shall be paid to the Registrar or to the Deputy Commissioner, as the case may be, who registers the ship.

(4) The annual fee shall under no circumstances be split up or refunded.

Crediting of
fee to
consolidated
fund.

13. (1) Every amount received by way of fee for registration or by way of annual fee shall be paid to the credit of the consolidated fund of Saint Vincent and where the fee is received by the Registrar or the Deputy Commissioner, he shall forthwith transmit the same to the Consolidated Fund of Saint Vincent in such manner as the Financial Secretary may, from time to time, direct.

(2) Notwithstanding anything contained in sub-section (1) the Cabinet may, by order permit any Deputy Commissioner to retain any part of the collections towards any amount that may be payable to him.

14. (1) The Government of Saint Vincent shall have a lien on the ship to the extent of any amount that may be due to the Government by way of fees or other charges and every amount due to the Government shall rank immediately after wages due to the crew and it shall be open to the Registrar to enforce, on behalf of the Government, the first maritime lien for realisation of all such debts.

Maritime lien
for unpaid
fees.

(2) Without prejudice to the generality of the powers of the Registrar under sub-section (1), in any case where the fee or other amount due is being collected on behalf of the Government by the Deputy Commissioner or his Agent, it shall be open to the Deputy Commissioner to enforce the maritime lien for realisation of such debts.

15. (1) Before any ship is registered for the first time as Saint Vincent Ship under this Act the following evidence in addition to the declaration of ownership, shall be produced before the registrar or the Deputy Commissioner, namely:—

Evidence for
first Register.

- (a) in the case of a ship built in Saint Vincent or in any other Commonwealth country, a certificate signed by the builder of the ship containing a true account of the proper denomination and of the tonnage of the ship as estimated by him, the time when and the place where the ship was built, the name of the person, if any, on whose account the ship was built, and, if there has been any sale, the Bill of Sale under which the ship has become vested in the person who applies for the Registry;
- (b) in the case of a ship built elsewhere, the same particulars as in clause (a), unless the person who makes the declaration of ownership declares that the time and place of the building of the ship are unknown to him or that the builder's certificate cannot be obtained, in which case the Bill of Sale or other document under which the ship has become vested in the applicant for registry, shall be deemed sufficient;

(e) in the case of a ship that has been condemned by any competent Court, an official copy of the condemnation.

(2) In the case of a ship built in Saint Vincent, the builder shall, if requested to do so by the owner, deliver to him a certificate containing the particulars specified in clause (a) of sub-section (1).

(3) A builder who fails to comply with the provisions of sub-section (2), or who wilfully makes a false statement in a certificate given under the foregoing sub-sections, shall be guilty of an offence punishable with a fine not exceeding one thousand dollars.

(4) In this section, "builder", in the case of a ship built in Saint Vincent, includes any person whom the Minister recognises as carrying on the business of the builder of a ship; and, in the case of a ship built in any other country, includes any person whom the Deputy Commissioner or the Maritime Commission recognises as a builder.

Entry of
particulars
in register.

16. As soon as the requirements preliminary to registry have been complied with, the Registrar or Deputy Commissioner shall, unless he has reason to withhold further action, enter in the Register the following particulars regarding the ship, namely:—

- (a) the name of the ship and the name of the Port to which the ship belongs;
- (b) the details comprised in the Surveyor's certificate of tonnage;
- (c) the particulars respecting her origin stated in the declaration of ownership;
- (d) the name, address, and occupation of the registered owner, and if there are more owners than one the name of all of them and proportion in which they are interested; and
- (e) the official number of the ship.

17. (1) Every ship registered under this Act shall have as its flag the National Flag of Saint Vincent without any modifications whatsoever. Flag of registered ship.

(2) If any person hoists a flag which is in any manner different from that specified in sub-section (1) as the flag of the ship, the Master, and the owner who has knowledge of the same, and any other person who participates in the contravention, shall be guilty of an offence and punishable with a fine not exceeding two thousand dollars.

18. (1) Where, on a report received from the Registrar or the Deputy Commissioner, or otherwise, the Minister is satisfied that the annual fee or any other dues payable to the Government has not been paid, he shall, by order, declare that the ship in relation to which the fee or other dues are payable shall forthwith cease to be a registered ship, and every such order shall be without prejudice to any other action that may be taken under this Act in respect of the default. Default of payment of dues.

(2) Where the Minister makes an order under sub-section (1), the Registrar of ships shall make an entry thereof in the Register to the effect that the ship has ceased to be registered as Saint Vincent Ship, and the ship shall not thereafter be considered as a ship registered in Saint Vincent except in so far as it relates to any unsatisfied mortgage or existing certificate of mortgage already entered in the Register.

(3) A certificate of registration of the ship shall not be returned by the Registrar or by any other officer or authority, with whom it may have been deposited, until further proof is furnished to show that the annual fees have been duly paid.

REGISTRATION PROCEDURE

19. (1) Every ship, in respect of which an application for registration is made, shall be surveyed by a surveyor of ships and the tonnage thereof ascertained in accordance with the Regulations on the subject made under this Act. Survey and measurement of ship.

(2) Where any ship has been registered in Saint Vincent under the law on Merchant Shipping as in force in Saint Vincent immediately before the commencement of this Act, no fresh survey under sub-section (1) shall be required in respect of that ship.

(3) The Surveyor shall issue a certificate specifying the tonnage of the ship, the build and such other particulars descriptive of the identity of the ship, as may from time to time be required by the Minister along with a declaration of the surveyor to the effect that he has ascertained the tonnage and other particulars in accordance with the Regulations made under this Act and this certificate shall also be presented to the Registrar.

Marking
of ship.

20. (1) Every ship, shall, before it is registered under this Act, bear a prominent mark on the following lines, namely:—

- (a) the name of the ship shall be marked on each of the bows and the name of the ship and the name of the Home Port shall be marked on the stern of the ship, and such markings shall be made in white letters if the background is dark, and made in black letters if the background is light, and every letter shall at least be 15 centimetres in length with proportionate width;
 - (b) on each side of the stem and stern post of the ship shall be marked a scale of feet or decimetres denoting the draft of water in relation to the ship and the figures shall be indicated in Roman capital letters or in figures of not less than 15 centimetres in length with the lower lines of such letters or figures coinciding with the draft line denoted thereby and those letters or figures must be marked by being cut in and painted white on a dark ground or in such other way as the Minister approves.
- (3) In a case where —
- (a) the owner or Master of ship registered or deemed registered under this Act neglects to cause his ship to be marked as required by this section or to keep her so marked; or
 - (b) any person conceals, removes, alters, defaces or obliterates or suffers any person under his control to do the same to any of the said marks, except where it is done for the purpose of escaping capture by an enemy, the owner,

Master or other person shall, for each offence be liable to a fine not exceeding three hundred dollars; and on a certificate from a surveyor of ship that a ship is insufficiently or inaccurately marked, the ship may be detained until the insufficiency or inaccuracy has been rectified.

(4) Where the Registrar is satisfied that an offence has been committed under this section, he may, without prejudice to the prosecution of the persons concerned for the offence, direct the detention of the ship until the insufficiency or inaccuracy has been removed.

21. A person shall not be entitled to be registered as owner of a ship or of a share in the ownership unless the applicant has signed a declaration of ownership in the prescribed form referring to the ship as described in the surveyor's certificate of tonnage and containing the following further particulars, namely:—

Declaration
of ownership.

- (a) a statement of his qualification to own a Saint Vincent ship, or in the case of a body corporate, partnership or other association of individuals, of such circumstances that go to prove the qualification to own a Saint Vincent ship;
- (b) a statement of the time and place where the ship was built or, if these are not known, a statement to the effect that the declarant does not know the time and place of her building;
- (c) a statement of the name and citizenship of the Master;
- (d) a statement of the extent to which the applicant is entitled to be registered as owner, his citizenship, nationality and domicile;
- (e) a declaration that to the best of his knowledge no unqualified person is known to have any legal or beneficial interest in the ownership or in any share in the ship.

(2) A ship shall not be registered under this Act unless, before registration, there further shall be produced the following evidence:

- (a) a builder's certificate, that is to say a certificate, signed by the builder of the ship (which expression includes such person as the Registrar or Deputy Commissioner recognises as carrying on the business of the builder of a ship) and containing a true account of the proper denomination and of the tonnage of the ship as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built and, if there has been any sale, the bill of sale or other document under which the ship was transferred to the applicant for registry:

Provided that, if the ship is not a newly built ship and the person making the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, there shall be required only the bill of sale or other document (if any) under which the ship was transferred to the applicant for registry;

- (b) where the ship has previously been registered in a foreign country, a certificate issued by the Government of the country of last registration (or such other evidence as the Registrar may accept) that the ship's registry in that country has been closed or will be closed immediately upon the issue of a certificate of registration under this Act;
- (c) such evidence to the satisfaction of the Registrar, or as may be prescribed by the Minister, to show that the ship is in a seaworthy condition.

Documents to
be retained
in safe
custody.

22. (1) On completion of the registry of a ship the Registrar shall retain in his possession the following documents:—

- (a) the Surveyor's certificate of tonnage;
- (b) the builder's certificate (if any);
- (c) all declarations of ownership;
- (d) any bill of sale of the ship previously made;
- (e) the copy of the condemnation (if any).

(2) Where the Deputy Commissioner has registered the ship, he shall, as soon as may be, pass on the documents referred to in subsection (1) to the Registrar unless the Minister otherwise directs.

23. (1) The Registrar or the Deputy Commissioner shall enter in the Register the name and address of the managing owner, for the time being, of every ship registered under this Act.

Managing owner to be recorded.

(2) Where there is no managing owner, the Registrar or the Deputy Commissioner shall register the name and address of the ship's agent or other person in whom the management of the ship is entrusted by or on behalf of the owner, and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations and subject to the same liabilities as if he were the managing owner.

holder to be recorded.

(3) The owner shall notify the Registrar or the Deputy Commissioner, as the case may be, forthwith of any change in the name or address of the managing owner and if he fails to do so, he shall be guilty of an offence punishable with a fine not exceeding five hundred dollars.

24. (1) On completion of the registration of a ship, the Registrar or the Deputy Commissioner as the case may be, shall grant a Certificate of Registry in the prescribed form, or as near thereto as circumstances permit.

Grant and custody of Certificate of Registry.

(2) The Certificate of Registry of any ship whether registered under this Act or not, shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest had or claimed by any owner, mortgagee or other person in relation to that ship.

(3) No person, whether interested in the ship or not, who has in his possession or under his control the Certificate of Registry or other nationality papers of a ship shall refuse or omit, without reasonable cause, to deliver the certificate or papers aforesaid, on demand to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to the Registrar, Comptroller of Customs, or any other person entitled by law to require its delivery.

(4) Any person who fails to comply with the provisions of subsection (3) shall be guilty of an offence punishable with a fine not exceeding one thousand dollars.

Use of
ship's
certificate.

Power to
grant new
certificate.

Provision
for loss of
certificate.

(5) If, in any proceedings in respect of an offence under sub-section (4), the Court is of the opinion that the Certificate of Registry has been lost or destroyed, the Court shall inform the Registrar of the said loss or destruction.

25. If the Master or owner of any ship, whether registered under this Act or not, uses or attempts to use for navigation of the ship, a Certificate of Registry not legally granted in respect of the ship, he shall be guilty of an offence punishable with imprisonment for a period not exceeding one year or with a fine not exceeding one thousand dollars or with both, and the ship shall also be liable to be detained and forfeited under this Act.

26. The Registrar or the Deputy Commissioner, as the case may be, may upon delivery to him of the Certificate of Registry of the ship, grant a new Certificate in lieu thereof subject to payment of the prescribed fee.

27. (1) If the Registrar or the Deputy Commissioner, is satisfied with the Certificate of Registry of a ship granted under this Act has been lost or destroyed he shall grant a new Certificate of Registry on payment of the prescribed fees.

(2) If, in the case of a ship registered under this Act, the loss or destruction of the certificate occurs while the ship is out of the Port of Kingstown, then the Master of the ship or some other person having due authority and knowledge of the facts of the case shall make a declaration stating the facts of the case by giving the name and description of the registered owner of the ship and apply at the nearest Port of arrival to the Registrar or the Deputy Commissioner or the Consular Officer, who shall, if satisfied about the bona fides of the request and upon payment of prescribed fee, grant a temporary certificate which shall bear an endorsement of the circumstances under which it was granted.

(3) Where a temporary certificate of registry is granted under sub-section (2) by any person other than the Registrar, the person to whom the certificate is issued and the Consular Officer shall forthwith transmit a copy thereof to the Registrar.

(4) The Master of a ship in respect of which a temporary certificate of registry has been granted under sub-section (2) shall, within ten days after the first arrival of the ship at the Port of Kingstown, deliver the certificate to the Registrar and any failure to comply with this provision shall be an offence punishable with a fine not exceeding one thousand dollars.

(5) Upon production of the temporary certificate of registry issued under sub-section (2), the Registrar shall, if he is satisfied that the original Certificate of Registry has been lost or destroyed grant a new Certificate of Registry.

(6) The issue of any certificate under this section shall be subject to payment of such fee as the Minister may, from time to time, specify.

28. (1) Whenever a change occurs in the registered owner of a ship, the Master of the ship shall get the certificate endorsed to that effect by the Registrar or the Deputy Commissioner, or by a Consular Officer of any Port at which the ship arrives who may be authorised by the Registrar to make the endorsement in case he is satisfied of the change and it is considered necessary to have the same incorporated without delay.

**Endorsement
of change
of owner-
ship of
certificate.**

(2) The Master of the ship shall forthwith deliver the Certificate of Registration to the Registrar or the Deputy Commissioner or to any other authorised officer for the purpose of making the endorsement and any failure to deliver up the certificate on demand shall be an offence punishable with fine not exceeding five hundred dollars.

(3) The Registrar or the Deputy Commissioner or authorised officer, as the case may be, shall take all reasonable steps to see that the ship is not detained by reason of any action taken under this section.

(4) The Minister may prescribe the fee payable for making an endorsement under this section and the same shall be paid when the certificate is delivered up for the purpose.

29. (1) Where a registered ship has been so altered as not to correspond with the particulars relating to her tonnage or description contained in the ship's register, an application (accompanied by a certificate from a proper Surveyor and notifying the Registry of the alteration) shall be made, to the Registrar or to the Deputy Commissioner.

**Registry of
alteration**

(2) Every application under sub-section (1) shall be supported by a certificate from a proper surveyor and be accompanied by the prescribed fee.

30. Where the ownership of any ship is changed, the Registrar or the Deputy Commissioner may, on the application of the owner of the ship, register the ship anew, although such registration anew is not made obligatory under this Act.

Registration anew on change of ownership optional.

31. (1) Where a ship is to be registered anew, the Registrar or the Deputy Commissioner shall proceed as in the case of first registration, and on delivery of the existing Registration Certificate, and the other requisites for registration, or in the case of a change of ownership such of them as is thought to be material, having been duly complied with, Registrar or the Deputy Commissioner shall make such registration anew and grant a certificate thereof.

Procedure for registration anew.

(2) When a ship is registered anew, her former registration shall be considered as closed except in so far as relates to any unsatisfied mortgages or existing certificates of mortgage or sale entered therein, but the names of all persons appearing on the former Register to be interested in the ship as owners or mortgagees shall be entered in the new Register, and the registration anew shall not in any way affect the right of any of those persons.

32. Where any ship has ceased to be registered as a Saint Vincent ship by reason of having been wrecked or abandoned or for any reason, other than capture by an enemy or transfer to a person not qualified to own a Saint Vincent ship, the ship shall not be re-registered until she has, at the expense of the applicant been inspected again and found to be seaworthy.

Restriction on re-registration of abandoned ships.

33. (1) In the event of a ship registered under this Act —

- (a) being actually or constructively lost, captured by the enemy, burnt or broken up, or
- (b) ceasing to be entitled to be registered under this Act, whether by reason of a transfer to a person not qualified to own a ship under this Act or for any other reason,

Surrender of certificate of ship lost or of ship ceasing to be Saint Vincent ship.

every owner of the ship shall, immediately on obtaining knowledge of the event, give notice thereof to the Registrar or the Deputy Commissioner, as the case may be, who shall make a suitable entry in the registry and the registration of the ship in the Register shall thereupon be considered as closed except in so far as it relates to any unsatisfied mortgages or any existing certificates of mortgage entered therein.

(2) In any such case, except where the Certificate of Registry was lost or destroyed, the Master of the ship shall, if the event occurs while a ship is in the Port of Kingstown, forthwith deliver the certificate to the Registrar and if the event occurs elsewhere to the Deputy Commissioner or to the nearest Consular Officer who shall forthwith forward the certificate to the Registrar.

(3) The Master or the owner who fails without reasonable cause to comply with the provisions of this section shall be guilty of an offence punishable with fine not exceeding one thousand dollars.

PROVISIONAL REGISTRATION

34. (1) Where any ship, registered under a Flag other than the National Flag of Saint Vincent, is sought to be registered provisionally as a Saint Vincent Ship under this Act an application shall be made for the purpose, by or on behalf of the owner, to the Registrar or the Deputy Commissioner, and every such application shall contain such particulars, comply with such formalities, be accompanied by such documents and be subject to payment of such fee, as may be prescribed, and upon compliance the Registrar or Deputy Commissioner, as the case may be, shall issue a provisional Certificate of Registry of the ship.

Provisional
registration
of foreign
ships under
national
flag of
Saint
Vincent.

(2) The Provisional Certificate of Registry issued under sub-section (1) shall have the same effect as the ordinary certificate of registry until the expiration of one year from the date of its issue.

(3) Every applicant for registration of a ship under this section shall, without prejudice of the generality of the provisions of sub-section (1) produce the following evidence, namely:—

(a) in respect of the ship,

- (i) evidence to establish that any foreign Certificate of Registry or equivalent document, has been legally cancelled or the registry has been duly closed, or
- (ii) if there is an outstanding Certificate, evidence to show that the Government which issued it has consented to its surrender for cancellation or closure of registry, or

(iii) a declaration from previous owners undertaking to delete the ship from the existing registry and confirming that all outstanding commitments in respect of the ship have been duly met;

(b) evidence to show that the ship is in a seaworthy condition;

(c) evidence to show that either the ship has been marked as provided in section 20 or that the owner of the ship has undertaken to have the ship so marked immediately upon receipt of a Provisional Certificate of Registry;

(d) evidence of payment of the fee due on the first registry and of the annual fee for one year in respect of the ship.

(4) The form of the Provisional Certificate issued under this section shall contain—

(a) the name of the ship;

(b) the name of the Master;

(c) the time and place of purchase;

(d) the name of her registered owner, and if there are more than one, the proportion in which they are interested;

(e) the best particulars, respecting her tonnage, build and description, which the issuing officer is able to obtain; and

(f) "KINGSTOWN—SAINT VINCENT" shown to be home Port of Registry.

Provisional
Certificate
ceasing to
have effect.

35. The Provisional Certificate of Registry shall cease to have effect if, before the expiry of sixty days from its date of issue, the owner of the ship in respect of which it was issued has failed to produce to the issuing authority—

(a) a certificate issued by the Government of the country of last registration of the ship (or other acceptable evidence) to show that the ship's registry in that country has been closed, or

- (b) evidence to show that the ship has been duly marked as required by section 20.

36. Notwithstanding anything contained in section 34, the Registrar or Deputy Commissioner may decline to grant a document or issue papers of Provisional Registration to any vessel until he is satisfied that the relevant provisions made by or under this Act have been duly complied with.

Denial of
provisional
documents.

TRANSFER AND SALE

37. The owner of a ship registered or otherwise documented in accordance with the provisions of this Act may, if he so desires, transfer the vessel to any foreign registration if there are no unfulfilled obligations to the Government of Saint Vincent in respect of the vessel:

Transfer of
ship.

Provided that, before such transfer is accomplished, the registered owner shall surrender all the relevant documents of the ship to the Registrar or to the Deputy Commissioner.

38. (1) Every transfer of a registered ship or of a fractional right thereto or of a share therein shall be made only by a Bill of Sale which shall be the evidence to show any transmission of property in a registered ship.

Bill of
Sale.

(2) The Bill of Sale shall contain such description of the Ship as is contained in the Surveyor's certificate or some other description sufficient to identify the ship to the satisfaction of the Registrar, and shall be executed by the transfer or in the presence of one or more witnesses who shall attest the same.

(3) Every Bill of Sale for the transfer of a registered ship, together with full particulars thereof, shall be entered in the book of Registry of ships.

39. Where the transfer or sale of any Ship is ordered by a Court, the Order of the Court shall contain a declaration vesting in some person named by the Court the right to transfer that ship, and that person shall thereupon be entitled to transfer the ship in the manner and to the same extent as if he was the registered owner thereof, and the requisition of the person so named in respect of any such transfer shall be obeyed to the same extent as if such person was the registered owner.

Sale by
order of
Court.

**Registration
of transfers.**

40. (1) A sale, conveyance, hypothecation, mortgage or assignment of mortgage of any vessel, shall not be valid in respect of such vessel, against any person other than the grantor or mortgagor, his heirs or devisees and persons having actual notice thereof, unless the instrument evidencing such transaction is recorded in the office of the Registrar or of the Deputy Commissioner.

(2) The Registrar and the Deputy Commissioner shall record such instruments in the order of their reception in books to be kept for that purpose and indexed to show —

- (a) the name of the ship;
- (b) the name of the parties;
- (c) the time and date of reception of the instrument;
- (d) the interest in the vessel transferred or affected, and
- (e) the amount and date of maturity of any mortgage.

(3) A Bill of Sale, conveyance or mortgage shall not be recorded unless it states the interest of the grantor or mortgagor in the vessel, and in the interest so sold, conveyed or mortgaged.

(4) A Bill of Sale, conveyance, mortgage, notice of claim or lien, or certificate of discharge thereof, shall not be recorded unless previously acknowledged before the Registrar or the Deputy Commissioner or Consular Officer or before a Notary Public or other officer authorised to take acknowledgement of deeds by laws of the place where the acknowledgement is made.

(5) Where the Deputy Commissioner has recorded any sale, conveyance or mortgage of a vessel under this section, he shall forthwith transmit a copy of the entries duly certified by him to the Registrar for entry in books kept by him as well.

**Preferred
mortgage.**

41. (1) A valid mortgage which, at the time it is made, includes the whole of any vessel as of the date of its registration if —

-
- (a) the mortgage is endorsed upon the vessel's document;
 - (b) the mortgage is registered as provided in section 40;
 - (c) an affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder or delay, or to defraud any existing or future creditor of the mortgagor or any person holding a lien of the mortgaged vessel, and
 - (d) the mortgage does not stipulate that the mortgagee waives the preferred status thereof.

(2) A mortgage which satisfies the conditions set out in sub-section (1) shall be designated a 'Preferred mortgage'.

(3) There shall be endorsed upon the Certificate of Registration of a vessel covered by a Preferred mortgage —

- (a) the names of the mortgagor and mortgagee;
- (b) the time and date the endorsement is made;
- (c) the amount and date of maturity of the mortgage, and
- (d) any amount to be endorsed as is required by sub-sections (5) and (6) of this section.

(4) Endorsement as set out in sub-section (3), shall be made by the Registrar or Deputy Commissioner or any other person duly authorised by the Minister, and clearance shall not be issued to the vessel until such endorsement is made, a certificate of such endorsement, giving the time, place and description of the endorsement shall be recorded with the records of Registration and where the endorsement is made by a person other than the Registrar or Deputy Commissioner, such certificate shall be furnished forthwith to the Registrar for recording.

(5) A mortgage which includes property other than a vessel shall not be held a Preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness; and if a Preferred mortgage so provides for the separate discharge, the amount of the payment of such portion shall be endorsed upon the document of the vessel.

(6) If a Preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness, the amount of such payment shall be endorsed upon the document of the vessel.

Effect of
forfeiture
on interest
of
mortgagee.

42. The interest of a mortgage in a vessel registered under this Act shall not be terminated by a forfeiture of vessel for a violation of any law in force in the State, unless the mortgagee authorised, consented, or conspired to effect the illegal act, failure or omission which constituted such violation.

Lien on
Preferred
Mortgage.

43. (1) A Preferred mortgage shall constitute a Maritime lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel.

(2) The mortgagor, before executing a Preferred mortgage shall disclose to the mortgagee in writing the existence of every Maritime lien, prior mortgage or other obligation or liability upon the vessel to be mortgaged, which is known to the mortgagor.

(3) After the execution of such mortgage and before the mortgagee has had reasonable time in which to record it and have proper endorsements made upon the document of the vessel, the mortgagor shall not without the consent of the mortgagee, incur any contractual obligation creating a lien upon the vessel other than liens for wages of stevedores when employed directly by the owner, operator, Master, or agent of the vessel, for wages of the crew of the vessel, for general Average or for Salvage, including contract Salvage, in respect of the vessel.

(4) A Preferred mortgage may bear such rate of interest as the parties to the mortgage mutually agree.

44. Any person, who is a mortgagor, or the president or principal officer of a corporate mortgagor, violates with intent to defraud any of the foregoing provisions relating to mortgages or lien, shall be guilty of an offence punishable with imprisonment for a period not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine, and the mortgage indebtedness shall, upon any such violation, become immediately due and payable at the election of the mortgagee.

Intentional violation of mortgage provisions an offence.

45. (1) Where a Preferred mortgage has been registered under section 41, two certified copies thereof shall be delivered to the mortgagor who shall place, and use due diligence to retain, one copy on board the mortgaged vessel and cause such copy and the document of the vessel containing the endorsement of the mortgage to be exhibited by the Master to any person having business which may give rise to a maritime lien or to the sale, conveyance or mortgage of the vessel.

Certificates of mortgage to be exhibited in the vessel.

(2) The licence of a Master, who wilfully fails to exhibit such documents and copy of mortgage, may be suspended or revoked by the Registrar or Deputy Commissioner.

46. (1) The Registrar or the Deputy Commissioner shall, upon the request of any person, record notice of his claim of a mortgage or lien upon a vessel registered under this Act, together with the nature, date of creation, and amount of the mortgage lien and the name and address of the person; and any person who has caused notice of his claim to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file a certificate of such discharge with the Registrar or the Deputy Commissioner, as the case may be, who shall, thereupon record the certificate of the discharge of the mortgage.

Record of notice of claim of lien, discharge of lien and mortgage.

(2) The mortgagor shall upon the discharge of any mortgage indebtedness in part or in full, forthwith file a certificate of such discharge duly executed by the mortgagee, his successor or assigns, with the Registrar or the Deputy Commissioner who shall thereupon record the certificate:

Provided that in the case of a Preferred mortgage the Registrar or the Deputy Commissioner shall cause an endorsement of the fact of such discharge to be made on the

certificate of Registry of the vessel and a certificate of such endorsement, giving the time, place and description of the endorsement, shall also be recorded with the records of registration.

(3) Where any endorsement on a certificate of Registry is made by a person other than the Registrar, such certificate shall be promptly furnished to the Registrar for recording purposes.

**Jurisdiction
and
procedure
on preferred
mortgages.**

47. (1) Any lien in respect of a Preferred mortgage may be enforced in Saint Vincent by a suit in rem in the High Court upon default of any of the terms or conditions, and in addition to any notice by publication, actual notice of the commencement of suit shall be given by the applicant in such manner as the High Court may direct, to the Master or other ranking officer or caretaker of the vessel and to any person who has recorded a notice of claim of an undischarged lien upon the vessel, except in a case where, in spite of every bona fide attempt made by the applicant to the satisfaction of the High Court, such person could not be traced within the State.

(2) The Lien of a Preferred mortgage may also be enforced by a suit in rem in the High Court, or otherwise in any foreign country in which the vessel may be found, pursuant to the procedure of that country for the enforcement of ship mortgages constituting maritime liens on vessels documented under the laws of the said country.

(3) Notwithstanding anything in this Act, the mortgagee may, in addition to all other remedies granted under this section, bring a suit in personam against the mortgagor in any court of competent jurisdiction for the amount of the outstanding mortgage indebtedness or for any deficiency in the full payment thereof.

(4) Nothing contained in this Act shall be deemed to authorise the enforcement by suit in rem in the High Court of the rights of the mortgagee in respect of assets or personal property other than vessels covered by a mortgage.

**Consequence
of sale by
Court.**

48. Upon the sale of any vessel in a suit in rem in the High Court for the enforcement of a Preferred mortgage lien, all pre-existing claims in the vessel including any possessory common law lien, shall terminate and thereafter attach, in like amount and in accordance with their respective priorities, to the proceeds of sale:

Provided that any Preferred mortgage lien shall have priority over all claims against the vessel, other than any liens arising prior in time to the recording and endorsement of the Preferred mortgage, any lien for damages arising out of tort, for crew's wages, for Salvage (including contract salvage) and expenses and fee allowed and costs taxed by the Court.

49. (1) Without prejudice to the generality of the foregoing provisions, every person who furnishes repairs or towage, or provides supplies or other necessaries, or permits the use of dry dock, to any vessel (whether domestic or foreign) upon request for the same from the owner or any person authorised by the owner, shall have a maritime lien on the vessel for the amounts due in respect thereof.

Maritime
Lien and
waiver.

(2) The Managing owner, the Master or any person to whom the management of the vessel is entrusted by any person who has the requisite authority shall be deemed to have the power to authorise the procurement of the services, supplies or necessaries referred to in sub-section (1);

Provided that a person who is in possession of a vessel under an agreement to purchase shall also have the power to authorise the services, supplies or necessaries aforesaid, but a person who is tortuously or unlawfully in possession or in charge of a vessel shall not have any such power.

(3) Nothing contained in this section shall be deemed to confer a lien in favour of any person referred to in sub-section (1), if he knew or with the exercise of reasonable diligence could have ascertained, that the person who requisitioned the services or supplies or other necessaries was acting without authority for whatsoever reason.

(4) Any person, who is entitled to a lien under sub-section (1) may, at any time by agreement or otherwise, waive his right to the lien or, in the case of a Preferred mortgage, to the preferred status of such lien.

50. International Convention for the unification of certain Rules of law relating to Maritime liens and Mortgages signed at Brussels on the 10th April 1926 as set out in the First Schedule shall form an integral part of this Act and have the force of law as such.

Brussels
Convention.

Name of
the ship.

51. (1) A ship shall not be described by any name other than that by which she is, for the time being, registered.

(2) A ship shall not be registered under this Act by any name which is the name of any ship already registered under this Act or is the name of a Commonwealth ship or is so similar to any such name so as to have a likelihood of misleading the public.

(3) The name of a ship registered under this Act shall not be altered unless permission in that behalf has been obtained from the Minister:

Provided that the Minister may impose such conditions as he may deem fit while granting permission.

(4) Every application for change of name shall be presented to the Registrar or Deputy Commissioner in such form and be accompanied by such fee as may be prescribed.

(5) Where permission has been accorded for the alteration of the name of any ship, the Registrar shall make the necessary alterations of the name in the Register and shall endorse and sign a Memorandum of the alteration on that Certificate and the name shall forthwith be altered in the Stern and the Bow.

(6) In respect of any ship which had at any time been registered under this Act on a previous occasion, an application for a subsequent registration of the ship shall be made again only with the same name by which she was earlier registered and any other name may be adopted only after obtaining the previous permission in that behalf from the Minister.

(7) Every person who acts or suffers any person under his control to act in contravention of the provisions of this section, or who omits to do anything required by this section, shall be guilty of an offence punishable with fine not exceeding five hundred dollars and the ship may also be detained until the provisions of this section are complied with.

(8) The Minister may make Regulations for the effective implementation of the provisions of this section.

False
declarations.

52. (1) Every person who forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to

be forged or procures to be fraudulently altered, any of the following documents, namely, any Register Book, Builder's Certificate, Surveyor's Certificate, Certificate of Registration, declaration, Bill of Sale, instrument of mortgage, or Certificate of mortgage or sale relating to any ship registered under this Act, or any entry or endorsement required to be made in or on any of those documents shall, in respect of each offence, be punishable with imprisonment for a period of not less than two years and not exceeding five years.

(2) Every person who in any declaration made in the presence of a Registrar, or in any declaration or document or other evidence produced before the Registrar—

(a) wilfully makes or assists in making or procures to be made, any false statement concerning the title to or ownership of any ship; or

(b) discharges, produces or makes use of any declaration or document containing any such false statement knowing the same to be false,

shall be guilty of an offence punishable with imprisonment for a period not exceeding two years or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

53. (1) Every registered ship shall hoist the national flag of Saint Vincent on entering or leaving any foreign Port and, on entering or leaving any Port in Saint Vincent.

Obligatory
for ships
to show
colours.

(2) If any ship fails to comply with the provisions of sub-section (1) the person in charge of the ship shall be punishable with fine not exceeding five hundred dollars.

54. If, the National Flag of Saint Vincent is used so as to make any ship which is not a Saint Vincent ship appear to be a Saint Vincent ship, the ship shall be liable to forfeiture.

Penalty
for false
assumption
of Saint
Vincent
Flag.

55. No clearance shall be granted for any ship until the Master of such ship has declared, to the officer from whom the clearance is required, the name of the Nation to which he claims that the ship belongs.

National
character to
be declared
by all ships
before
clearance.

Temporary
passes
instead of
Certificate
of Registry.

56. (1) Where the Registrar is satisfied that a ship which is wholly owned by persons qualified to own a Saint Vincent ship but which has not been registered under this Act, should by reason of special circumstances be granted permission to pass from any Port in Saint Vincent to any other Port elsewhere, he may granted a pass in respect of that ship specifying the voyage which it is authorised to make and fixing the time for which and the limits, if any, within which the pass shall remain valid.

(2) A pass granted under sub-section (1) and every pass granted under the corresponding provisions of the law of any country other than Saint Vincent shall, for the time and within the limits therein mentioned, have the same effect as a Certificate of Registry.

CLOSURE OF REGISTRY

Transfer to
foreign
Registry.

57. (1) Where the owner of a Saint Vincent ship desires to transfer the ship to a foreign Registry, he shall make an application in that behalf to the Registrar or to the Deputy Commissioner, giving all such particulars and information as the Registrar or Deputy Commissioner may require for the purpose.

(2) The application made under subsection (1) may be acceded to if—

- (a) all liabilities and obligations in respect of the ship towards Saint Vincent, whether for fees, charges or otherwise, have been paid; and
- (b) the consent in writing is produced from all the mortgagees whose mortgages have been duly registered in respect of the ship, and
- (c) the Registration Certificate of the ship has been surrendered to the Registrar or the Deputy Commissioner.

(3) Where any application under this section has been acceded to, the Registrar or the Deputy Commissioner as the case may be, shall make an entry to that effect in the Register and thereupon the ship shall cease to be a Saint Vincent Ship and the Registry of the ship in that Register shall be considered as closed, and upon request from the owner, Certificate of Deletion may be issued on payment of such fee as may be prescribed.

(4) Where the Deputy Commissioner deals with any matter under this section he shall forthwith intimate the Registrar the particulars thereof.

58. Where it appears to the Minister that there is any doubt as to the right or truth as to the Registration of any ship purporting to be registered or proposed to be registered under this Act, he may direct the Registrar or the Deputy Commissioner to require evidence to be given to his satisfaction that the ship is entitled to be registered as a Saint Vincent ship; and if, within such time, not being less than sixty days, as the Minister may specify, satisfactory evidence of the title of the ship is not given, he may, by order, direct that the registration of the ship shall not be made, and if made cancelled:

Inquiry into title of ship by Minister in certain cases.

Provided that in a case where the Registration is proposed to be made, the Minister may pass such interim orders prohibiting registration pending enquiry or making other appropriate order as he may deem fit.

59. (1) The Minister may, in the National interest or in the interest of shipping in Saint Vincent and after giving the owner of the ship concerned a minimum period of ninety days to make representations, by order, direct that the Registration of any ship be closed.

Cancellation of registration in national or public interest.

(2) Upon receipt of any such Order, the Registrar or the Deputy Commissioner shall make an entry thereof in the Register and thereupon the ship shall cease to be a Saint Vincent Ship and the Register of the ship shall stand closed except in so far as it relates to any unsatisfied mortgages or any existing certificate of mortgage entered therein.

TONNAGE AND MEASUREMENT

60. (1) The tonnage of any ship to be registered under this Act shall be ascertained in accordance with Regulations made under this Act.

Tonnage Regulations.

(2) The Minister may make Regulations—

- (a) providing for the ascertainment of any space to be taken into account for the purpose of section 61 and may exempt any space from being taken into account for that purpose;

-
- (b) prohibiting or restricting the carriage of goods or stores in a space not included in the registered tonnage of a ship;
 - (c) assigning to a ship, either instead of, or as an alternative to, the tonnage ascertained in accordance with the other provisions of the Regulations, a lower tonnage applicable where the ship is not loaded, and for indicating on the ship, by such mark as may be specified, that such a lower tonnage has been assigned to her and, where it has been assigned to her as an alternative, the depth to which the ship may be loaded for the lower tonnage to be applicable;
 - (d) providing for, the measurement and survey of ships;
 - (e) providing for the alteration of the particulars relating to the registered tonnage of a ship registered before the coming into operation of any Regulations made under this section;
 - (f) providing for the issue of a document certifying the registered tonnage of any ship or the tonnage which is to be taken, for any specified purpose, as the tonnage of a non-Saint Vincent ship.

(3) Any Regulation made under this section may make different provisions for different classes of ships or for the same class of ships in different circumstances.

Tonnage
statement,

61. Whenever the tonnage of a ship has been ascertained and registered in accordance with the tonnage Regulations, the same shall thenceforth be deemed to be the tonnage of the ship and shall be repeated in any subsequent registration thereof:

Provided that in a case where any alteration has been made in the form or capacity of the ship, or it is discovered that the tonnage of the ship was erroneously computed, the ship shall again be measured and her tonnage redetermined and re-registered according to the Tonnage Regulations.

62. Where the Minister is satisfied that the provisions of the law of any country as to the measurement of tonnage are of like effect to any Regulations made under section 60, the Minister may, by order, direct that any ship of that country shall, without being re-measured in Saint Vincent, be deemed to be of the tonnage denoted in her Certificate of Registry or other national papers and in every such case the provisions of this Act as to the tonnage of the ship shall apply as if that tonnage had been ascertained in accordance with the tonnage Regulations.

Tonnage of ships of other countries with similar provisions.

63. If the Minister is satisfied that the tonnage of any ship, as ascertained by the Rules of the country to which she belongs, materially differs from that which would be her tonnage if ascertained under this Act, the Minister may, by order, direct that, notwithstanding any order made under section 62, any of the ships of that country may, for all or any of the purposes of this Act be re-measured and the tonnage reascertained in accordance with this Act.

Tonnage of ships of other countries with different provisions.

64. The Surveyor of ships who measures a vessel shall specify the building of the vessel, number of decks and masts; length, breadth, depth, tonnage, and such other particulars usually descriptive of the identity of a vessel.

Survey and measurement to be performed by surveyors.

65. The fees to be paid for the ascertainment of the tonnage of a ship and for the taking of measurement for the purpose, shall be such as may be prescribed.

Fee for ascertainment of tonnage.

PART IV — TAXATION AND OTHER MATTERS

66. (1) Notwithstanding anything contained in the Income Tax Act 1979 or in any other law relating to taxation, no tax on property or income shall be payable —

Exemption from taxation No. 2 of 1979.

(a) by any —

(i) individual who is a citizen of Saint Vincent, or

(ii) body corporate, partnership or other association of individuals registered under sub-section (2) of section 9,

in respect of any income, capital gains or profits derived or dividend paid out from the ownership of an exempted ship; or

-
- (b) on the property of any ship registered under this Act or on its income, gains or profits so long as the same is derived from or directly relatable to the business of owning or operating an exempted ship;
 - (c) on donation made by any owner of a ship out of capital gains or profits derived from the ownership of an exempted ship; and
 - (d) on the succession to the ownership of the ship in part or whole.

(2) Exemption from tax under sub-section (1) shall be available to any such body corporate, partnership, or other association of individuals owning an exempted ship provided that they do not undertake in Saint Vincent any activity other than the ownership of the ship.

(3) A citizen of Saint Vincent ordinarily resident in Saint Vincent shall not however be denied exemption under subsection (1) on the ground that he undertakes in Saint Vincent activities other than ownership of ship.

(4) For the purpose of this section, "exempted ship" means any ship owned by a body corporate, partnership or other association of individuals duly registered under this Act, in respect of which all the dues payable to the Government, whether by way of registration fee, annual fee or otherwise, have been discharged in full and which continues to be eligible for the exemption.

CERTIFICATE OF COMPETENCY

Complement
of Officers
and
Certificates
of
competency.

67. (1) Every Saint Vincent ship when going to sea from any place shall be manned by the following officers, namely:—

- (a) a duly certified Master;
- (b) in the case of every ship of five hundred tons or upwards there shall be one officer besides the Master and such officer shall hold at least a Mate's certificate;
- (c) in the case of a ship having more than one Mate at least a first and second Mate shall be duly certified;

(d) where the nominal horse power of any ship is five hundred or more, there shall at least be two qualified Engineers, one of whom shall possess a first class Engineering certificate and the other a first or second class.

(2) The Minister may, from time to time, prescribe the strength and nature of the crew required to be carried in every Saint Vincent Ship when going to sea from any place, and different standards may be provided in relation to different categories of ships.

(3) Every Saint Vincent ship when going to sea from any place shall be provided with such number and description of crew as the Minister may prescribe.

(4) Failure to comply with any of the foregoing subsections shall be an offence and the owner and Master of the ship shall be punishable with a fine not exceeding three hundred dollars, and the ship, if in Saint Vincent, may be detained until compliance.

68. (1) The Minister may, subject to such conditions and restrictions as he may deem fit to impose, exempt ships or any class of ships from all or any of the requirements of section 67.

Power to
exempt
ships.

(2) Any exemption granted under sub-section (1) may be confined to a particular period or to one or more particular voyages.

69. (1) Certificates of competency shall be granted or recognised, in accordance with this Act, for each of the following grades, namely:—

Grades of
Certificates
of
competency.

- Master of an ocean-going ship;
- First-Mate of an ocean-going ship;
- Second-Mate of an ocean-going ship;
- Master of the second class;
- Master of the third class;
- First-class Engineer;
- Second-class Engineer.

Certificate of competency.

70. The Master may, from time to time, direct the holding of examination for the purpose of granting certificate of competency as a Master, Mate or Engineer for the benefit of persons desirous of getting qualified.

Foreign Certificate of Competency.

71. The Minister may recognise any certificate of an appropriate competency issued in a country other than Saint Vincent as efficient, or recognise any rank acquired abroad as an equivalent qualification, if he is satisfied that the examination held or the Certificate acquired or the rank obtained is adequate and permit any person concerned to obtain a local Certificate of Competency or recognition of Competency without examination but subject to the payment of such fee and the compliance with such conditions as may be imposed.

Record of Certificate

72. Every Certificate of Competency or recognition of Competency issued under this Act shall be in duplicate, one part to be delivered to the person in whose favour the Certificate is granted and the other part to be kept on record.

Suspension and cancellation of Certificate.

73. Any Certificate of Competency granted under this Act may, after notice to show cause has been given to the person to whom the Certificate has been issued, be suspended or cancelled under such circumstances, by such authority, and for such reasons and subject to such conditions as the Minister may prescribe.

Record of Certificates.

74. (1) The Registrar, the Deputy Commissioner or any other person who may be authorised to issue Certificates shall maintain a record of all Certificates issued by them, and every such record shall also show if at any time the Certificate had been suspended or cancelled.

(2) Any Certificate (including a Certificate of recognition) and every record maintained under sub-section (1) shall be admissible as *prime facie* evidence of the facts stated therein and shall have the same status as an official record for the purpose.

Loss of certificate.

75. (1) Where the Minister is satisfied that a Certificate or other document, issued to a person under this Part, has been lost or destroyed without any fault on the part of the person, he may direct the issue of duplicate of the Certificate or document subject to the payment of such fee and the giving of such guarantee or assurance as may be prescribed.

(2) Any duplicate of a Certificate or other document issued under subsection (1) shall have the same force and effect as the original.

76. Any person who employs an unqualified person as an officer or Seaman of any description as if he is a qualified person knowing that he is not so qualified or without ascertaining that he is qualified for the purpose, shall be guilty of an offence punishable with fine which may extend to five hundred dollars.

Employment
of
unqualified
person as
qualified.

77. Every person serving or engaged to serve in any ship of which this part applies who holds a Certificate or other document to show that he is qualified for the service, shall on demand by a Competent Officer produce the same and if he fails to do so without reasonable cause he shall be guilty of an offence punishable with fine not exceeding two hundred dollars.

Production
of
certificate
etc.

78. (1) Any person who —

- (a) forges or fraudulently alters or assists in forging or fraudulently altering, or procures to be forged or fraudulently alters any certificate of Competency or any recognition of a Certificate of Competency, or an official copy of any such Certificate or recognition; or
- (b) makes, assists in making or procures to be made, any false representation for the purpose of procuring, or getting recognised, either for himself or for any other person, a Certificate of Competency; or
- (c) fraudulently uses a Certificate, or a recognition of a Certificate, or a copy of a Certificate or of a recognition of a Certificate of Competency, —
 - (i) which has been forged, altered, cancelled or suspended, or
 - (ii) to which he is not entitled; or
- (d) fraudulently lends his Certificate of Competency or recognition of a Certificate of Competency or allows it to be used by any other person,

Forgery
or fraud
with respect
to certificates.

shall be guilty of an offence punishable with imprisonment for a period not exceeding one year or to a fine not exceeding two thousand dollars or to both such imprisonment and fine, in respect of each offence.

MASTER OF SHIP

Power to
appoint and
dismiss
Master.

79. (1) The Master of every ship shall be appointed by the owner thereof and he shall function subject to the control of the owner.

(2) The owner shall have the power to dismiss the Master of a ship and any agreement, whether in the contract of appointment or otherwise, which seeks to deprive the owner of power to dismiss the Master, shall be of no legal effect.

(3) The Master of a ship shall not be entitled to any compensation for his dismissal for a good cause or for his removal by a competent Court or for the termination of the engagement in accordance with the terms of the contract.

Duties and
liabilities
of Master.

80. (1) In the discharge of his duties, the Master shall be responsible for any negligence or misconduct, however slight, and he shall be answerable for all damages resulting from non-observance of any law or Regulation unless he can show that he did exercise all reasonable and proper care.

(2) The Master shall be on board the vessel at all times during the voyage and he shall be responsible for the proper management and navigation of the vessel, for the safety of the same, her crew and passengers, for the prompt receipt and stowage, care and discharge of cargo and for the maintenance of discipline on board.

(3) The Master shall also be responsible for the loss of, or any damage to, articles taken in or put on board by passengers, including any loss through theft, or injury caused by members of the crew unless the theft or injury was accompanied by force of arms or any other force of circumstances over which the Master had no control.

(4) The Master shall not carry goods on deck unless the shipper consents, and if he does so without such consent, he shall be answerable for any damage due to any such goods.

(5) The Master shall, at such reasonable intervals as he may be directed to do, give to the owner a true and faithful account of all dealings and other matters relating to the ship.

81. Where the owner is absent or if communication with him is not possible, the Master may, without reference to the owner incur any expenditure, or bind the owner by contract, for necessary repairs to the ship or for the supplies of necessaries; and may even borrow money on the credit of the owner to pay for necessaries to be supplied.

Powers of
the Masters.

82. The Master of every ship shall keep on board —

- (a) The Registration Certificate of the ship;
- (b) safety Certificates including Load Line Certificates in force in respect of the ship;
- (c) agreements with the crew;
- (d) the Bills of Lading and Charterparties; and
- (e) the Official Log Book.

Documents
to be kept
by Master.

83. (1) The Master of every ship, carrying passengers on any voyage from any place in the State to any place outside the State, shall not take on board passengers unless their names and such other particulars as are sufficient to establish their identity are clearly stated in a list signed by the Master or his agent and produced to any competent officer of the Port as early as practicable and in no case later than one hour before departure of the ship unless any shortage of time is condoned by the officer.

List of
Passengers.

(2) Every list of passengers referred to in sub-section (1) shall be duly countersigned by the Competent Officer of the Port concerned and returned to the Master or his agent.

(3) The Master shall, before proceeding to sea, produce the list of passengers, duly countersigned as aforesaid, to the person from whom clearance is required, and in the event of delay or default the ship may be detained until the same is produced.

(4) If the Master contravenes any of the provisions of this section he shall for each offence be liable to a fine not exceeding one hundred dollars.

84. (1) Where the vessel sustains damage, or is stranded, abandoned or lost, or where owing to stress of weather or other like cause the same is forced to enter any Port, the Master shall, within forty-eight hours after the event, if the event happens in any Port, or within forty-eight hours after his arrival in any Port if the event happens elsewhere, make a Sea Protest.

Sea Protest.

(2) The Master shall at the time of making the Sea Protest, produce his Official Log Book and the Ship's Log and cause them to be endorsed by the authority before whom the Sea Protest is made.

(3) In the Sea Protest the Master shall state on oath the place and time of sailing, the nature of his cargo, the course pursued, the perils encountered, the damage sustained by the vessel, and all other relevant facts, in particular those relating to the casualty in respect of which the Sea Protest is made.

(4) The authority before whom the Sea Protest is made shall, immediately after the Master has made his statement, examine on oath not less than two members of the crew and, where practicable, some of the passengers.

(5) Where a Sea Protest is required to be made, the Master shall not, except in the case of imminent danger, discharge any goods from the vessel until he makes the Sea Protest.

(6) It shall be competent to any interested party to prove any fact contrary to that contained in the Sea Protest; and if a Sea Protest is not made within the time specified in subsection (1), any interested party may prove any fact which should have resulted in a Sea Protest, or otherwise related to the casualty, by any other means.

(7) If the Master fails to comply with any of the provisions of that section he shall be answerable to any interested party for all damages.

Documents
to be
handed
over to
successor.

85 (1) If during the progress of a voyage the Master is dismissed, removed or suspended, or for any other reason he leaves the ship, and is succeeded in the command by some other person, he shall deliver to his successor and to the ship's crew the various documents relating to the navigation of the ship which are in his custody, and if he fails without reasonable cause to do so he shall be punishable with imprisonment for a period not exceeding two months or to a fine not exceeding two hundred dollars.

(3) The successor shall, immediately on assuming command of the ship enter in the Official Log Book a list of the documents so delivered to him.

SPECIAL PROVISION OF EMPLOYMENT OF CHILDREN

Employment
of
children.

86. No person who is under the age of fifteen years, hereinafter in this section and in section 87 referred to as a "Child", shall be employed on board a Saint Vincent Ship unless the following conditions are satisfied, namely:—

- (a) the nature of the work to be assigned to the Child is of a kind that the Minister may, by general or special order, approve;
- (b) Any work assigned to the Child shall be executed only under the supervision of an officer of the ship;
- (c) there shall be a person closely related to the child employed in the same ship;
- (d) a certificate shall be obtained from an officer responsible for Child Welfare to the effect that, having regard to the health and physical condition of the Child, prospective nature of the job, benefits that may accrue to the child and other attendant circumstances, the officer considers the employment to be for the welfare of the child; and
- (e) a certificate shall be obtained from a qualified medical practitioner to the effect that he has examined the Child and find him fit to be employed on board a ship in the capacity in which he is proposed to be employed.

87. (1) Where any Child is employed in any Saint Vincent and ship in contravention of the provisions of section 86, the owner of the ship and the Master thereof shall both be guilty of an offence punishable with fine not exceeding one hundred dollars or in the case of a subsequent offence, not exceeding two hundred dollars.

Employment
contrary to
section 86
an offence.

(2) It shall be an offence to employ a child in a Saint Vincent ship on the basis of a false or forged Certificate or on the basis of any false representation, and every person who is a party to the offence shall be punishable with fine not exceeding five hundred dollars

SEAMAN IN GENERAL

88. No person shall be employed on board a Saint Vincent Ship unless the owner of the ship or the Master thereof has entered into an agreement incorporating the following particulars, namely:—

Agreement
with crew.

- (a) the capacity in which he is employed;
- (b) wages payable to him;
- (c) the duration of the engagement;

- (d) the number and description of the crew ;
- (e) the conditions, wages and remuneration, leave entitlement, compensation for overtime work, rest days and holidays, and
- (f) the regulations as to the conduct on board.

Copy of agreement to be made available to crew.

89. It shall be the duty of the Master to have a legible copy of the agreement with the crew posted up within the ship in a place accessible to all the members of the crew.

Penalties.

90. Where the owner or the Master of a Saint Vincent ship violates any of the provisions contained in sections 88 or 89, he shall be guilty of an offence punishable with fine not exceeding one hundred dollars.

Engagement of seamen in foreign Port.

91. Where the Master of a Saint Vincent Ship has to engage a seaman at any Port outside the State of Saint Vincent, he shall get the agreement with the seaman attested by a Consular Officer of Saint Vincent, if one is available in the Port, to confirm the fact that the agreement has been signed in his presence and if the Consular Officer is not available, a similar endorsement shall be taken from the officer in charge of the Port, and in the latter case a copy of the agreement shall forthwith be forwarded to the Registrar or Deputy Commissioner.

Discharge only before Shipping Master.

92. If a situation arises where a seaman serving in a Saint Vincent ship has to be discharged or his services terminated when the ship is in a Port in Saint Vincent, such discharge or termination shall take place in the presence of the Shipping Master.

Crew entitled to Certificate of discharge and return of Certificate of Competency.

93. Whenever the Master of a Saint Vincent ship dismisses or discharges a seaman, he shall give to the seaman a Certificate of Discharge specifying the period of his service and the time and place of his discharge and return to him the Certificate of Competency after obtaining an acknowledgement for the same.

Discharge of seaman aboard.

94. The Master of a Saint Vincent Ship shall not ordinarily discharge a seaman or an apprentice at any place outside Saint Vincent:

Provided that where it becomes necessary to discharge a seaman or apprentice while outside Saint Vincent the Master shall obtain an endorsement on the agreement with the crew to the effect that such discharge has been effected, and every such endorsement shall be attested by a Consular Officer of the State to which the crew belongs, if available, or else by an officer in charge of the Port from where the discharge is effected.

(2) Where the discharge has been effected outside the Port of Saint Vincent, the Master shall (except in the case where such discharge is effected at the request of the seaman) provide reasonable expenditure for the seaman to return to the place of recruitment or the place of his homeland as the member of the crew may choose.

95. Any person who forges or fraudulently alters any Certificate of Embarkation or Discharge or delivers a false copy of any agreement with the crew shall be guilty of an offence punishable with imprisonment for one year or to a fine not exceeding one thousand dollars.

Falsification or forgery of Certificate of Embarkation or Discharge.

96. The Master of a ship, who, without reasonable cause, leaves behind any seaman belonging to the ship before the completion of the voyage for which the seaman was engaged shall be guilty of an offence punishable with imprisonment for a period of six months and with fine not exceeding five hundred dollars.

Leaving behind seaman an offence.

97. Any seaman, who by his wrongful act or negligence remains in Saint Vincent after the departure of a ship from a Port in Saint Vincent, shall be guilty of an offence punishable with imprisonment for a period not exceeding one month or to a fine not exceeding one hundred dollars, and any such punishment shall be without prejudice to any action (including imposition of penalty) that may be taken against him under the law, for the time being in force, regulating the immigration.

Seaman wrongfully remaining behind an offence.

98. Where a Saint Vincent Ship has ceased to be registered as such, every seaman employed on that ship shall be discharged unless he consents in writing in the presence of an Authorised Officer of the Port to continue such employment.

Discharge of seaman when ship ceases to be registered.

WAGES

99. Every seaman shall be paid in full (subject only to any deductions lawfully admissible under his contract of engagement) before or at the time he serves the ship on the termination of his engagement.

Payment of wages.

(2) Where a seaman is discharged while the ship is in Saint Vincent, the wages due to the seaman shall be paid through or in the presence of that Officer in charge of Shipping in Saint Vincent, unless a competent Court has otherwise directed, and any other mode of payment by the owner of the ship or the Master thereof shall be an offence for which the owner or Master, as the case may be, shall be punishable with imprisonment for a period not exceeding one month or a fine not exceeding one hundred dollars.

Account of
wages to
be delivered
to Master.

100. (4) The Master of every Saint Vincent ship shall, before paying off or discharging any seaman, deliver a true and complete account of the wages due to the seaman and any deductions made therefrom shall also be clearly indicated.

(2) A statement of account referred to in section (1) shall be handed over to the seaman at least twenty four hours before the seaman is due to leave the ship or before the payment to him or his discharge, whichever is earlier.

Settlement
of wages.

101. (1) Where a seaman has been discharged and his wages settled, the seaman shall sign a statement of release of all claims in respect of his past engagement and the same shall be handed over to the Master who shall also affix his signature thereof and this shall operate as a settlement of all demand between the parties thereto in respect of the past engagement:

Provided that it shall be open to the seaman to exclude from the release any specific claim or payment that he may have against the Master or owner of the ship and in that case a note stating that such claim for payment was excluded shall be incorporated in the statement of release.

(2) A statement of release referred to in section (1) shall be *prima facie* evidence that the payment covered by it has been duly made and of all other facts stated therein.

Deduction
from wages.

102. Whenever any deduction is made from the wages during a voyage, the Master shall enter the particulars in a book to be kept for that purpose and the same shall be produced at any time when required for the verification of the deductions or of the particulars thereof.

103. In the event of a seaman being disrated by the Master of a Saint Vincent ship, the Master shall forthwith enter the particulars of disrating in the official Log Book and furnish to the seaman concerned a copy thereof on request by him and any reduction of wages consequent to the disrating shall take effect only after the entries aforesaid had been made in the Log Book.

**Notice of
disrating
of seaman.**

104. (1) Where a seaman or an apprentice of Saint Vincent ship is guilty of any misconduct it shall be open to the Master of the ship to impose a fine or such other punishment as he may deem fit and any fine so imposed may be deducted from the wages due to the seaman in such manner as the Master may direct.

**Deduction
of fines.**

(2) Where in respect of any misconduct, a seaman has been subject to a fine or other punishment under this section he shall not again be subject to any other punishment in respect of the same misconduct.

105. (1) Every seaman shall be entitled to wages commencing from the time specified in the contract of his engagement, and where the same is not specified from the time of his embarkation.

**Right to
wages.**

(2) The wages of a seaman shall not be liable to forfeiture nor shall he be deprived of his wages by reason of loss of the ship, and any agreement abandoning the right to wages on loss of the ship, and any agreement subjecting the wages to forfeiture, shall be invalid as against the seaman.

106. Where a ship on which a seaman is employed is wrecked or lost and his services not terminated thereby before the normal period of the engagement, the seaman shall be entitled to the full normal wages for a period of one month from the termination of his services at the same rate at which he was last paid.

**Termination
of service
by wreck or
loss of ship.**

107. Where, after a Saint Vincent ship has left the shores of the State, the services of a seaman has to be terminated before the normal period of engagement due to illness or any physical inability whereby he is unable to proceed on the voyage, the seaman shall be entitled to full wages for a period of eighty seven days from the date of termination:

**Termination
of service
due to
illness etc.**

Provided where the illness is caused by the fault of the seaman or where the seaman had contracted a disease prior to embarkation, the Master may, having regard to the circumstances, deny the wages aforesaid in whole or in part as he considers equitable.

Maintenance
and
transportation
for return.

108. Where the services of a seaman have been terminated due to any cause beyond the control of the seaman (including his own illness) he shall be paid the reasonable expenditure for maintenance and transportation so as to enable him to return to the place of his engagement.

Compensation
to seaman
improperly
discharged.

109. If a seaman who has signed an agreement of service is discharged, otherwise than in accordance with the terms thereof, before the commencement of the voyage or before one month's wages are earned, he shall be entitled to receive from the Master or owner, in addition to any wages he may have earned, due compensation not exceeding normal wages for one month, for damage caused to him by the discharge unless the discharge is at the request of the seaman or due to his fault.

ACCOMODATION AND HEALTH

Accommoda-
tion for
seamen.

110. (1) The Minister may make Regulations with respect to the accommodation to be provided for the crew in every Saint Vincent ship.

(2) Without prejudice to the generality of the foregoing subsection, Regulations made thereunder may —

- (a) prescribe the minimum space per person which must be provided in any ship by way of sleeping accommodation for seamen, and the maximum number of persons by whom any specified part of such sleeping accommodation may be used;
- (b) regulate the position in any 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;
- (c) require the submission to a surveyor of ships or 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;

- (d) provide for the maintenance and repair of any such accommodation and prohibit or restrict the use of any such accommodation for purposes other than that for which it is designed,

and may make different provision in respect of different classes of ships and in respect of crew accommodation to be provided for different classes of persons.

111. (1) The Master of every Saint Vincent ship for which an agreement with the crew is required, shall furnish provisions to every member of the crew who does not furnish his own provisions.

**Statutory
scale of
provisions
for crew.**

(2) If a Master of a Saint Vincent ship fails to furnish adequate provisions, and the Court before which the case is tried considers that the failure was due to neglect or default of the Master, the Master shall be liable, in addition to paying compensation, to a fine not exceeding two hundred dollars.

112. (1) If during the voyage of any Saint Vincent ship—

- (a) the allowance of any of the provisions is reduced (except where it is done in accordance with any Regulations on reductions by way of punishment contained in the agreement with the crew or in respect of any period during which the seaman wilfully and without sufficient cause refused or neglected to perform his duty, or was lawfully under confinement for misconduct either on board or on shore; or

**Allowance
for short
or bad
provisions.**

- (b) any of those provisions have during the voyage been found to be bad in quality and unfit for use,

every seaman shall be entitled to receive compensation of a sum not exceeding twenty-five percent of the nominal daily wage allowance.

113. The Master of a Saint Vincent ship shall keep on board proper weights and measures for determining the quantities of the provisions and articles that are served in the ship.

**Weights
and
measures
on board.**

Regulations
in respect
of medical
aid.

114. (1) Every Saint Vincent ship having one hundred persons or upwards on board or carrying more than twelve passengers, shall have on board as part of her complement at least one duly qualified medical practitioner.

(2) The owner of every Saint Vincent ship shall provide and cause to be kept on board, an adequate supply of medicines and other medical stores according to the international scale appropriate to the ship.

Food and
health
control.

115. (1) The Minister may charge such public officers or other person as he may deem proper to ensure compliance with the provisions made by or under this Act relating to crew accommodation, to the supply of provisions and water to the crew, and to the health of the crew.

(2) Any person so charged under subsection (1) may —

- (a) go on board any ship and inspect the same or any part thereof, or any article on board;
- (b) require the production of all books, papers or documents which they consider important;
- (c) require the attendance of any person for examination or questioning.

(3) Every person, who obstructs a public officer, or other person, referred to in subsection (1), in the discharge of his duty, or refuses or neglects to attend before him for examination or questioning after having been required to do so, or refuse to answer questions put to him or fails to produce any document in his possession, shall be guilty of an offence punishable with a fine not exceeding one hundred dollars.

DECEASED AND DISTRESSED SEAMEN LEFT BEHIND

Effects and
wages of
deceased
seaman.

116. Where any seaman belonging to a Saint Vincent ship dies whilst in the service of that ship, the personal effects of the seaman including any cash and wages due to him shall be dealt with as follows, namely:—

- (a) The Master of the ship shall take charge of all personal effects (including cash) belonging to the seaman which are on board.

(b) The Master of the ship shall enter in the Official Log Book —

(i) a statement of the amount of cash, if any, and of all personal effects;

(ii) a statement of the sum due to the deceased for wages and the amount of deductions, if any, to be made from the wages,

and the entry so made shall be signed by the Master and attested by a Mate and some other member of the crew;

(c) The Master shall pay, and deliver all such property and wages belonging to the deceased seaman, to the Consular officer of the State to which the seaman belonged, within forty-eight hours after his arrival at Port of destination, or the first Port at which the ship touches and remains for forty-eight hours in case there is Consular Officer of that State therein.

117. (1) If a seaman belonging to a Saint Vincent ship is left behind, the Master of the ship shall —

Effects and wages of seaman left behind.

(a) enter in the Official Log Book a statement of the all property left on board, by the seaman and of the amount due to him on account of wages at the time he was left behind, and

(b) on the termination of the voyage during which the seaman was left behind and if the voyage terminates at a Port in which there is a Consular Officer of the State to which the seaman belonged, furnish to such officer an account of wages and list of property left on board by the seaman

(2) The Master of the ship shall deliver to the Officer to whom the account aforesaid is furnished, the property of the seaman as shown in that account together with all amounts due to him subject to any deductions on account of expenses allowed under this Section, and the Officer shall give to the Master a receipt for the same —

(3) Any deduction claimed by the Master, whether by way of expenditure or otherwise, shall be allowed only if it is included in the account as a claim and verified by an entry in the Official Log Book duly made and attested.

Medical
expenses.

118. (1) In the case of injury or illness where the Master or a seaman of a Saint Vincent ship receives injury in the service of the ship, all expences of providing the necessary medical and surgical help and assistance (including the cost of medicine) and the expenditure for maintenance during the period of treatment and the transportation charged if incurred for returning him to a proper Port shall be borne by the owner of the ship and no deduction on that account shall be made from his wages.

(2) If the Master or a seaman of a Saint Vincent ship receives a fatal injury in the service of a ship or dies as a result of the injury or accident while rendering the services all expenditure for his burial shall be defrayed by the owner of the ship without any deduction on that account from his wages.

(3) In a case where the Master or seaman falls sick (not being caused by an illness arising out of his own wilful act or misbehaviour or is an expected illness such as venereal, mental or nervous illness contracted before his embarkation) all the expenditure referred to in the foregoing sections shall be borne by the owner of a ship subject to a maximum of eighty per cent thereof, provided that the maximum period for which such assistance shall be given to the Master or seaman shall be restricted to eighty seven days.

(4) In every case referred to in the foregoing section the Master or the seaman belonging to a Saint Vincent ship shall be entitled to eighty percent of his normal wages for a period not exceeding eighty seven days.

Other
expenses
incurred by
owner.

119. In any case not falling under section 118, any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of burial of any seaman who dies whilst on service may, if duly proved, be deducted from the wages of the seaman.

Endorsement
required
for seamen
left behind.

120 The Master of a Saint Vincent ship shall not leave a seaman behind at any place ashore or at sea (except where the seaman is left ashore on discharge in accordance with the provisions of this Act), unless he previously endorses on the agreement with the crew the cause of the seaman being left behind, whether the cause be unfitness of inability to proceed to sea, desertion, disappearance, or any other cause.

121. (1) Where a Master of a Saint Vincent ship leaves a seaman or apprentice behind on shore at any place on the ground of his unfitness or inability to proceed to sea, he shall deliver to the seaman a full and true account of the wages due to him.

Account and payment of wages in case of seaman left behind.

(2) The Master shall pay the amount of wages due as aforesaid either to the seaman himself or to the members of his family.

122. The Minister may make Regulations with respect to the relief, maintenance and return to a proper Port of shipwrecked seamen and apprentices, and of seamen and apprentices found otherwise in distress in any place, and may by those Regulations make such provisions as he thinks fit with regard to that relief, maintenance and despatch to a proper Port of return.

Regulations as to relief and maintenance of distressed seaman.

123. (1) Where —

(a) any seaman, whether a citizen of Saint Vincent or not, is found in any place having been shipwrecked from a Saint Vincent ship or, by reason of having been discharged or left behind from any such ship, is in distress in that place; or

Provision for relief and maintenance of distressed seaman.

(b) any seaman, being a citizen of Saint Vincent, who has been engaged to serve in a ship, belonging to the government of any foreign country or registered therein, is in distress in any place,

the Consular Officer of Saint Vincent at the nearest Port, or such other person as may be designated in the Regulation on distressed seaman shall provide, in accordance with any Regulations applicable, for the return of those seamen to a proper Port of return and also provide for their necessary clothing and maintenance until their departure for such Port and, in addition in the case of shipwrecked seamen, for the repayment of any expenses incurred in their conveyance to a Port after their shipwreck, and for the maintenance while being so conveyed.

Recovery
of expenses
for relief
of
distressed
seaman.

124. (1) Where any expenses (other than excepted expenses as defined in sub-section (3)) are incurred by or on behalf of the Government of a foreign country and are repaid or repayable to that Government by the Government of Saint Vincent, on account of a distressed seaman or an apprentice, either for his maintenance, necessary clothing, conveyance to a proper Port of return or, in case of death, for his burial or for any other purpose in accordance with the provisions of this Act, those expenses (together with the wages, if any, due to the seaman) shall be a charge upon the ship, whether Saint Vincent or foreign, to which the distressed seaman or apprentice belonged, and shall be recoverable by the Government of Saint Vincent as a debt due to it from the Master of the ship and from the owner of the ship or, where the ship has been lost, from the person who was the owner of the ship at the time of the loss.

(2) In any proceedings for such recovery, a certificate of the expenses, signed by the person defraying the expenses together with such vouchers as may be readily available, shall be sufficient proof that the said expenses were duly paid.

(3) For the purposes of this section "excepted expenses" means expenses incurred in cases where the cause of the seaman being left behind in desertion, disappearance, imprisonment for misconduct or discharge from his ship by a competent Court on the ground of misconduct, and any expense incurred on account of the return to a proper Port of a distressed seaman who has been discharged at the Port at which he embarked as a seaman or at some Port very near the same.

Penalty for
forcing
men ashore.

125. (1) No person employed in a Saint Vincent Ship shall wrongfully force a seaman on shore and leave him behind, or otherwise cause a seaman to be wrongfully left behind at any place, either on shore or at sea, and if he does so he shall be guilty of an offence punishable with imprisonment for a period not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Mode of
providing
for return.

126. A seaman may be sent to a proper Port of return by any reasonable route, either by sea, by land or by air, or partly by sea, land or air.

127. (1) Provision shall be made for the return of a seaman, as to the whole route if it is by sea, by placing the seaman on board a Saint Vincent ship which is in want of men to make up its complement or, if it is not practicable, by providing him with passage in any ship, whether Saint Vincent or foreign, or with the money for his passage, and, as to any part of the route which is by land, by paying the expenses of his journey and of his maintenance during the journey, or providing him with the means to pay those expenses, and, in the case of air transport, such maintenance expenses to be paid for only to the extent that they are not covered by the air line.

Provision
for return
of seaman.

(2) Where the Master of a ship is required by this Act to provide for the return of a discharged seaman or apprentice to a proper Port of return, the Master may, instead of providing the passage or the expenses of his journey, or of providing him with the means to pay his passage or those expenses, deposit with the Saint Vincent Consular Officer, such sum as the officer considers sufficient to defray the expenses of the return of the seaman to a proper Port of return.

(3) If any question arises as to what Port of return a seaman is to be sent in any case, or as to the route by which he should be sent, that question shall be decided by the Saint Vincent Consular Officer aforesaid and in deciding any question under this provision, that Officer shall have regard both to the convenience of the seaman and to the expenses involved.

128. (1) Where a distressed seaman is, for the purpose of his return to a proper Port of return, placed on board a Saint Vincent ship, the Master by whom he is so placed shall, endorse on the agreement with the crew of the ship, the name of the seaman so placed on board, together with any particulars directed to be endorsed by the Regulations on distressed seamen.

Provisions
as to taking
distressed
seamen on
ships.

(2) The Master of every Saint Vincent ship shall receive on board his ship, and afford a passage and maintenance to, all distressed seamen whom he is required under this Act to take on board his ship, not exceeding his full complement of crew and passengers.

DISCIPLINE

Powers of
Master to
enforce
discipline.

129. (1) The Master has authority over his crew, his passengers and persons on board, to enforce obedience to his lawful commands for the navigation and management of his ship and the preservation of good order on board.

(2) The Master may, where he has reasonable cause to believe and in fact believes that it is necessary for the preservation of order and discipline, or for the safety of the vessel or of the persons or property on board, to arrest and confine, or cause the arrest and confinement of, any person on board his ship, he may arrest and confine the person and keep him in a reasonable manner and for such time as may be required under the circumstances.

Misconduct
endangering
life or
ship.

130. (1) If a Master or seaman belonging to a Saint Vincent ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness —

- (a) ~~does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger 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 requisite 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 shall for each offence, be liable to imprisonment for a period not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

Desertion
and absence
without
leave.

131. (1) If a seaman, lawfully engaged and belonging to a Saint Vincent ship commits any of the following offences, he shall be liable to punishment as set out hereunder —

- (a) if he deserts from his ship he shall be guilty of the offence of desertion, and shall be liable to forfeiture of all or any part of the effects he leaves on board and of the wages which he has then earned and also of the wages he may earn in any other ship in which he may be employed until his next return to Saint Vincent or to the Port at which he was engaged and to reimburse any excess of wages paid by the Master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him, and he shall also be punishable with imprisonment for a period not exceeding three months;
- (b) if he neglects, or refuses without reasonable cause to join his ship, or proceed to sea in his ship, or is absent without leave at any time within twelve hours of the ship's sailing from a Port, either at the commencement or during the progress of a voyage, or is absent at any time without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the Master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages, a sum not exceeding the pay for two days, and in addition for every twenty four hours of absence, either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute.

132. (1) If a seaman lawfully engaged, or an apprentice to the sea service, belonging to a Saint Vincent ship commits any of the following offences, hereinafter referred to as "offences against discipline", he shall be liable to punishment as follows:—

General
offence
against
discipline.

- (a) if he quits the ship without leave after her arrival at a Port and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding his pay for one month;

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- (b) if he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment or confinement to quarters at the discretion of the Master, for a period not exceeding four weeks and also, at the discretion of the Master, to forfeit out of his wages a sum not exceeding the wages for the duration of his imprisonment or confinement;
 - (c) if he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment or confinement to quarters for a period not exceeding twelve weeks and also, at the discretion of the Master, to forfeit for every twenty four hours continuance of disobedience or neglect either a sum not exceeding two days' pay or as the case may be, called upon to reimburse any expenses properly incurred in hiring a substitute;
 - (d) if he assaults the Master or any Mate or Certificated Engineer of the ship, he shall be punishable with imprisonment for a period not exceeding twelve weeks and confinement to quarters during the period of the voyage;
 - (e) if he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be punishable with imprisonment for a period not exceeding twelve weeks and to confinement to quarters;
 - (f) if he wilfully damages the ship or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained and also at the discretion of the Master be charged for the offence which shall be punishable with imprisonment for a period not exceeding twelve weeks or to confinement to quarters for the duration of the voyage or to both.
- (2) If a seaman is convicted of any act of smuggling whereby loss or damage is occasioned to the Master or owner of the ship, he shall be liable to pay to that Master or owner a sum sufficient to reimburse the loss or damage; and without prejudice to any other remedy, the whole or a proportionate part of his wages may be retained in satisfaction of or on account of that liability.

(3) Nothing in this section or in section 131 shall take away or limit any remedy which an owner or Master would, but for those provisions, have for any breach of contract or otherwise in respect of the matters constituting an offence under those sections, but an owner or Master shall not be compensated more than once in respect of the same damage.

133. (1) If any offence of desertion or absence without leave or against discipline is committed under this Act, or if any act of misconduct is committed for which the agreement with the seaman provides for the imposition of a fine and it is intended to enforce the fine —

Entry of offences in Official Log Book.

- (a) an entry of the offence or act shall be made in the Official Log Book and signed by the Master and also by the Mate or a member of the crew;
- (b) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any Port or, if she is at the time in a Port, before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply as he thinks fit;
- (d) in any subsequent legal proceeding the entries required by this section shall, if practicable, be produced and proved, and in default of that production or proof the Court hearing the case may, at its discretion refuse to receive evidence of the offence or of the act of misconduct.

134. In every case of desertion from a ship in any Port, the Master shall produce the entry of the desertion in the Official Log Book and have it duly legalised by a Consular Officer of Saint Vincent or by any Notary Public.

Entries and certificates of desertion.

135. The Shipping Master shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in those ships and shall on request show the list to a Master of a ship, and shall not be liable to be proceeded against in respect of any entry made in good faith in the list.

Register of list of seamen.

Deserters
from
foreign
ships.

136. If any Master or seaman harbours or conceals any deserter from a foreign ship who is liable to be apprehended, knowing or having reason to believe that he has deserted, that Master or seaman shall for each offence be liable to a fine not exceeding two hundred dollars.

STOWAWAYS

Stowaways.

137. (1) If a person conceals himself and goes to sea in a ship, or attempts to conceal himself in a ship to go to sea, without the consent of either the owner or Master of the ship, or any other person entitled to give that consent, such person (in this Act referred to as a "Stowaway") shall be liable to a fine not exceeding one hundred dollars or, at the discretion of the Court, be punishable with imprisonment for a period not exceeding one month, and in the case of a second or subsequent conviction, to imprisonment for a period not exceeding three months.

Discipline
of stowaways
and persons
carried
under
compulsion.

138. (1) Every seafaring person whom the Master of the ship is, under the authority of this Act or of any other law, compelled to take on board and convey, and every stowaway, shall, so long as he remains in the ship, be deemed to belong to the ship and be subject to the same laws and Regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to constitute a breach of discipline as if he was a member of the crew and had signed the agreement along with the crew.

Duties of
Master as
to stowaways.

139. The Master of any ship arriving at any Port with any stowaway on board shall, without delay, report the matter to the Port Authorities, and shall take all reasonable measures to prevent such person from landing without the written consent of the Port Authorities and may for that purpose keep the stowaway in custody whilst the ship is in Port.

Stowaways
may be
taken back
on board.

140. Where a stowaway lands without the consent aforesaid, the Port authorities may cause the stowaway to be taken back on board the ship and the Master shall receive him back on board.

Master to
notify
discovery of
stowaways.

141. The Master of any ship shall without delay give notice to the Port Authorities, or to any customs or police officer, of the presence on board of any person found attempting to conceal himself in such ship for the purpose of going to sea as a stowaway, and shall assist in causing such person to be landed.

Penalties.

142. A Master of a ship who contravenes any of the provisions contained in sections 139 or 140 or 141 shall for each offence be liable to a fine not exceeding two hundred dollars.

LOG BOOKS

143. (1) An Official Log Book made out in the appropriate form, shall be kept in every Saint Vincent ship, other than a ship employed solely in navigation within territorial waters of Saint Vincent.

Official
Log Books
to be kept
and to be
evidence.

(2) The Official Log Book may, at the discretion of the Master or owner, be kept distinct from or united with, the ordinary Ship's Log, subject to the condition that the spaces in the Official Log Book shall always be duly filled up.

(3) Whenever an entry in an Official Log Book is required to be made under this Act, it shall be made as soon as possible after the event to which it relates, and if not made on the same day, it shall be made and dated so as to show the date of the event and date and time of the entry; and if made in respect of an event happening before the arrival of the ship at her final Port of discharge, the same shall be made within forty-eight hours of the arrival and not thereafter.

(4) Every entry in the Official Log Book shall be signed by the Master and by the Mate or some other member of the crew, and also —

- (a) if it is an entry of illness, injury, or death, by the medical practitioner on board, if any; and
- (b) if it is an entry of wages due to, or of the effects of, a seaman who dies, by the Mate and by some member of the crew besides the Master.

(5) All entries made in an Official Log Book in compliance with the provisions of this Act shall, until the contrary is proved, be evidence of their contents, provided the authenticity of the Log Book is established.

144. (1) The Master of a ship for which an Official Log Book is required to be kept shall enter or cause to be entered in the Official Log Book the following matters, namely,—

Entries
required
in Official
Log Book.

- (a) every conviction of a member of his crew, by a Court of Law, and the punishment inflicted;

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- (b) every offence committed by a Member of his crew for which it is intended to prosecute or to enforce a forfeiture, or to impose and recover a fine, together with such statement concerning the copy or of the reading over of that entry, and concerning the reply (if any) made to any charge;
 - (c) every offence on board for which punishment is inflicted on board, and about the punishment actually inflicted;
 - (d) every arrest and confinement made in pursuance of section 129, and the circumstances leading thereto;
 - (e) every case of illness of or injury to a member of the crew, with the nature thereof, and the medical treatment, if any, given;
 - (f) every marriage taking place on board with the names and ages of the parties and the date of marriage;
 - (g) every birth of a child, or the death of a person, happening on board with dates and time;
 - (h) every Will made at sea;
 - (i) the name of every seaman who ceases to be a member of the crew, otherwise than by death, with the place, time and manner, and cause thereof;
 - (j) the wages due to, and the personal effects left on board, by any seaman who dies during the voyage, and the gross amount of any deductions to be made therefrom;
 - (k) every collision with any other ship, and the date, time and circumstances of the occurrence; and
 - (l) any other matter required by this Act or by any other law to be entered or documented.

145. (1) Where for any reason the Official Log Book ceased to be required in respect of a Saint Vincent ship, the Master of the ship shall, within one month if the ship is in Saint Vincent, and within three months if she is elsewhere, transmit or deliver to the owner of the ship the Official Log Book duly made out.

Official
Log Book
to be sent
when no
longer
required.

(2) If a ship is lost or abandoned, the Master thereof shall, if practicable, deliver or transmit to the owner, as soon as possible, the Official Log Book duly made out to the time of the loss or abandonment:

Provided that where circumstances were such that the Log Book could not be preserved when the ship was lost, the Master shall forthwith make out a Duplicate Log Book with entries as far as he can recollect and the same, duly marked "DUPLICATE" shall be admissable in the place of the Log Book.

SEAMEN IDENTITY CARDS

146. (1) There shall be issued to every Saint Vincent seaman, on application by him in accordance with this Act, an identity document to be known, and in this Act referred to, as a Saint Vincent Seaman's Card.

Issue of
Saint Vincent
Seaman's
Identity
Card.

(2) In the case of a citizen of Saint Vincent belonging to a Saint Vincent ship or to a Foreign ship, the application for the Saint Vincent Seaman's Card shall be made at the office of the Minister and the applicant shall produce such documents and furnish such information as the Minister may require.

(3) In the case of a seaman belonging to a Saint Vincent ship who is not a citizen of Saint Vincent, the application for a Saint Vincent Seaman's Card shall be made to the Registrar or Deputy Commissioner, who may, subject to the general or special direction of the Minister, issue the Identity Card.

147. (1) Every person to whom a Saint Vincent Seaman's Card has been issued shall keep it in his safe custody and shall produce it on demand to the authorities.

Production
and
particulars
of Identity
Card.

(2) Upon an application for the issue of a card in substitution of a card lost, destroyed or defaced, and upon payment of the fee if any prescribed, the Registrar shall, if satisfied that the card has been lost, destroyed or defaced (and in the case of a defaced card, that it has been surrendered), issue a fresh card.

(3) If any of the particulars entered upon a Saint Vincent Seaman's Card has become or has been found to be incorrect, the person to whom the card was issued shall, as soon as possible report the fact to the Registrar and shall surrender the incorrect card.

PART V—SAFETY OF LIFE AT SEA

1. CONSTRUCTION AND EQUIPMENT OF SHIP

RULES AS TO CONSTRUCTION, EQUIPMENT AND SAFETY

Construction
and survey
Rules.

148. (1) The Shipping Master may make Rules prescribing requirements for the hull, equipment and machinery of ships to which this section applies and requiring any such ships to be surveyed to such extent, in such manner and at such intervals as may be prescribed by the Rules.

(2) This section shall apply to —

- (a) Saint Vincent passenger ships, and any foreign passenger ship which carries passengers to or from any place to or from Saint Vincent or between places in Saint Vincent;
- (b) all sea-going ships of not less than five hundred tons net registered tonnage, or of not less than such lower tonnage and of such description as the Minister may specify.

(3) Without prejudice to the generality of the foregoing provisions of this section, Rules made under this section may provide that every Saint Vincent passenger ship shall —

- (a) have plans exhibited as provided by or under the Rules, and maintain such information, relating to the boundaries of watertight compartment, the openings therein, the means of closing such openings and the arrangements for correcting any list due to flooding as may be required;
- (b) keep all information necessary for the guidance of the Master in maintaining sufficient stability to enable the ship to withstand damage.

149. (1) This section shall apply to —

Rules for
life-saving
appliances.

- (a) every Saint Vincent ship;
- (b) every other ship whilst in the territorial waters of Saint Vincent.

(2) The Minister may, in relation to any ship which this section is applicable, make Rules with respect to all or any of the following matters, namely:—

- (a) the arrangement of ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of passengers carried;
- (b) the number, description and mode of construction of the boats, life-rafts, line-throwing appliances, life-jackets and life-buoys to be carried by ships;
- (c) the equipment to be carried by any such boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water, including oil for use in stormy weather;
- (d) the provision in ships of a proper supply of lights inextinguishable in water, and fitted for attachment to lifebuoys;
- (e) the quantity, quality and description of buoyant apparatus to be carried on board ships; either in addition to or in substitution for boats, life-rafts, life-jackets and lifebuoys;
- (f) the position and means of securing the boats, life-jackets, lifebuoys and buoyant apparatus;
- (g) the making of the boats, life-rafts and buoyant apparatus as to show their dimensions and the number of persons authorised to be carried on them;
- (h) the manning of lifeboats

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- (i) the provision to be made for mustering the persons on board and for embarking them in the boats (including provision for the lighting of, and the means of ingress to and egress from, different parts of the ship);
 - (j) the provision of suitable means situated outside the engine room whereby any discharge of water into the boats can be prevented;
 - (k) the assignment of specific duties to each member of the crew in the event of emergency;
 - (l) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire;
 - (m) the provision in ships of plans or other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of fire;
 - (n) the practice in ships of boat-drills and fire drills;
 - (o) the provision in ships of means of making effective distress signals by day and night;
 - (p) the examination and maintenance at intervals to be prescribed by the Rules of any appliances or equipment required to be carried thereunder.

Radio Rules.

150. (1) This section shall apply to —

- (a) every Saint Vincent ship registered under this Act; and
- (b) to every other ship whilst they are in the territorial waters of Saint Vincent.

(2) The Minister may make Rules (hereinafter referred to as Radio Rules) requiring every ship to be provided with a radio installation and to maintain such a radio service and to carry such number of Radio Officers or Operators, of such grades and possessing such qualifications, as may be prescribed.

(3) The radio installation required under this section —

- (a) for a passenger ship of whatever tonnage, or for any other ship of sixteen hundred gross tonnage or upwards, shall be a radio telegraph installation; and
- (b) for any other ship, shall be either a radiotelephone installation or a radiotelegraph installation, at the option of the owner.

(4) Without prejudice to the generality of the foregoing subsections, Rules made under this section may —

- (a) prescribe the duties of Radio Officers and Operators, including the duty of keeping a Radio Log Book;
- (b) apply any of the provisions of section 145, to any Radio Log Book required to be kept under the Rules;
- (c) require the Master of the ship to cause to be entered in the Official Log Book such particulars relating to the operation of the radio installation, and the maintenance of the radio service, as may be specified;
- (d) prescribe requirements for such portable radio apparatus that the boats or life-rafts may be required to carry as part of the Life-Saving Appliances.

151 (1) This section shall apply to —

- (a) every Saint Vincent ship registered under this Act; and
- (b) to every other ship, of sixteen hundred tons gross tonnage or upwards, whilst they are in territorial waters of Saint Vincent.

Rules for
direction-
finders.

(2) The Minister may make Rules requiring ships to which this section applies to be provided with a direction-finder of such a nature as may be prescribed.

(3) Without prejudice to the generality of the foregoing subsections, Rules made under this section may provide for the position of Direction Finder in the ship, for the communication between the Direction Finder and the bridge, for the testing of the Direction Finder at such intervals as occasion may require and for the recording of the results of the tests.

Further provisions as to radio navigational aids.

152. The Minister may by Rules prescribe the requirements of standards of, position and method of fitting radio navigational aids, other than direction-finders, when they are carried on board Saint Vincent ships.

Openings in passenger ship's hulls and watertight bulk-heads.

153. The Minister may, in relation to any Saint Vincent passenger ship, make rules for any of the following matters, namely:—

- (a) for closing and keeping closed the openings in ships' hulls and for enduring watertight bulk-heads;
- (b) for securing, keeping in place and inspecting contrivances for closing any such openings as aforesaid;
- (c) for operating the mechanism of contrivances for closing any such openings as aforesaid; and
- (d) for requiring entry to be made in the Official Log Book or other record to be kept on any of the matters aforesaid.

Rules to implement International Convention on safety of life at sea.

154. Rules made under this Part shall include such requirements as in the view of the Minister would implement the provisions in regard to those matters of the International Convention entitled "the International Convention for the Safety of Life at Sea" signed in London on 1st November 1974 and referred to in this Act as "the Safety Convention".

SURVEYS

Survey certificate.

155. For the purpose of the issue of a Certificate in respect of a ship under this Part, the surveyor shall conduct the survey of a ship in accordance with the Construction and Survey Rules and if he is satisfied that a Certificate can be issued, he shall deliver to the owners, a Survey Certificate in the usual form.

156. The owner of a ship which has been surveyed shall, directly or through the surveyor or the classification society and within thirty days after the receipt by him of a Survey Certificate, have a true copy of the Certificate transmitted to the Registrar or to the Deputy Commissioner.

Transmission
of Survey
Certificate.

157. If the owner of a ship feels aggrieved by the findings of the Surveyor of the ship or an Engineer Surveyor, or a Radio Surveyor thereof or by the refusal of any Surveyor to furnish a Certificate, he may appeal to the High Court in the manner provided by the Rules of the Court.

Appeal to
Court.

CERTIFICATES

158. (1) The Minister shall, on receipt of Certificate of Survey in respect of a Saint Vincent passenger ship, examine whether the ship complies with the Construction and Survey Rules, the Rules For Life-Saving Appliances, the Radio Rules, and the Rules for Direction-Finders applicable to the ship in relation to the international voyages she is to be engaged on, and as to whether she is properly provided with the lights and means of making fog-signals required by the Collision Regulations, and if he is satisfied about the same, he may, on the application of the owner, issue a Certificate (hereinafter referred to as the General Safety Certificate) to the effect that the ship complies with the requirements of the Safety Convention.

Passenger
ship
Safety
Certificate
and
Exemption
Certificate.

(2) Where the Minister is satisfied, on application of the owner of any passenger ship that the same is exempt from compliance of all or any of the Rules referred to in subsection (1), he shall, issue in respect of the ship, an Exemption Certificate stating that the ship is exempt from the relevant requirements of the Safety Convention spelling out the extent to which and the voyages in respect of which, it stands exempted.

159. On receipt of certificates of survey in respect of a passenger ship, if the Minister is satisfied that the requirements of this Part in respect of construction and equipment applicable to the ship have been complied with, he shall, on the application of the owner, issue a Certificate to that effect (hereinafter referred to as a Passenger Ship Certificate) and setting out the limit —

Passenger
ship
Certificate.

- (a) if any, beyond which the ship is not fit to ply, and
- (b) the number of passengers which the ship is fit to carry.

Cargo
Ship
Safety
Construction
Certificate
and
Exemption
Certificate.

160. (1) The Minister shall, on receipt of Certificates of Survey in respect of a Saint Vincent ship, not being a passenger ship, examine whether the ship complies with the Construction and Survey Rules applicable to the ship and to such voyages as she is to be engaged on, and if he is satisfied about the same, issue in respect of the ship a Certificate (hereinafter referred to as the Cargo Ship Safety Construction Certificate) to the effect that the ship complies with the relevant requirements of the Safety Convention.

(2) Where the Minister is satisfied on application of the owner, of any ship (not being a passenger ship) that the same is exempt from compliance of all or any of the rules referred to in sub-section (1), he shall issue in respect of the ship —

- (a) an Exemption Certificate indicating as to which all requirements of the Safety Convention the ship is exempt; and
- (b) a Certificate showing that the ship complies with the rest of those requirements (hereinafter referred to as Qualified Cargo Ship Safety Construction Certificate).

Cargo ship
Safety
Equipment
Certificate
and
Exemption
Certificate.

161. (1) The Minister shall, on receipt of Certificate of Survey in respect of a Saint Vincent ship, not being a passenger ship, examine whether the ship complies with the Rules for life-saving appliances applicable to the ship in relation to the international voyages she is to be engaged on and if he is satisfied with the same and also finds that she is properly provided with the lights and means of making fog-signals required by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship a Certificate (hereinafter referred to as the Safety Equipment Certificate) showing that the ship complies with the requirements of the Safety Convention relating to those matters as are applicable as aforesaid.

(2) Where the Minister is satisfied that the ship referred to in sub-section (1) is exempt from compliance of all or any of the Rules or Regulations applicable under that sub-section and that she complies with the rest of those requirements and is properly provided with the lights and means of making fog-signals required by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship, an Exemption Certificate spelling out the requirements of the relevant Safety Convention in respect of which the ship is exempt.

162. (1) The Minister shall on receipt of Certificate of Survey in respect of a Saint Vincent ship, not being a passenger ship, examine whether the ship complies with the Radio Rules and Rules for Direction-Finders applicable to the ship in relation to the international voyage she is to be engaged on and if he is satisfied about the same, he shall, on the application of the owner, issue in respect of the ship a Certificate (hereinafter referred to as Radio Safety Certificate) showing that the ship complies with the requirements of the Safety Convention relating to Radiotelegraphy, Radiotelephony and Direction-Finders as are applicable as aforesaid.

Radio Safety
Certificate
and
Exemption
Certificate.

(2) Where the Minister is satisfied that the ship referred to in sub-section (1) is exempt from compliance of all or any of the requirements of the Radio Rules or Rules for Direction-Finders applicable under that sub-section, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of the ship, an Exemption Certificate relating to Radiotelegraphy, Radiotelephony and Direction-Finders spelling out the requirements of the relevant Rules in respect of which the ship is exempt.

163. (1) Where a ship complies with all the requirements of the Construction and Survey Rules, Rules for Life-Saving Appliances, Radio Rules, and Rules for Direction-Finders as are applicable to the ship and to the voyages on which she is to be engaged so far as those requirements are requirements of the Safety Convention applicable as aforesaid, the Minister may issue in respect of the ship a General Safety Certificate, Cargo Ship, Safety Construction Certificate, Safety Equipment Certificate, Radio Safety Certificate, as the case may be, notwithstanding that she is exempt from or for some other reason does not comply with, any requirement of those Rules that are not applicable requirements of the Safety Convention.

Issue of
certificates
on partial
compliance
with Rules.

Issue of
Certificates
by foreign
governments
on request
by Minister.

164. (1) The Minister may request the government of a country to which the Safety Convention applies to issue in respect of a Saint Vincent Ship any Certificate other than a Passenger Ship Certificate, the issue of which is authorised under the foregoing provisions of this Part; and a Certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Minister and not by the government of that country.

(2) Where in pursuance of a request made under this section the government of the country requested to issue a Certificate is willing to issue a Qualified Certificate but is not willing to issue the corresponding Exemption Certificate, the Minister may issue the Exemption Certificate in respect of the ship.

Certificates
in duplicate
and fees
for
Certificates.

165. The issue of any Certificate under the foregoing provisions of this Part shall be made in duplicate and upon the payment of such fees as may be prescribed.

Notice of
alterations
and
additional
surveys.

166. (1) The owner or Master of a ship in respect of which any Certificate issued under the foregoing provisions of this Part is in force shall, as soon as possible after any alteration is made in the ship's hull, equipment, appliances or machinery affecting the efficiency thereof or the seaworthiness of the ship, give written notice to the Minister containing full particulars of the alteration.

(2) If notice of any alteration is not given as required by this section, the owner or Master of the ship shall be punishable with a fine not exceeding four hundred dollars.

(3) If the Minister has reason to believe that since the issue of the last Certificate of survey in respect of any ship —

- (a) any such alteration has been made as is referred to in sub-section (1); or
- (b) the hull, equipment, appliances or machinery of the ship, owing to damage or otherwise, are no longer in conformity with the Certificate of Survey,

the Minister may require the ship to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, he may cancel any Certificate issued in respect of the ship under the foregoing provisions of this Part.

167. (1) A Safety Certificate, other than a Cargo Ship Safety Construction Certificate, a Passenger Ship Certificate, a Radio Safety Certificate, and an Exemption Certificate stating that a ship is wholly exempt from the requirements relating to Radiotelegraphy, Radiotelephony and Direction-Finders, shall remain in force for one year from its date of issue or for such shorter period as may be specified in the Certificate.

Duration of
Certificates.

(2) A Cargo Ship Safety Construction Certificate shall remain in force for five years or such shorter period as may be specified in the Certificate.

(3) A Safety Equipment Certificate shall remain in force for twenty four months from the date of its issue or for such shorter period as may be specified in the Certificate.

(4) An Exemption Certificate, other than a Certificate stating that a ship is wholly exempt from the requirements relating to Radiotelegraphy, Radiotelephony and Direction-Finders, shall remain in force for the same period as the corresponding Qualified Certificate.

(5) The Minister may grant an extension of any Certificate granted under the foregoing provisions of this Part of this Act in respect of any Saint Vincent Ship for a period not exceeding five months from the date when a Certificate would have expired.

(6) No Certificate referred to in the foregoing subsections shall remain in force after notice is given by the Minister to the owner or Master of the ship in respect of which it has been issued, that the Minister has cancelled the Certificate.

168. Any Certificate issued by the Minister under the foregoing provisions of this Part shall be admissible in evidence without the necessity of any proof of its authenticity other than that which appears on the face of it, and shall, until the contrary is proved, be evidence of its contents.

Certificate.
admissible
in evidence.

- Cancellation of Certificates. 169. (1) The Minister may cancel any Certificate issued in pursuance of the foregoing provisions of this Part where he has reason to believe —
- (a) that the survey on which the Certificate was founded has been in any way fraudulent or erroneous; or
 - (b) that the Certificate has been issued upon false or erroneous information; or
 - (c) that since the issue of the Certificate, the hull, equipment or machinery of the ship, owing to damage or otherwise, are no longer in conformity with the Certificate of Survey.
- (2) In every case referred to in sub-section (1), the Minister may require the owner to have the hull, equipment or machinery of the ship again surveyed before the re-issue of the Certificate or grant of a fresh one in lieu thereof.
- Delivery up of Certificates. 170. The Minister may require any Certificate which has expired or been cancelled under the foregoing provisions of this Part to be delivered up in such manner and within such time as he may direct.
- Posting up of Certificates. 171. The owner or Master of every ship required to have a Certificate under this Part shall on the receipt of the Certificate by him or his agents because one of the duplicates thereof to be posted up in some conspicuous place on board the ship.
- Falsification of certificate an offence. 172. If a person knowingly and wilfully makes, or assists in making a survey or Certificate, which is false or fraudulent, or forges or assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any Certificate, or anything contained in, or any signature in any such Certificate he shall be guilty of an offence punishable with imprisonment for a period not exceeding one year or to a fine not exceeding one thousand dollars.

ENFORCEMENT OF RULES

173. (1) No Saint Vincent ship shall proceed to sea on an international voyage unless there is in force in respect of the ship a General Safety Certificate, or a Safety Construction Certificate, a Radio Safety Certificate, a Safety Equipment Certificate or an Exemption Certificate relevant to the voyage on which the ship is about to proceed and to the trade she is for the time being engaged.

Ships not
to proceed
to sea
without
appropriate
Certificates.

(2) A Saint Vincent Passenger ship to which section 148 applies shall proceed to sea, or on any voyage or excursion from any Port in Saint Vincent, only if there is in force in respect of the ship a Passenger ship Certificate applicable to the voyage or excursion on which the ship is about to proceed unless the voyage or excursion is one in respect of which the Minister has granted exemption for the ship from the requirements of sub-section (1).

(3) If a ship proceeds or attempts to proceed to sea, or on any voyage or excursion in contravention of sub-section (1) or sub-section (2), the owner and Master of the ship shall, without prejudice to any other remedy or penalty under this Act—

- (a) in the case of a passenger ship, be punishable with fine not exceeding one thousand dollars;
- (b) in the case of a ship not being a passenger ship, be punishable with fine not exceeding five hundred dollars.

(4) The Master of every passenger ship to which section 148 applies, and of any other Saint Vincent ship, shall produce on demand, by the officer from whom a clearance for the ship is sought, the Certificate or Certificates required by the foregoing provisions of this section, as in force when the ship proceeds to sea on a voyage or excursion; and a clearance shall not be granted and the ship may be detained, until the said certificate or certificates are produced; and in the case of a passenger ship it may be so detained until clearance for the ship is given whether the certificates were demanded or not.

(5) Where an Exemption Certificate issued in respect of a ship specifies any conditions on which the Certificate is issued and there is a failure to comply with any of the conditions, the owner or Master of the ship shall be liable to a fine not exceeding two hundred and fifty dollars.

Penalty for carrying passengers in excess of the permitted number.

174. The owner or Master of any ship to which section 148 applies shall not receive, or have on board thereof in any part thereof, any number of passengers which, having regard to the time and circumstances of the case, is greater than the number allowed by the Passenger Ship Certificate issued in respect of that ship, and in the event of any violation the Master or owner of the ship shall be punishable for each offence with a fine not exceeding one thousand dollars.

Removing of persons in case of danger.

175. The Minister may, for the purpose of enabling the rescue of any person who face a threat to his life and for his removal to safety, permit more persons to be carried on board a ship than are allowed under the Passenger Ship Certificate of the ship, and the carriage of any excess passenger in accordance with such permission shall not be an offence under section 174.

Modification of Safety certificate as regards life-saving appliances.

176. If a Saint Vincent Passenger Ship in respect of which a Safety Certificate is in force has on board a total number of persons less than the number of persons stated in that Certificate to be the number for which the life-saving appliances on the ship provide, the Minister may, at the request of the Master or owner issue a memorandum stating the total number of persons carried on the ship on that voyage and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to memorandum shall be annexed to the Certificate.

Provisions as to life-saving appliances.

177. (1) It shall be the duty of the owner and Master of every Saint Vincent ship to see that his ship is provided, in accordance with the Rules for Life Saving Appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of the crew and passengers.

(2) Where in the case of any ship which is required by the Rules for Life Saving Appliances to be provided with necessary appliances —

-
- (a) the ship proceeds on any voyage or excursion without being so equipped and provided in accordance with the Rules that are applicable, or
 - (b) any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful default or negligence of the owner or Master; or
 - (c) The Master wilfully neglects to replace or repair at the first opportunity any such appliances lost or damaged, in the course of the voyage or excursion; or
 - (d) such appliances are not kept so as to be at all times fit and ready for use; or
 - (e) any provision of the Rules For Life-Saving Appliances applicable to the ship has not been complied with or has been contravened,

the owner and the Master of the ship shall both be deemed guilty of an offence punishable with fine —

- (i) not exceeding two hundred and fifty dollars in the case of the owner; and
- (ii) not exceeding five hundred dollars in the case of the Master.

(3) The provision of this section shall be without prejudice to any other penalty or other punishment that may be imposed on the Master or the owner for the same violation under any other law.

178. (1) The Master of every Saint Vincent ship shall cause to be entered in the Official Log Book a statement of every occasion on which boat-drill or fire drill is practised on board the ship or which the appliances and equipment required by the Rules for Life-Saving Appliances to be carried are examined to see whether they are fit and ready for use, and of the result of any such examination; and in case if the boat-drill or fire drill are not practised on board

Entry in
Log Book.

the ship or the said appliances and equipment are not examined at the intervals as provided in those Rules in respect of the ship, the Master shall cause a statement to be entered in the Official Log Book giving the reasons as to why the drills were not practised, or the appliances and equipment were not examined in time.

(2) If the Master of a ship fails to comply with any of the requirements of sub-section (1) he shall for each offence be punishable with a fine not exceeding one hundred dollars.

Enforcement
of Radio
Rules,
Rules for
Direction-
Finders
and Radio
Navigational
Aids.

179. If the Master of a Saint Vincent ship fails to cause an entry to be made in the Official Log Book in contravention of the relevant provisions made by or under this Act or if a Radio Officer or Operator contravenes any such provision, he shall be punishable with a fine not exceeding one hundred dollars and if the provisions aforesaid are contravened in any other respect in relation to any Saint Vincent ship, the owner or Master of the ship shall be liable to a fine not exceeding two hundred and fifty dollars.

Enforcement
of Rules
under
section 150.

180. If any of the Rules made in pursuance of section 150 of this Act is not complied with in relation to any Saint Vincent passenger ship, the Master of the ship shall be liable to a fine not exceeding four hundred dollars.

Master to
furnish
passenger
manifest.

181. (1) The Master of every ship, whether a Saint Vincent ship or a foreign ship, which carries any passenger to a place in Saint Vincent from any place outside it, or from a place in Saint Vincent to any place outside it, it shall furnish to such person and in such manner as the Minister may direct, a return giving the total number of passengers so carried which shall contain such particulars with respect to the passengers as the Minister may, from time to time, direct.

(2) Every passenger shall furnish the Master of the ship with the information required by him for the purpose making the return.

Inspection
to ensure
compliance
with Rules.

182. (1) A surveyor of ships may inspect any ship so as to ascertain and ensure that the Rules made under the foregoing provisions of this Part have been duly complied with.

(2) If the surveyor finds that any of the said Rules have not been complied with, he shall give a written notice to the owner or Master stating in what respect the Rules have not been complied with and what, in his opinion, is required to rectify the position.

(3) The notice referred to in sub-section (2) shall be communicated, in such manner as the Minister may direct, to the Officer from whom the ship may seek to obtain a clearance, and clearance shall not be granted to the ship thereby detaining the ship, until a certificate under the hand of a Surveyor of ships is produced to the effect that the position has been rectified.

EXEMPTIONS

183. (1) The Minister may exempt any ship or class of ships from any Rules or Regulations made under the foregoing provisions of this Part either absolutely or subject to such conditions as he may think fit.

Power of the Minister to exempt from Safety requirements.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), in a case where a ship which is not normally engaged on international voyage, is required to undertake a single international voyage, the Minister may, if he is of the opinion that the ship complies with the safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under this Act for the purpose of the particular voyage.

184. Nothing contained in the foregoing provisions of this Part shall apply to any ship of war, troopship, pleasure yacht or fishing vessel, or to any ship less than five hundred net registered tonnage (not being a passenger ship) or to any ship not propelled by mechanical means.

Exemption of certain ships from certain provisions.

LOAD LINE AND LOADING

General Provisions

185. (1) The Minister may, having regard to the provisions of this Act on Load Lines, make such Rules as are consistent with the relevant International Conventions.

Load Line Rules.

(2) Without prejudice to the generality of sub-section (1), the Rules made thereunder shall provide —

- (a) for the surveying and periodical inspection of ships to which the provisions of this Act on Load Lines apply;
- (c) for determining freeboards to be assigned from time to time to such ships;
- (e) for determining, in relation to any such ship, the deck which is to be taken to the main deck of the ship, and for requiring the position of that deck to be indicated on each side of the ship by a mark in such manner as may be specified; and
- (d) for determining, by reference to that mark and the freeboards for the time being assigned to any such ship, the position in which each side of the ship is to be marked with lines as provided by the Rules, indicating the various maximum depths to which the ships may be loaded in specified circumstances.

(3) The Load Line Rules may also include provisions requiring such information relating to the stability of any ship to which freeboards are assigned thereunder, and such information relating to the loading and ballasting of ship, as may be determined in accordance with the Rules that may be made for the guidance of the Master of the ship.

Compliance
with Load
Lines Rules.

186. (1) No ship registered under this Act, to which provisions relating to Load Line are applicable shall proceed to sea or attempt to proceed to sea unless —

- (a) the ship has been surveyed in accordance with the Load Line Rules;
- (b) the ship is marked with a Deck Line and with Load Lines in accordance with the relevant Rules; and
- (c) the ship complies with the conditions of assignment.

(2) If any ship proceeds or attempts to proceed to sea in contravention of sub-section (1), the owner and the Master of the ship shall both be punishable with a fine not exceeding five hundred dollars.

(3) Any ship which attempts to proceed to sea without being surveyed and marked as mentioned in paragraphs (a) and (b) of sub-section (1) may be detained until she has been so surveyed and marked.

(4) Nothing contained in sub-sections (1) and (2) shall apply to a ship which is exempt under the provisions of this Act.

(5) Any ship referred to in sub-section (1), which fails to comply with the conditions of assignment shall be deemed to be unsafe for the purposes of section 201.

187. (1) Where a ship registered under this Act, to which the provisions relating to Load Line apply, is marked with Load Lines, the ship shall not be so loaded that —

Submersion
of Load
Lines.

- (a) if the ship is in salt water and has no list, the appropriate load line on each side is submerged, or
- (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.

(2) If any ship is loaded in a manner which is a contravention of sub-section (1), the owner or Master of the ship shall be liable to a fine not exceeding one thousand dollars.

(3) If the Master of a ship takes a ship to sea when she has been loaded in contravention of sub-section (1), or if any other person, having reason to believe that the ship is so loaded, sends or is a party to sending her to sea when she is loaded in contravention of that sub-section, the Master and other person shall each be punishable with fine not exceeding one thousand dollars.

(4) Where a person is charged with an offence under sub-section (2), it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by the stress of weather or other circumstances beyond control which neither the Master nor the owner nor the Charterer (if any) could have foreseen or prevented.

(5) Without prejudice to any proceedings under the foregoing sub-sections, any ship which has been loaded in contravention of sub-section (1) may be detained until the loading is fully corrected.

**Miscellaneous
offences in
relation
to Marks.**

188. (1) Where a ship to which the provisions relating to Load Lines apply, being a ship registered under this Act, is marked in accordance with any requirements as to marking imposed by or under those provisions, then —

- (a) if the owner or Master fails without reasonable cause to keep the ship so marked; or
- (b) if any person conceals, removes, alters, defaces or obliterates, or cause or permits any person under his control to conceal, remove or alter any mark with which the ship is so marked, except where he does so under the authority of a person empowered under the Load Line Rules to authorise him in that behalf,

he shall be punishable with fine not exceeding eight hundred dollars.

**Load Line
certificate.**

189. (1) Where a ship registered under this Act, to which the provisions relating to Load Lines apply, has been surveyed and marked in accordance with the Load Line Rules, a Certificate called the International Load Line Certificate shall be issued on application to the owner of every ship of not less than five hundred net registered tonnage.

(2) The Minister may request a Contracting Government to issue an International Load Line Certificate in respect of any ship registered under this Act to which provisions relating to Load Line apply, and the certificate so issued shall contain a statement that it has been issued at the request of the Government of Saint Vincent.

**Effect of
Load Line
Certificate.**

190. Where a certificate issued in respect of any ship in pursuance of section 189 is produced —

- (a) the ship shall be presumed to have been surveyed in accordance with the Load Line Rules; **and**

- (b) if lines are marked on the ship corresponding in like number and description to the deckline and Load Lines as required by the Load Line Rules and the position of those lines so marked correspond to the deckline and Load Lines as specified in the Certificate, the ship shall be deemed to have been marked as required by those Rules.

191 (1) The Load Line Rules may make provisions for determining the period during which any Certificate issued under section 189 of this Act is to remain in force, including —

Duration,
endorsement
cancellation
Line
Certificate

- (a) the grant of extension of any such Certificate and the periods for which and circumstances in which the same may be granted; and
- (b) the cancellation of any such certificate and the circumstances under which it may be cancelled,

(2) While any Certificate referred to in sub-section (1) is in force in respect of any ship, there shall be endorsed on the Certificate such information relating to —

- (a) periodical inspections of the ship in accordance with the Load Line Rules, and
- (b) any extension of the period for which the certificate is valid.

192. (1) A ship registered under this Act to which the Load Line provisions apply, shall not proceed or attempt to proceed to sea without the appropriate Load Line Certificate in respect of the ship, unless in relation to the ship and the voyage an exemption under this Act from the Load Line provisions has been granted.

Ships not
to proceed
to sea
without
Load Line
Certificate.

(2) Before any ship to which sub-section (1) applies proceeds to sea, the Master of the ship shall produce the appropriate certificate to the officer from whom the clearance of the ship is sought, and clearance shall not be granted to the ship thereby detaining the ship until the appropriate certificate is produced.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the Master of the ship shall be guilty of an offence punishable with fine not exceeding eight hundred dollars.

Publication
of Load
Line
Certificate
and entry
of
particulars
in Official
Log Book.

193. (1) Where a Certificate is issued under section 189—

(a) the owner of the ship shall, on receipt of the Certificate, forthwith cause it to be posted up in some conspicuous place on board the ship, and shall cause it to be kept posted up so as to be capable of being read easily as long as the Certificate remains in force and the ship is in use; and

(b) the Master of the ship, before making any other entry in the official Log Book relating to the ship, shall enter in it the particulars as to the positions of the Deckline and the Local Lines as specified in the Certificate.

(2) Before any ship registered under this Act to which the Local Line provisions apply, leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the Master of the ship shall enter in the Official Log Book such particulars relating to the depth to which the ship is for the time being loaded as may be prescribed by Regulations made by the Minister under this section.

Inspection
of ships.

194. A ship Surveyor or Engineer Surveyor may inspect any ship registered under this Act to which the Load Line provisions of this Act apply, for the purposes of ensuring that the said provisions have been duly complied with in respect of the ship.

Power to
make
exemption
orders.

195. (1) If, in the opinion of the Minister, the nature and conditions of certain international voyages make it unreasonable or impracticable to apply the provisions of this Act relating to Load Line to ships plying on such voyages, and the Minister is satisfied that the Government of any other State which may be concerned concurs in that opinion, the Minister may direct such ships to be exempt from the Load Line provisions of this Act.

(2) Any order made under this section may impose such conditions as the Minister thinks fit, and where any such order is made subject to conditions, the exemption conferred thereby shall not have effect in relation to any ship unless the ship complies with those conditions.

196. (1) Where the Minister exempts any ship under the last preceding section, he shall issue the appropriate Exemption Certificate to the owner of the ship. Issue of Exemption Certificate.

(2) Any certificate issued under this section shall be in such form and be issued in such manner as may be prescribed by the Load Line Rules.

197. (1) The Load Line Rules may make provision — Duration and termination of exemptions and endorse, cancel and cancellation of Exemption Certificate.

- (a) for determining the period during which any Exemption conferred under section 195 or any exemption Certificate issued under section 196 are to remain in force;
- (b) enabling the extension of the period for which any such exemption or Certificate thereof originally conferred or issued, and specify the limits and circumstances in respect thereof; and
- (c) specifying the circumstances in which the exemption may be terminated or the certificate of exemption cancelled.

(2) While any such Certificate is in force in respect of a ship there shall be endorsed on the Certificate in such manner as may be prescribed, the information relating to —

- (a) periodic inspection of the ship in accordance with the Load Line Rules, and
- (b) any extension of the period for which the Certificate was issued.

198. Certificates issued or extended in pursuance of section 197 shall be included among the Certificate to be called International Load Line Exemption Certificates. International Load Line Exemption Certificates.

3. UNSEAWORTHINESS

199. (1) If any person sends or attempts to send, or is a party to sending or attempting to send, a Saint Vincent ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall (unless he proves Offence to send unseaworthy ships to sea.

that he used all reasonable means to ensure the ship being sent to sea in a seaworthy state or that the ship going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable) be guilty of an offence punishable with imprisonment for a period not exceeding one year or with a fine not exceeding five thousand dollars or to both such imprisonment and fine.

(2) If the Master of a Saint Vincent ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, be guilty of an offence punishable with imprisonment for a period not exceeding one year or with a fine not exceeding five thousand dollars or to both such imprisonment and fine.

Obligations
as to
seaworthiness
in relation
to the crew.

200. (1) In every contract of service, express or implied, between the owner of a ship and the Master or any seaman thereof, and in every instrument of apprenticeship whereby any person is to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner and the Master and every person charged with the loading of the ship, or the preparation of the ship for sea, or of the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep her in a seaworthy condition during the voyage.

(2) Nothing contained in subsection (1) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

Power to
detain
unsafe ships.

201. (1) Where a Saint Vincent ship, being in any Port in Saint Vincent is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipment or machinery, or by reason of undermanning, or overloading or improper loading, or 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, the same may be provisionally detained for the purpose of being surveyed or for ascertaining the sufficiency of the crew and thereafter either finally be detained or released as hereunder —

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- (a) the Minister, if he has reason to believe, on complaint or otherwise, that a Saint Vincent ship is unsafe may order the ship to be provisionally detained as an unsafe ship;
 - (b) where a ship has been provisionally detained there shall be forthwith delivered to the Master a written statement of the grounds of detention, and the Minister may, if he thinks fit, appoint some competent person or persons to survey the ship and present a report thereon to him;
 - (c) the Minister may thereafter either order the ship to be released, or, if in his opinion the ship is unsafe, order the same to be finally detained, either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship, as the Minister deems necessary for the protection of human life, and any such order may be varied or added to by the Minister.

202. (1) If it is established that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for a provisional detention of a ship under this Part as an unsafe ship, there shall be paid to the owner of the ship his costs of, and incidental to, the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

**Liability
for costs
and damages.**

(2) If a ship is finally detained under this Part, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this Part, the owner of the ship shall be liable to pay to the State the costs of and incidental to the detention and survey of the ship.

(3) For the purposes of this section the costs of and incidental to any proceedings before a Court, and a reasonable amount in respect of the remuneration of the surveyor, shall be part of the costs of the detention and survey of the ship.

DANGEROUS CARGO

Dangerous
goods.

203. For the purposes of this Part, "dangerous goods" shall include all goods defined or classified as such by the Inter-Governmental Maritime Consultative Organisation.

Rules as to
the carriage
of dangerous
goods.

204. (1) This section applies to —

(a) Saint Vincent ships;

(b) other ships while they are within any Port in Saint Vincent;

(2) The Minister may, in the interest of safety, make Rules for regulating the carriage of dangerous goods in ships to which this section applies.

(3) If any of the Rules made under subsection (2) is not complied with in relation to any ship to which it applies, the owner or Master of the ship shall be guilty of an offence punishable with a fine not exceeding one thousand dollars and the ship shall be deemed for the purposes of this Part to be unsafe by reason of improper loading.

(4) The Minister may exempt any ship or class of ships from any Rules made under this section either absolutely or subject to such conditions as he thinks fit.

Restrictions
on carriage
of dangerous
goods.

205 (1) A person shall not send or attempt to send by any vessel, whether Saint Vincent or foreign, nor carry or attempt to carry in any such vessel any dangerous goods unless

(i) the nature of the goods are distinctly marked on the outside of the package containing the same except in a case where he is the owner or Master of the vessel), and

(ii) written notice of the nature of those goods, and the name and address of the sender or carrier thereof are given,

to the owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.

(2) If any person fails without reasonable cause to comply with this section he shall for each offence be punishable with a fine not exceeding five hundred dollars.

Provided that in a case where the person shows that he was merely an agent in the shipment of any such goods as aforesaid and was not aware and did not suspect and have no reason to suspect that the goods shipped by him were of a dangerous nature, such fine shall not exceed fifty dollars.

206. (1) A person shall not knowingly send or attempt to send, or carry or attempt to carry, in any vessel, whether Saint Vincent or foreign, any dangerous goods under a false description, and shall not falsely describe the sender or carrier thereof, and every person who contravenes the provisions of this section shall be guilty of an offence punishable with a fine not exceeding five thousand dollars.

Misdescription
of dangerous
goods.

207. (1) The Master or owner of any vessel, whether Saint Vincent or foreign, may refuse to take on board any package or parcel which he suspects contains any dangerous goods, and may require it to be opened to ascertain the fact.

Power to
deal with
goods
suspected of
being
dangerous.

(2) Where any dangerous goods, or any goods which in the judgement of the Master or owner of the vessel are dangerous goods, have been sent or brought aboard any vessel as aforesaid without being marked, or without the notice as provided in section 205 having been given, the Master or owner of the vessel may cause those goods to be thrown overboard, together with any package or receptacles in which they are contained, and neither the Master nor the owner of the vessel shall be subject to any liability, civil or criminal, in any Court for so throwing the goods overboard.

208. (1) Where any dangerous goods have been sent or carried or attempted to be sent or carried, on board any vessel whether Saint Vincent or foreign, without being marked, or without the notice as provided in section 205 having been given, or under a false description, or with a false description of the sender or carrier thereof, any Court taking cognizance of any offence in relation to those goods, or the High Court at the instance of the Minister by way of application, may declare those goods, and any package and receptacles in which they are contained, to be forfeited, and they shall thereupon stand forfeited and disposed of as the Court may direct.

Forfeiture
of dangerous
goods
improperly
sent or
carried.

(2) The Court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence relating to dangerous goods, and is not before that Court, and has no notice of the proceedings and notwithstanding that there is no evidence to show to whom the goods belong; but the Court may, in its discretion and in a case where the circumstances permit it, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

Carriage of
grain.

209. (1) Where grain is loaded on board any Saint Vincent ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and if such precautions as aforesaid are not taken, the owner or the Master of the ship, or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, shall be guilty of an offence, and the ship shall be deemed, for the purposes of this Part, to be unsafe by reason of improper loading.

(2) Where any ship, having been loaded with grain without taking all necessary and reasonable precautions to prevent the grain from shifting, enters any Port in Saint Vincent so laden, the owner or Master of the ship shall be guilty of an offence under this sub-section and the ship shall be deemed, for the purposes of this Part, to be unsafe by reason of improper loading:

Provided that this sub section shall not have effect in a case where the ship would not have entered the Port but for stress of weather or any other circumstances which neither the Master nor the owner nor the charterer (if any) could have prevented or forestalled.

(3) Without prejudice to the generality of the two preceding subsections, any particular precaution prescribed by Rules made by the Minister under this subsection in relation to the loading of ships generally or of ships of any class, as being a precaution to be treated for the purposes of those preceding subsections as a necessary or reasonable precaution to prevent grain from shifting, shall be so treated in the case of ships generally or of ships of that class, as the case may be:

Provided that this sub section shall not apply when a ship is loaded in all respects, in accordance with such special provisions as may be approved by the Minister as respects the loading in question.

(4) If any person commits an offence under sub-section (1) or sub-section (2) of this section, he shall for each offence be punishable with fine not exceeding one thousand five hundred dollars.

(5) On the arrival at any Port in Saint Vincent from a Port outside Saint Vincent, of any ship carrying a cargo of grain, the Master shall cause to be delivered to the Minister a notice stating—

- (a) the draft of water and freeboard, as defined by this Part, of the said ship after the loading of her cargo was completed at the final Port of loading; and
- (b) the following particulars of the grain carried, namely:—
 - (i) the kind of grain and the quantity thereof stated in metric units of volume or weight;
 - (ii) the mode in which the grain is stowed; and
 - (iii) the precautions taken to prevent the grain from shifting;

and if the Master fails to deliver any notice required by this subsection, or if in any such notice he makes any statement that he knows to be false in any material particular or recklessly makes any statement that is false in any material particular, he shall be guilty of an offence punishable with fine not exceeding five hundred dollars.

(6) Any person having a general or special authority in that behalf from the Minister may, for securing the observance of the provisions of this section, inspect any grain and the mode in which it is stowed and for those purposes he shall have all the powers of a surveyor of ships.

(7) In this section, the expression "grain" includes wheat, maize, oats, rye, barley, rice, pulses and seeds; and the expression "ship carrying a cargo of grain" means a ship carrying a quantity of grain exceeding one-third of the ship's registered tonnage, reckoning one hundred cubic feet or two tons weight of grain as equivalent to one ton of registered tonnage.

5. COLLISION REGULATIONS

Collision
Regulations.

210. (1) The Minister may make Regulations for the prevention of collision at sea and in navigable waters (in this Act referred to as the "Collision Regulations"), and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used, and the rules on steering and sailing to be observed by ships.

(2) The Collision Regulations, together with the provisions of this Part relating thereto or otherwise, shall apply to all Saint Vincent vessels and shall also be observed by all foreign ships within Saint Vincent territorial and inland waters, and in any case arising in a Saint Vincent Court concerning matters arising within the said waters, foreign ships shall, so far as respects the Collision Regulations and the aforesaid provisions of this Act, be treated as if they were Saint Vincent ships.

Observance
of Collision
Regulations

211. (1) All owners and Masters of ships shall observe the Collision Regulations, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those Regulations.

(2) If an infringement of the Collision Regulations is caused by the wilful default of the Master or owner of the ship, that Master or owner shall for each offence be punishable with imprisonment for a period not exceeding one year or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

(3) If any damage to person or property arises from the non-observance by any ship of any of the Collision Regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the Regulations necessary.

(4) Nothing in subsection (3) shall affect any liability of the owner of the ship for damages.

Inspections
as to lights
and to
signals.

212. (1) A Surveyor of Ships may inspect any ship, whether Saint Vincent or foreign, for the purpose of seeing that the ship is properly provided with lights and the means of making fog signals, in conformity with the Collision Regulations, and if the surveyor finds that the ship is not so provided, he shall give to the Master or owner notice in writing pointing out the deficiency and also what, in his opinion, is required to be done so as to remedy the same.

(2) Every notice so given shall be communicated to the Officer from whom the ship may seek to obtain clearance; and the ship shall be detained until a Certificate under the hand of a Surveyor of Ships is produced to the effect that the ship is properly provided with lights and with the means of making fog signals in conformity with the Collision Regulations.

(3) Where the Certificate as to lights and fog signals is refused, the owner or Master may appeal to the Court in the manner provided by the Rules of that Court.

(4) On any such appeal, the Judge of the Court shall direct that a copy of his decision be sent to the Minister on the question raised by the appeal, and the Minister, when satisfied that the requirements of this Act as to lights and fog signals have been complied with in accordance with the Court's decision, may grant the certificate or direct a Surveyor of Ships or other person appointed by him to grant it.

(5) Subject to any order made by a Judge of the Court hearing the appeal, the costs of and incidental to the appeal shall follow the event.

(6) A Surveyor, in making an inspection under this section, shall, if the owner or Master of the ship so requires, be accompanied on the inspection by some person appointed by the owner or Master, and, if in that case the Surveyor and the person so appointed are in agreement, there shall be no appeal under this section to the Court.

(7) In every case of collision between two vessels, it shall be the duty of the Master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew and passengers, if any —

Duty of vessel to assist the other in case of collision.

(a) to render to the other vessel, her Master, crew and passengers such assistance as may be practicable and necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that the ship is not in need of further assistance; and

(b) to give the Master or person in charge of the other vessel the name of his own vessel and of her Port of Registry, and also the names of the Ports from which she comes and to which she is bound.

(2) If the Master or person in charge fails without reasonable cause to comply with this section, he shall be punishable with imprisonment for a period not exceeding one year or to a fine not exceeding two thousand dollars or to both such imprisonment and fine; and if he is a Certified Officer any inquiry into his conduct may be held and his Certificate suspended or cancelled.

Collision
to be
entered in
Official
Log Book.

214. (1) In every case of collision in which it is practicable to do so, the Master of every ship shall, immediately after the occurrence, cause a statement thereof and of the circumstances under which the same occurred, to be entered in the Official Log Book, and the entry shall be signed by the Master and also by the Mate or one of the crew.

Application
of Collision
Regulations
beyond
Saint
Vincent's
jurisdiction.

215. Whenever it is made to appear to the Minister that the Government of any foreign country is willing that all or any of the Collision Regulations or of the foregoing provisions of this Part relating thereto or otherwise relating to collision should apply to the ships of that country when beyond the limits of the territorial waters of Saint Vincent, the Minister may direct that those Regulations and provisions shall, subject to any limitations of time, conditions and qualifications contained in the direction, apply to the ships of that foreign country, whether within Saint Vincent territorial or inland waters or not, and that such ships shall, for the purposes of such Regulations and the provisions, be treated as if they were Saint Vincent ships.

International
Regulations.

216. For all matters not referred to in the preceding sections of this Part relating to collisions, the International Regulations for Preventing Collisions at Sea, 1972 which came into effect on July 15th 1977, shall apply.

6. MISCELLANEOUS

General
equipment
of Passenger
Ships.

217. A sea-going passenger ship shall, apart from the usual compulsory safety equipment, have her compasses properly adjusted from time to time to the satisfaction of a Surveyor of Ships.

Report of
dangers to
navigation.

218. The Master of any Saint Vincent ship on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal, and in accordance with such Rules as may be made by the Minister for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed.

219. (1) The Minister may make Rules prescribing the signals that shall be used by Saint Vincent ships as signals of distress and the circumstances in which, and the purposes for which, any such signal shall be used and the circumstances in which it may be revoked.

Signals of distress.

(2) If the Master of a ship uses or displays or permits any person under his authority to use or display —

- (a) any signal prescribed under subsection (1) except in the circumstances and for the purposes specified in the Rules; or
- (b) any signal that is liable to be mistaken for any signal so prescribed

be shall be punishable with a fine not exceeding two hundred dollars and shall further be liable for any compensation for any labour undertaken, risk incurred or loss sustained, in consequence of the signal having been supposed as a signal of distress.

220. No Saint Vincent ship, being a ship of five hundred net registered tons and over, shall proceed to sea unless the ship is provided with a signalling lamp of a type approved by the Minister.

Signalling lamps.

221. No person on any Saint Vincent ship shall, when the ship is going ahead, give a direction or steering order containing the word "starboard" or "right", unless he intends that the head of the ship shall move to the right, or give a direction, or steering order containing the word "Port" or "left", or any equivalent of "left", unless he intends that the head of the ship shall move to the left.

Method of giving direction or steering order.

222. The Master of a Saint Vincent ship, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger.

Navigation near ice.

223. (1) The Master of a Saint Vincent ship, on receiving at sea a signal of distress or information from any source that a vessel or craft is in distress shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so), unless —

Obligation to assist vessels in distress.

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- (a) he is unable to do so, or
 - (b) under the special circumstances of the case considers it unreasonable or unnecessary to do so, or
 - (c) he is released from such obligation under the provisions of subsection (3) or (4).

(2) Where the Master of any ship in distress has requisitioned any Saint Vincent ship that has answered his call it shall be the duty of the Master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A Master shall be released from the obligation imposed by subsection (1) as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships so requisitioned.

(4) A Master shall be released from the obligation imposed by subsection (1) or as the case may be, from the obligation imposed by subsection (2), if he is informed by the persons in distress, or by the Master of any ship which has reached the persons in distress, that assistance is no longer required.

(5) If a Master fails to comply with the preceding provisions of this section, he shall be guilty of an offence punishable with imprisonment for a period not exceeding two years or to a fine not exceeding three thousand dollars or to both such imprisonment and fine.

(6) If the Master of a Saint Vincent ship, on receiving at sea a signal of distress or information from any source that a vessel or craft is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the Official Log Book the reasons for not going to the assistance of those persons or vessels.

(7) The Master of every Saint Vincent ship shall enter or cause to be entered in the Official Log Book every signal of distress or message that a vessel, craft or person is in distress at sea.

(8) Compliance by the Master of a ship with the provisions of this section shall not affect the salvage rights of his, or any other person.

224. (1) The Master or person in charge of a Saint Vincent vessel shall, so far as he can do, without serious danger to his own vessel, her crew and passengers if any, render assistance to every person who is found at sea in danger of being lost, even if such person be a citizen of a State at war with Saint Vincent and if he fails to do so he shall be guilty of an offence punishable with imprisonment for a period not exceeding two years or to a fine not exceeding three thousand dollars or to both such imprisonment and fine.

Duty to render assistance to persons in danger at sea.

(2) Compliance by the Master or person in charge of a vessel with the provisions of this section shall not affect salvage rights of his or of any other person.

225. When a Saint Vincent ship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or Master shall, as soon thereafter as possible, transmit to the Minister, by letter signed by the owner or Master, a report of the accident or damage and of the probable occasion thereof, stating the name and location of the ship and the place where she is.

Report of accidents to ships.

226. If the owner, or the person to whom is entrusted the management, of a Saint Vincent ship his reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as may be convenient, send to the Minister notice in writing of the loss and of the probable occasion thereof, stating the name of the ship.

Notice of loss of Saint Vincent ship.

PART VI — LIABILITY AND LIMITATION THEREOF OF SHIPOWNERS

227. (1) The owner of a Saint Vincent ship may limit his liability in accordance with section 231 in respect of claims arising from any of the following occurrences, unless the occurrence giving rise to the claim resulted from the actual fault or privity of the owner —

Limitation of liability in certain cases.

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- (a) loss of life of, or personal injury to, any person being carried on board the ship, and loss of, or damage to, any property on board the ship;
 - (b) loss of life of, or personal injury to, any other person, whether it be on land or on water, loss or damage to any other property or infringement of any rights caused by the act, neglect or default of any person on board the ship for whose act, neglect or default the owner is responsible:

Provided that in regard to the act, neglect or default of such person, the owner shall only be entitled to limit his liability when the act, neglect or default is one which occurs in the navigation or the management of the ship or in the loading, carriage or discharge of its cargo or in the embarkation, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers;

- (c) any obligation or liability imposed by any law relating to the removal of wreck and arising from or in connection with the rising, removal or destruction of any ship which is sunk, stranded or abandoned (including anything which may be on board such ship) and any obligation or liability arising out of damage caused to harbour works, basins and navigable waterways.

(2) The expression "personal Claims" means claims resulting from loss of life and personal injury; the expression "property claims" means all other claims set out in subsection (1).

**Owner's
right to
limitation.**

228. An owner of a Saint Vincent ship shall be entitled to limit his liability in the cases set out in subsection (1) of section 227, even in cases where his liability arises, without proof of negligence on the part of the owner or of persons for whose conduct he is responsible, by reason of his ownership, possession, custody or control of the ship.

**Exclusion
of liability
in certain
cases.**

229. (1) Nothing in this Part shall apply —

- (a) to claims for Salvage or to claim for contribution in General Average;

- (b) to claims by the Master, by members of the crew, by any servants of the owner on board the ship or by servants of the owner whose duties are connected with the ship, including the claims of their heirs, personal representatives or dependents, if under the law governing contract of service between the owner and such servants the owner is not entitled to limit his liability in respect of such claims or if he is by such law only permitted to limit his liability to an amount greater than that provided for in section 231.

230. (1) The limit of liability prescribed by section 231 of this Part shall apply to the aggregate of personal claims and property claims which arise on any distinct occasion without regard to any claims which have arisen or may arise on any other distinct occasion. Claims.

(2) Where the aggregate of the claims which arose on any distinct occasion exceeds the limits of liability provided for in section 231, the sum representing such limits of liability may be constituted as one distinct limitation fund.

(3) The fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

(4) After the fund has been constituted, no claimant against the fund shall be entitled to exercise any right against any other assets of the ship owner in respect of his claim against the fund, if the limitation fund is actually available for the benefit of the claimant.

231. (1) The amounts to which the owner of a ship may limit his liability under subsection (1) of section 227 shall be — Amounts
for
limitations
of liability.

(a) where the occurrence has only given rise to property claims, an aggregate amount of three hundred dollars for each ton of the tonnage of the ship;

(b) where the occurrence has only given rise to personal claims, an aggregate amount of six hundred dollars for each ton of the tonnage of the ship;

- (c) where the occurrence has given rise both to personal claims and property claims, an aggregate amount of six hundred dollars for each ton of the tonnage of the ship, of which a first portion amounting to four hundred dollars for each ton of the tonnage of the ship shall be exclusively appropriated to the payment of personal claims, and the second portion amounting to two hundred dollars for each ton of the tonnage of the ship shall be appropriated to the payment of property claims:

Provided that in cases where the first portion is insufficient to pay the personal claims in full, the unpaid balance of such claims shall rank rateably with the property claims for payment against the second portion of the fund.

(2) In each portion of the limitation fund the distribution among the claimants shall be made in proportion to the amounts of their claims.

(3) If before the fund is distributed the owner has paid in whole or in part any of the claims set out in subsection (1) of section 227, he shall *pro tanto* be placed in the same position in relation to the fund as the claimant whose claim he has paid, but only to the extent that the claimant whose claim he has paid would have had the right of recovery against him under the laws of Saint Vincent.

(4) Where the shipowner establishes that he may at a later date be compelled to pay in whole or in part any of the claims set out in subsection (1) of section 227 of this Act, the Court may order that a sufficient sum shall be provisionally set aside to enable the shipowner at such later date to enforce his claim against the fund in the manner set out in the preceding subsection.

(5) For the purposes of this section, the tonnage of a ship shall be taken to be the net registered tonnage of the ship.

Bail and
release.

232. (1) Whenever a shipowner is entitled to limit his liability under this Part and the ship has been arrested or attached within the jurisdiction of Saint Vincent, or bail or other security has been given to avoid arrest, a Court may, in its discretion, order the release of the ship or other property or of the security given if it is established by the shipowner that

he has already given satisfactory bail or security, in Saint Vincent or elsewhere, in a sum equal to the full limit of his liability under this Part, and that the bail or other security so given is actually available for the benefit of the claimant in accordance with his rights.

(2) Where, in circumstances mentioned in subsection (1), bail or other security has already been given —

- (a) at the Port where the accident giving rise to the claim occurred;
- (b) at the first Port of call after the accident if the accident did not occur in a Port;
- (c) at the Port of disembarkation or discharge if the claim is a personal claim or relates to damage to cargo,

the Court shall order the release of the ship or the bail or other security given, subject to the conditions contained in subsection (1).

(3) The provisions of subsections (1) and (2) shall apply likewise if the bail or other security already given in a sum less than the full limit of liability under this part, provided that satisfactory bail or other security is given for the balance.

(4) When the shipowner has given bail or other security in a sum equal to the full limit of his liability under this Part, such bail or other security shall be available for the payment of all claims arising on a distinct occasion and in respect of which the shipowner may limit his liability.

233. (1) In this Part, the liability of the shipowner includes the liability of the ship as well.

Application
and Fire
Damage.

(2) Subject to subsection (3), the provisions of this Part shall apply to the charterer, manager and operator of the ship, and the Master, members of the crew and other servants of the owner, Charterer, manager or operator acting in the course of their employment, in the same way as they apply to the owner himself, provided that the total limits of liability of the owner and all such other persons in respect of personal claims and property claims arising on a distinct occasion shall not exceed the amounts determined in accordance with section 231.

(3) When any action is brought against the Master or against members of the crew, such persons may limit their liability even if the occurrence which gives rise to the claims resulted from the actual fault of privity or one or more of such persons; if, however, the Master or member of the crew is at the same time owner, co-owner Charterer, manager or operator of the ship, the provisions of this subsection shall only apply where the act, neglect or default committed by the person in question in his capacity as Master or as member of the crew of the ship.

(4) No owner of any vessel shall be liable to answer for, or make good to any person, any loss or damage which may happen to any merchandise whosoever, which shall be shipped, taken in, or put on board any such vessel, by reason of or by means of any fire happening to or on board the vessel, unless such fire is caused by the actual fault or privity of the owner.

**Maritime
Commission.**

234. (1) There shall be a Maritime Commission to exercise the general supervision of Merchant Shipping (including the conduct and welfare of the seamen) and to ensure the proper implementation of the provisions of this Act and of every other law that may be applicable to Merchant Shipping.

(2) The Maritime Commission shall consist of five members appointed by the Prime Minister in consultation with the Minister, one each to represent the Ministries or Departments responsible for Transport, Finance, Planning and Development, Port and Telecommunications and the Deputy Commissioner for Maritime Affairs shall be the fifth member.

(3) A member of the Maritime Commission shall hold office for such period as the Cabinet may, from time to time, decide and any vacancy in the Commission shall not affect the functioning of the Commission or its powers and the participation of any three members shall be sufficient for the purpose of the functioning of the Commission.

(4) The Cabinet may appoint any one of the members of the Commission as Chairman thereof and the business of the Commission shall be conducted by meetings or by correspondence or in such other manner as the Minister may direct.

(5) The Registrar, shall be the secretary for Maritime Commission and if appointed as a member under subsection (2), he shall be the member secretary of the Commission.

235. (1) Subject to the general superintendence of the Commission, the Administrative duties of the Commission in the foreign Ports shall be performed by the Deputy Commissioner who shall undertake the general conduct and supervision of all matters relating to the Registration of Ships under this Act outside the State and be accountable to the Government.

Deputy
Commissioner
for
Maritime
Affairs and
Registration
Agents.

(2) The Deputy Commissioner may, from time to time, appoint Registration Agents to assist him and they may perform such duties as registration of ships in any Port outside Saint Vincent as the Deputy Commissioner may deem fit to entrust:

Provided that the Deputy Commissioner shall be responsible for the conduct of every one of his Agents as if he has done it himself unless in the case of any misconduct by an Agent, the Deputy Commissioner proves that he made every effort and took every precaution to prevent the misconduct by that Agent:

Provided further that every Registration Agent appointed by the Deputy Commissioner shall act in accordance with his instructions unless the Commission otherwise directs, and any such Agent may be removed from office by the Deputy Commissioner acting on his own or on being so instructed by the Commission.

236. (1) The Deputy Commissioner shall maintain a permanent Shipping Registry and such other record books as the Minister may from time to time direct, which shall contain all entries required to be made by or under this Act and the fees and charges collected on behalf of the State by him or by his Agents.

Maintenance
of
registration
of records by
Deputy
Commissioner.

(2) The Deputy Commissioner shall have authority, either directly or through any person who has been appointed as an Agent —

- (a) to administer all oaths and take all acknowledgements required by this Act;
- (b) to issue Ship Radio Station Licences for radio transmitting apparatus located on board a ship registered under this Act:

(c) to issue any licence, certificate or other documents for officers or ships personnel on ships registered under this Act for the purpose of complying with the provisions of the Act or of any International Convention which is made applicable to Saint Vincent by or under this Act.

(3) The Deputy Commissioner shall be responsible for the maintenance of proper records of every thing done by him or by his Agents and all fees collected shall be duly transmitted to the credit of the Government of Saint Vincent.

(4) The Deputy Commissioner shall keep the Registrar and the Maritime Commission duly informed of every action taken and every collection of fees or every charge made by him or by his Agents and shall be accountable to the Government for the same.

SURVEYORS

Surveyor of ships.

237. For the purposes of this Act, a surveyor of ships is a person fit to be a surveyor of ships appointed, either generally or for specific purpose or on special occasion, by the Minister or by organisation or bodies authorised by the Minister in that behalf, and any such person may be appointed as Ship Surveyor or as Engineer Surveyor, or as both, or as Radio Surveyor.

Powers of Surveyor.

238. (1) A Surveyor of Ships in the execution of his duties and functions may go on board any ship at all reasonable times and inspect the same or part thereof, or any of the machinery, boats, equipment or articles on board thereof, or any Certificates of the Master, Mate or Engineer to which the provisions of this Act, or of any of the Rules or Regulations made under this Act, apply and if in consequence of any accident to the ship or for any other reason he considers it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof:

Provided that a ship shall not be detained unnecessarily so as to prevent it from proceeding on any voyage.

(2) Every person who hinders any Surveyor of Ships from going on board any ship or otherwise impedes him in the execution of his duties or functions under this Act, or fails to comply with any lawful requirement of the Surveyor, shall be guilty of an offence punishable with fine not exceeding five hundred dollars.

JURISDICTION AND PROCEEDINGS

239. All causes of action arising out of or under this Act shall be cognizable before the Courts of competent jurisdiction of Saint Vincent sitting in Admiralty, but, save as otherwise specifically provided in this Act, the provisions of this section shall not be deemed to deprive other Courts elsewhere of their respective jurisdiction to enforce such causes of action.

Jurisdiction.

240. (1) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the Armed services of Saint Vincent or any Police Officer not below the rank of Inspector or any Officer of Customs, or any Officer of the Ministry responsible for Shipping, or any Saint Vincent Consular Officer, may detain the ship and if the ship after detention proceeds to sea before it is released by Competent Authority, the Master of the ship and also the owner and any person who sends the ship to sea if that owner or person is party or privy to the offence, shall be guilty of an offence punishable with fine not exceeding one thousand dollars.

Detention
of ships
generally.

(2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any Officer authorised to detain the ship or any Surveyor or Officer of the Ministry responsible for Shipping or any Officer of Customs, the owner and Master of the ship shall each be liable to pay all expenses of and incidental to the Officer or Surveyor being so taken to sea to return and also be guilty of an offence punishable with an additional fine not exceeding one thousand dollars.

(3) Where a ship has to be detained, the Officer authorised to clear the ship outwards shall refuse to give clearance for that ship outwards and where a ship may be detained, such officer may, if he considers it necessary so to do refuse to give clearance for that ship outwards.

241. Where an offence under this Act is committed by a corporate body, an association or other body of persons, every person who at the time of the commission of the offence, was a Director, Manager, Secretary or other similar Officer of such body corporate, association or other body of persons, or was purporting to act in any capacity shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

Offences by
Corporate
body,
association
or other
body of
persons.

DIRECTIONS

Power of
Minister to
issue
directions.

242. (1) The Minister may from time to time issue such directions or give such instructions to the Registrar, Maritime Commission, Deputy Commissioner or his Agent, for the purpose of ensuring that the provisions of this Act or of any Rules or Regulations made thereunder are correctly and properly implemented, or with a view to exercise control; and where any such direction or inspection has been issued, every person who disobeys the instruction shall be guilty of an offence punishable with fine not exceeding one thousand dollars:

Provided that the imposition of any fine in exercise of the powers under this section shall be without prejudice to any other action that may be taken against the person concerned, including his termination from office.

(2) Without prejudice to the generality to subsection (1) it shall be competent to the Cabinet to terminate the office of any person who violates any direction issued under that subsection.

PART VII

INTERNATIONAL CONVENTION ETC.

Application
of
International
Conventions.

243. (1) Every International Convention or Regulation on Merchant Shipping and connected matters that were applicable before the commencement of this Act shall, unless the Minister by notification otherwise directs, continue to apply with equal force after the commencement of this Act.

(2) The Cabinet may, in consultation with the Maritime Commission, approve and accept any International Maritime Convention or Regulation if it is considered that compliance therewith is necessary for the safety of ships registered under this Act, and thereupon such International Convention or Regulation shall form part of the law as if they were Rules or Regulations made under this Act.

(3) The Cabinet may, in consultation with the Maritime Commission and by notification declare that any convention or Regulation made and applicable under subsection (2) shall continue to apply to Saint Vincent with such modifications as it may deem fit to make, or shall cease to apply in relation thereto, and thereupon the convention or Regulation shall apply with the modifications or cease to have effect as the case may be.

244. (1) Where —

Power to
detain
foreign
ship.

(a) any injury has in any part of the world been caused to any property pelonging to person resident in Saint Vincent by any foreign Ship, or

(b) a claim is made for damages by or on behalf of any person resident in Saint Vincent in respect of personal injuries, including fatal injuries, against the owner of a foreign ship

and at any time thereafter the foreign ship is found in any Port or place in Saint Vincent, the High Court may, upon it being shown to the High Court by any person applying that the damage or injury was probably caused by the misconduct or want of skill of the Master or crew of the ship, issue an order directed to any person named in the order.

(2) An order issued under subsection (1) shall require the person named therein to detain the ship until such time as the owner, Master or agent of the ship —

(a) has made satisfaction in respect of the damage or injury, or

(b) has given security, approved by the Court, to abide the event of any proceedings that might be instituted in respect of the damage or injury and to pay all costs and damages that might be awarded thereon.

(3) Any person to whom an order is directed under subsection (1), shall detain the ship accordingly.

(4) Where it appears that before an application can be made under this section the ship in respect of which the application is to be made will have departed from Saint Vincent, the ship may be detained for such time —

(a) as will allow the application to be made, and

(b) the result thereof to be communicated to the officer detaining the ship;

and that officer so detaining the ship shall not be liable for any costs or damage in respect of the detention unless the detention is proved to have been made without reasonable grounds.

(5) In any proceedings in relation to any damage or personal injury, the person giving security must be made defendant and must be stated to be the owner of the ship that has occasioned the damage or injury; and the production of the order of the High Court made in relation to the security is conclusive proof of the liability of the defendant to the proceedings.

Conveyance
of offender
and
witnesses.

245. (1) When a complaint is made to a Consular Officer that —

- (a) an offence against property or person has been committed at any place outside Saint Vincent by any Master, seaman or apprentice belonging to a Saint Vincent ship,
- (b) an offence on the high seas has been committed by any Master, seaman or apprentice belonging to a Saint Vincent ship,

the Consular Officer may inquire into the complaint upon oath and, if the case so requires, may take any steps in his power for the purposes of placing the offender under the necessary restraint and sending him, as soon as practicable, in safe custody, to Saint Vincent.

(2) The Consular Officer may order the Master of any Saint Vincent ship bound for Saint Vincent to receive and afford passage and subsistence during the voyage to any offender referred to in subsection (1) and to any witness: but the Master need not receive more than one offender for every one hundred tons of his registered tonnage of the ship nor more than one witness for every fifty tons of that tonnage.

(3) The Consular Officer must endorse upon the agreement of the ship such particulars, with respect to any offender or witness sent in the ship as the Registrar of Shipping may specify.

(4) The Master of a ship to whose charge an offender has been committed, shall, on the arrival of the ship in Saint Vincent, give the offender into the custody of a member of the Police force, and he shall take the offender before a Court.

(5) The expenses of confining any offender and of conveying him and any witness to Saint Vincent in any manner other than in the ship to which they respectively belong shall when not paid as part of the costs of the prosecution, be paid out of the Consolidated Fund.

PART VIII

RECIPROCAL JURISDICTION

246. (1) This section applies in any case where the law of a foreign country provides, in terms that would extend to ships of the foreign country —

Authority
under
foreign
law.

- (a) while they are in Saint Vincent;
- (b) after they have been in Saint Vincent, or
- (c) while they are at sea,

that a described body or person in Saint Vincent has the authority or obligation to execute such request, exercise such right or power or perform such function, in relation to those ships or to the owners, Masters or crews thereof, as is set out in the law of the foreign country.

(2) In relation to the ships of the foreign country referred to in sub-section (1) and to the owners, Masters and crews thereof, the Court, Registrar, Customs Officer, Inspector or other functionary in, for or of Saint Vincent as specified in the law of the foreign country may; or as the circumstances require, shall in like manner, as if the authority, power or duty to do so were conferred or imposed by this Act —

- (a) execute a request made under the laws of the foreign country concerned;
- (b) execute any right or authority arising under the law of the foreign country; or
- (c) perform any function required to be performed thereunder.

247. (1) This section shall apply to every case where the law of a foreign country provides, in terms that would extend to Saint Vincent ships —

Authority
under
Saint
Vincent
law.

- (a) while they are in the foreign country, or
- (b) after they have been in the foreign country, or
- (c) while they are at sea,

that Court or other authority or functionary in, for or of the foreign country may or shall execute any request, exercise any right or authority or perform any function that this Act confers or imposes upon or directs to be done by a similar Court, authority or functionary in relation to Saint Vincent ships or the owners, Masters or crews thereof.

(2) In relation to Saint Vincent ships and to the owners, Masters and crews thereof described in sub-section (1) in respect of a foreign country, any Court, authority or functionary in the foreign country that executes any request, exercises any right or authority or performs any function—

(a) that this Act makes or purports to make, or confers, or imposes upon or directs to be done by a similar Court, authority or functionary, and

(b) as are related to the law of that foreign country, shall be deemed to have been done by force of the law of the foreign country if the things done by the Court, authority or functionary were done in the form required or authorised pursuant to this Act.

Effect of
permissive
provisions.

248. Where any provisions of this Act that permits, authorises, requires or directs any Court, authority or functionary is permissive merely, all things done by the Court, authority or functionary pursuant to this Act shall be deemed to have been validly done for all the purposes of this Act.

Applying
Act to
foreign
ships.

249. Where —

(a) it appears to the Minister that the Government of a foreign country is desirous that any of the provisions of this Act which do not apply to the ships of that country should be made applicable to them, and

(b) there are no special provisions in this Act for that application,

the Minister may, by Order, direct that any specified provisions of this Act, apply, subject to any limitations contained in the Order, to the ships of that country and to the owners, Masters and crew of those ships when not locally within the jurisdiction of the government of that country, as if those ships were Saint Vincent ships.

PART X

INQUIRY INTO CAUSES OF DEATH ETC.

250. (1) When a death occurs on board a Saint Vincent ship, the Master shall report the death to the authorities at the first Port of arrival and shall submit to the Minister a statement and log extract signed by the Master.

Inquiry into
death on
board.

(2) If the Minister decides to hold an investigation into the cause of death, the Registrar or any person appointed by the Minister for that purpose shall, on the arrival of the ship at a Port, inquire into the cause of the death and make in the official log book an endorsement either to the effect that the statement of the cause of the death in the official log book is in his opinion true, or to the contrary effect, according to the results of the inquiry.

(3) The Registrar or persons appointed under sub-section (2) has, for the purpose of the inquiry, all the powers of a person authorised to investigate any shipping casualty.

(4) If in the course of the inquiry it appears to the Registrar or other person holding the inquiry that the death was caused on board the ship by violence or improper means, he shall report the matter to the Minister and, if the urgency of the situation so requires, take immediate steps for bringing the offenders to justice.

(5) Nothing in this section shall be deemed to prejudice the application of the Coroners Act in so far as it is applicable to any particular case.

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2963.

DEPOSITIONS IN LOCAL PROCEEDINGS.

251. (1) Notwithstanding any other law, but subject to sub-section (2), where, in the course of any proceedings that were for the purposes of this Act instituted in Saint Vincent before a Court or before any person authorised by law or by consent of the parties to receive evidence, the testimony of any witness is required in relation to the subject matters of those proceedings and it is proved that the witness cannot be found in Saint Vincent, any deposition that the witness might have previously made on oath in relation to the same subject matter before a Court or Consular Officer elsewhere shall be admissible in evidence.

When
witnesses
not
available.

(2) When the deposition referred to in sub-section (1) was made in Saint Vincent —

- (a) the deposition is not admissible in any proceedings instituted in Saint Vincent, and
- (b) if the proceedings are criminal proceedings the deposition is not admissible unless it was made in the presence of the persons accused or of his counsel.
- (3) A deposition referred to in sub-section (1) must be authenticated by the seal of the Court or the signature of the Consular Officer before whom it was made, and the Court or the Consular Officer must certify, if it is so, that the accused or his counsel was present when the deposition was taken.
- (4) It is not necessary in any case to prove the seal or official signature or official character of the persons appearing to have signed the deposition, and in criminal proceedings a certificate under this section is, in the absence of evidence to the contrary, sufficient proof that the accused or his counsel was present in the manner certified.

PART X

DETENTION OF SHIP AND DISTRESS OF SHIPS

Detention
of ship.

252. (1) The Minister may, at such places as he considers advisable, appoint fit and proper persons to be detaining officers for the better execution of the provisions of this Act that provide for the detention of ships under this Act.

(2) Where a ship is to be or may be detained under this Act, a detaining Officer may detain the ship and if the ship, after being detained or after service on the Master of a notice of or order for detention, proceeds to sea before it is released by a competent authority, the Master of the ship and the owner and any person who sends the ship to sea shall all be guilty of an offence unless the accused proves that the ship proceeded to sea without his consent and without any negligence on his part.

(3) When any ship proceeding to sea takes any detaining officer to sea when he is aboard the ship in the course of his duty, the owner and Master of the ship shall each be liable to pay all expenses of and incidental to the officer being so taken to sea and for his return.

(4) When a ship has to be detained under this Act, a Customs Officer shall refuse to clear that ship outwards, and when under this Act a ship may be detained, a Customs Officer may refuse to clear that ship outwards.

(5) When a foreign ship is detained under this Act, a copy of the notice of or order for detention shall, as soon as may be, be served on the Consular Officer of the country to which the ship belongs if one is present at the Port of detention.

(6) every person guilty of an offence under sub-section (2) shall be punishable on summary conviction with fine not exceeding ten thousand dollars.

253. (1) Where the owner of a ship has been convicted of an offence under this Act and a fine has been imposed, if the fine is not paid forthwith, the ship may be seized and after reasonable notice, sold by any Customs Officer or any person authorised for that purpose in writing by the Minister; and the Customs Officer or person may, by sale, give to the purchaser a valid title to the owner's interest in the ship.

Seizure
and sale.

(2) Any surplus remaining from the proceeds of a sale pursuant to sub-section (1), after paying the amount of the fine and the cost of conviction, together with costs of seizure and sale, shall be paid to the person who was owner of the ship before the sale or to the mortgagee of the ship as the case may be.

254. Where a Court has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then, if the party so directed to make the payment is the Master or owner of the ship and the payment is not made at the time and in the manner specified in the order, the Court that made the order may, in addition to exercising any other powers it might have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship and her tackle, furniture and apparel.

Distress of
ships.

PART XI

EVIDENCE, SERVICE OF DOCUMENTS AND DECLARATIONS

255. Where any document is required by this Act to be executed in the presence of or to be attested by any witnesses, the document may be proved by the evidence of any person who is able to bear witness to the needed fact without calling any of the attesting witnesses.

Proof of
attestation.

Admissibility
of documents

256. (a) Where a document is, by this Act declared to be admissible in evidence, the document, —

(a) on its production from the proper custody is admissible in evidence in any Court or before any person authorised by law or by consent of parties to receive evidence, and

(b) subject to all just exceptions, is proof of the matters stated in it pursuant to this Act by any officer in the discharge of his duties.

(2) A copy of any document referred to in sub-section (1) or of an extract from that document shall also be admissible in evidence if —

(a) it is proved to be an examined copy or extract, or

(b) it purports to be signed and certified as a true copy or extract by the officer in whose custody the original document was.

(3) The officer who has the custody of the original document shall, upon payment of a reasonable sum for expenses therefor, supply a certified copy thereof or certified extract therefrom to any person applying for it at any reasonable time.

(4) An officer referred to in sub-section (3) who wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract shall be guilty of an offence punishable with fine not exceeding one thousand dollars.

(5) A person who, knowing the same to be false or counterfeit —

(a) forges the seal, stamp or signature of any document referred to in this section, or

(b) tenders in evidence any such document with a false or counterfeit seal, stamp or signature thereto,

shall be guilty of an offence triable on indictment and punishable with imprisonment not exceeding seven years.

(6) If a document described in sub-section (5) has been admitted in evidence, the Court or the person who admitted it may on request direct that it be impounded and kept in the custody of some officer of the Court or other person for such period or subject to such conditions as the Court or person thinks fit.

257. (1) Where for the purposes of this Act any document has to be served on any person — Service of documents.

- (a) the document may be served in any case, by delivering it to him personally or by leaving it at his latest known place of abode;
- (b) if the document is to be served on the Master of a ship, if the ship has one, or on a person belonging to a ship, the document may be served by leaving it for him on board the ship with the person who is or appears to be in command or charge of the ship, or
- (c) if the document is to be served on the Master of the ship and the ship is in Saint Vincent and the Grenadines but there is no Master, the document may be served —
 - (i) in the manner provided by paragraph (a) —
 - (a) on the managing owner of the ship, or
 - (b) if no managing owner is known, on some agent of the owner who is residing in Saint Vincent; or
 - (ii) if no managing owner or agent is known or can be found, by affixing a copy of the document to the mast of the ship and to some other conspicuous place on board where it may be seen by persons who enter the ship

(2) Any person who obstructs the service of a document that is to be served on the Master of a ship under this Act, and the owner or Master of a ship who is party or privy to the obstruction, shall all be guilty of an offence punishable on summary conviction to a fine of two hundred dollars.

PART XII

LIMITATION OR ACTIONS IN CIVIL PROCEEDINGS

Limitation
of time.

258. (1) No action may be brought to enforce any claim or lien against a vessel or her owners after the end of two years from the date on which the right of action accrued in respect of—

- (a) any damage or loss to another vessel or to cargo or freight or to any property on board, or
- (b) damage for loss of life or personal injuries suffered by any person on board the vessel, that was caused by the fault of the first mentioned vessel, irrespective of whether that vessel is wholly or partly in fault.

(2) No action may be brought to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries after the end of one year from the date of payment.

(3) Any Court having jurisdiction to deal with an action to which this section relates may extend any period limited by sub-section (1) or (2) to such extent and on such conditions as the Court thinks fit.

(4) Where the Court is satisfied that during any period limited under this section there has not been any reasonable opportunity of arresting the vessel of the defendant within—

- (a) the jurisdiction of the Court, or
- (b) the territorial waters of the country to which the plaintiff's ship belongs or is which the plaintiff resides or has his principal place of business,

the Court may extend any such period sufficiently to enable a reasonable opportunity to be given to arrest the vessel of the defendant.

Exemption
of Govern-
ment ships.

259. Except as otherwise specifically provided, nothing contained in this Part or in any Regulations made or deemed to be made thereunder shall apply in relation to ships belonging to the Government of Saint Vincent.

PART XIII

TRANSITIONAL AND GENERAL PROVISIONS

260. (1) Every ship that was, immediately before the date of commencement of Part I, a British ship by reason of being registered in Saint Vincent under the Merchant Shipping Act of 1894 or any subsequent law of the United Kingdom on the subject of Merchant Shipping as applicable to Saint Vincent shall, on and after that date and subject to the provisions of sub-section (2), be deemed to be a Saint Vincent ship as if the ship has been registered under this Act.

Transitional provisions.

(2) The owner of a ship which is deemed to be a Saint Vincent ship by reason of sub-sections (1) may, at any time within six months after the commencement of Part I, give written notice to the Registrar of his desire that the ship, shall cease to be a Saint Vincent ship, and upon receipt of that notice the Registrar shall delete the ship from the Register, and the ship shall thereupon cease to be a Saint Vincent ship.

(3) For the purposes of this Act, where a ship is deemed under this section to have been registered under this Act the Certificate of Registry of the ship in force immediately before the commencement of Part I of this Act shall be deemed to have been granted under Part III thereof.

(4) Where a ship is deemed under this section to be a Saint Vincent ship —

- (a) no annual fee shall be payable under Part III until after the expiration of six months from the date of commencement of Part I and no registration fee shall be payable under Part III in respect of that period or any portion thereof, and
- (b) thereafter, the annual fee alone shall be computed and payable as if a registration fee, calculated in accordance with this Act, had been paid on the registered tonnage of the ship.

(5) The instruments and other documents specified in this Act shall be in the prescribed form or, where it is not so prescribed in such form as the Minister or the Deputy Commissioner or the Registrar may specify, or as near thereto as the circumstances permit.

(6) The Minister may, until the making of any Rules or Regulations under this Act, issue such written instructions as he may consider necessary or desirable on any matter for which Rules or Regulations may be framed.

General
Regulations,
Rules,
orders and
instructions.

261. (1) Without prejudice to any other power conferred on him by this Act, the Minister may make Regulations or Rules —

(a) specifying —

(i) the forms to be used, and

(ii) the fees or other sums to be paid, the person by whom and the manner in which, such fees or sums are to be determined;

(b) the services to be performed or things to be done for the purposes of this Act or of any Regulations made or deemed to have been made thereunder.

(2) Without prejudice to his powers under subsection (1), the Minister may make Regulations or Rules, or issue Orders, or give instructions, for the carrying into operation of any of the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, for prescribing anything that is authorised by this Act to be prescribed or is considered necessary for the proper implementation of the provisions of this Act.

(3) Any power conferred on the Minister by this Act to make Regulations or Rules or to make Orders, or to give instructions, shall include the power —

(a) to vary, alter or repeal any such Regulation, Rule, Order or instruction;

(b) to make any Regulation, Rule or Order, or issue any new instruction;

(c) subject to such limitations or other express provision contained in this Act, for such other sanction as the Minister may deem appropriate;

- (d) to make such transitional or other incidental or supplementary provision as may appear to the Minister to be necessary.

(4) The Minister may, by Order, declare from time to time that such of the Regulations, Rules and Orders referred to in the Second Schedule as are specified in the Order are deemed, with such modifications as are made thereto in his Order, to have been made under this Act and to take effect accordingly until replaced by Regulations or Rules or Orders made under this Act.

(5) In the Regulations, Rules and Orders deemed under sub-section (4) to have been made under this Act—

- (a) any reference to British ships or to ships registered in the United Kingdom is to be construed as a reference to Saint Vincent ships, and any reference to ships in Port in the United Kingdom is to be construed as a reference to ships in a Saint Vincent Port.
- (b) any reference to the Board of Trade is to be construed as a reference to the Minister;
- (c) such other modifications, adaptations, qualifications and exceptions as are necessary to bring them into conformity with this Act shall be deemed to have been made; and
- (d) any certificate, form or code of instructions printed and officially published for use in compliance therewith apply in similar manner; and

the same may at anytime be amended by Regulations, Rules or Orders made under this Act.

(6) The Minister may, by order published in the Gazette, add to or vary the entries in the Second Schedule.

(7) Every Regulation, Rule or Order made under this Act shall be laid before the House of Assembly as soon as may be after it is made, and if, within the period of twenty eight days after it is so laid, the House resolves that it be annulled or amended, the same shall thereupon cease to

have effect or shall be effective as so amended, as the case may be, but without prejudice to the validity of anything previously done thereunder or to the making of any new Regulation or Rules or the issue of fresh Order.

General
penalty.

262. (1) Every person who without lawful excuse contravenes any provision of this Act or of any Rule or Regulation or Order made or issued thereunder by wilfully doing an act that it forbids or by wilfully omitting to do an act punishable on summary conviction to a fine not exceeding five hundred dollars or to six months imprisonment or to both.

(2) The provisions of a sub-section (1) shall not apply to any contravention for which a penalty is expressly provided elsewhere under this Act otherwise than as an additional penalty.

(3) A person shall not be deemed to have committed an offence under sub-section (1) in any case where the contravention is by an act or omission that is solely of a legislative, judicial, administrative, ministerial or procedural nature.

Exemption
of Certain
Ships from
Application
of this
Act.

263. - Unless otherwise specially provided in this Act or by Rules or Regulations made thereunder, none of the provisions therein shall apply—

- (a) to ships or other vessels belonging to the Government in the non-commercial service of the Government;
- (b) to ships or other vessels of the defence or security force of Saint Vincent.

Power of
Minister to
exempt
vessels
from the
provisions
of this
Act.

264. Subject to the provisions of any Convention which the Government has ratified or to which the Government has acceded in relation to foreign-going or home trade ships, the Cabinet may, in its discretion and upon such conditions as it may think fit to impose, exempt any vessel or class of vessel, or any person or class of persons from all or any of the provisions of this Act.

265. The Cabinet may, by notification, modify any of the provisions of this Act, in their application to ships engaged in coastal trade within Saint Vincent, in such manner and to such extent as it may deem fit.

Special provisions for Coastal Trade Ships.

266. (1) The Merchant Shipping Act of 1894 of the United Kingdom and any subsequent law on the subject of Merchant Shipping as applicable to Saint Vincent and any other law containing a provision on a matter on which provision has been made in this Act shall, on the commencement of this Act, cease to apply in relation to Saint Vincent, except in so far as the provisions relate to wreck and salvage in respect whereof the provisions shall continue in force.

Repeal and Savings.

(2) For the purposes of sections 14 to 18 of the Interpretation and General Provisions Act, 1976, the provisions of the Merchant Shipping Act and of any subsequent law of the United Kingdom on the subject of Merchant Shipping as applicable to Saint Vincent as are repealed by sub-section (1) and any other law referred to in sub-section (1) shall be deemed to be enactments repealed and replaced by the corresponding provisions of this Act.

No. 23, of 1976.

(3) Every Treaty Obligation, entered into by the United Kingdom with any other country, which immediately before the commencement of this Act applied to Saint Vincent (including the Orders in Council as hereunder set out) in the manner of the recovery and apprehension of seamen who are Foreign Deserters, shall, on such commencement, stand revoked and repealed in so far as they apply to Saint Vincent.

- (i) Statutory Instrument No. 144 of 1954
The Merchant Shipping (Foreign Deserters) (Kingdom of Greece) Order, 1954
- (ii) Statutory Instrument No. 426 of 1955
The Merchant Shipping (Foreign Deserters) (United States of Mexico) Order, 1955
- (iii) Statutory Instrument No. 143 of 1958
The Merchant Shipping (Foreign Deserters) (Italian Republic) Order, 1958

Removal of
difficulties,

267. If any difficulty arises —

No. 23 of
1976.

- (a) out of the repeal by this Act of any written law;
- (b) out of the amendment or revocation of any subsidiary legislation or any part thereof, made under any law repealed by this Act and remaining in force pursuant to this Act or of the Interpretation and General Provisions Act, 1976;
- (c) the continuance in force, subject to such conditions as may be prescribed of any exemptions (whether or not based upon reciprocity with any other territory) from the operation of any written law repealed by this Act;
- (d) generally effecting a due and orderly assimilation of the law relating to the Merchant Shipping in conformity with the purposes of this Act, or
- (e) in achieving the purposes of this Act generally, the Minister may, by notified order issued with the previous concurrence of the Minister of Legal Affairs, remove the difficulty.

PART XIV
SCHEDULES
FIRST SCHEDULE

THE BRUSSELS CONVENTION OF 1926

ARTICLE 1

Mortgages, hypothecations, and other similar charge upon vessels, duly effected in accordance with the law of the Contracting State to which the vessel belongs, and registered in a public register either at the port of the vessel's registry or at a central office, shall be registered as valid and respected in all the other contracting countries.

ARTICLE 2

The following give rise to maritime liens on a vessel, on the freight for the voyage during which the claims giving rise to the lien arises, and on the accessories of the vessel and freight accrued since the commencement of the voyage:

(1) Law costs due to the State, and expenses incurred in the common interest of the creditors in order to preserve the vessel or to procure its sale and the distribution of the proceeds of sale; tonnage dues, light or harbour dues, and other public taxes and charges of the same character; pilotage dues; the cost of watching and preservation from the time of the entry of the vessel into the last port;

(2) Claims arising out of the contract of engagement of the master, crew, and other persons hired on board;

(3) Remuneration for assistance and salvage, and the contribution of the vessel in general average;

(4) Indemnities for collision or other accident of navigation, as also for damage caused to works forming part of harbours, docks and navigable ways, indemnities for loss of or damage to cargo or baggage;

(5) Claims resulting from contracts entered into or acts done by the master, acting within the scope of his authority, away from the vessel's home port, where such contracts or acts are necessary for the preservation of the vessel or the continuation of its voyage, whether the master is or is not at the same time owner of the vessel, and whether the claim is his own or that of shipehandlers, repairs, lenders, or other contractual creditors.

ARTICLE 3

The mortgages, hypothecations, and other charges on vessels referred to in Article 1 rank immediately after the secured claims referred to in the preceding article.

National laws may grant a lien in respect of claims other than those referred to in the said last mentioned article, so, however, as not to modify the ranking of claims secured by mortgages, hypothecations, and other similar charges, or by the liens taking precedence thereof.

ARTICLE 4

The accessories of the vessel and the freight mentioned in Articles 2, means:

(1) Compensations due to the owner for material damage sustained by the vessel and not repaired, or for loss of freight;

(2) General average contributions due to the owner, in respect of material damage sustained by the vessel and not repaired, or in respect of loss of freight;

(3) Remuneration due to the owner for assistance and salvage services rendered at any time before the end of the voyage, any sums allotted to the master or other persons in service of the vessel being deducted.

The provision as to freight apply also to passage money, and in the last resort, to the sums due under Article 4 of the Convention on the Limitation of shipowner's liability.

Payments made or due to the owner on policies of insurance, as well as bounties, subventions, and other national subsidies are not deemed to be accessories of the vessel or of the freight.

Notwithstanding anything in the opening words of Article 2 (2), the lien in favour of person in the service of the vessel extends to the total amount of freight due for all voyages made during the subsistence of the same contract of engagement.

ARTICLES 5

Claims secured by a lien and relating to the same voyage rank in the order in which they are set out in Article 2. Claims included under any one heading share concurrently and rateably in the event of the fund available being insufficient to pay the claims in full.

The claims mentioned under Nos. (3) and (5) in that Article rank, in each of the two categories, in the inverse order of the dates on which they came into existence.

Claims arising from one and the same occurrence are deemed to have come into existence at the same time.

ARTICLE 6

Claims secured by a lien and attaching to the last voyage have priority over those attaching to previous voyage.

Provided that claims, arising on one and the same contract of engagement extending over several voyages, all rank with claims attaching to the last voyage.

ARTICLE 7

As regards the distribution of the sum resulting from the sale of the property subject to lien, the creditors whose claims are secured by a lien have the right to put forward their claims in full, without any deduction on account of the rules relating to limitation of liability; provided however, that the sum apportioned to them may not exceed the sum due having regard to the said rules.

ARTICLE 8

Claims secured by a lien follow the vessel whatever hands it may pass.

ARTICLE 9

The lien cease to exist, apart from other cases provided for by national law, at the expiration of one year and, in the case of liens for supplies mentioned in No. (5) of Article 2, shall continue in force for not more than six months.

The periods for which the lien remains in force in the case of liens securing claims in respect of assistance and salvage run from the day when the services terminated, in the case of liens securing claims in respect of collision and other accidents and in respect of bodily injuries from the day when the damage was caused; in the case of liens for the loss of or damage to cargo or baggage from the day of delivery of the cargo or baggage or from the day when they should have been delivered, for repairs and supplies and other cases mentioned in No. (5) of Article 2 from the day the claim originated. In all other cases the period runs from the enforceability of the claim.

The fact that any of the persons employed on board, mentioned in No. (2) of Article 2 has a right to any payment in advance or on account does not render his claim enforceable.

As respects the cases provided for in the national laws in which a lien is extinguished, a sale shall extinguish a lien only if accompanied by formalities of publicity which shall be laid down by the national laws. Those formalities shall include a notice given in such form and within such time as the national laws may prescribe to the authority charged with keeping the registers referred to in Article 1 of this Convention.

The grounds upon which the above periods may be interrupted are determined by the law of the Court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide by legislation in their respective countries, that the said periods shall be extended in cases where it has not been possible to arrest the vessel to which a lien attaches in the territorial waters of the state in which the claimant has his domicile or his principal place of business, provided that the extended period shall not exceed three years from the time when the claim originated.

ARTICLE 10

A lien on freight may be enforced so long as the freight is still due or the amount of the freight is still in the hands of the master or the agent of the owner. The same principle applies to a lien on accessories.

ARTICLE 11

Subject to the provisions of the Convention, liens established by the preceding provisions are subject to no formality and to no special conditions of proof.

This provision does not affect the right of any state to maintain in the legislation provisions requiring the master of a vessel to fulfil special formalities in the case of certain loans raised on the security of the vessel, or in the case of the sale of it.

ARTICLE 12

National laws must prescribe the nature and the form of documents to be carried on board the vessel in which entry must be made of the mortgages, hypothecations, and other charges referred to in Article 1; so, however, that the mortgagees requiring such entry in the said form be not held responsible for any omission, mistake, or delay in inscribing the same on the said documents.

ARTICLE 13

The foregoing provisions apply to vessels under the management of a person who operates them without owning them or to the principal character, except in cases where the owner has been dispossessed by an illegal act or where the claimant is not a bona fide claimant.

ARTICLE 14

The provisions of this Convention shall be applied in each Contracting State in cases in which the vessel to which the claim relates belongs to a Contracting State as well as in any other cases provided for by the national law.

Nevertheless the principle formulated in the preceding paragraph does not affect the right of the Contracting State not to apply the provisions of this Convention in favour of the nationals of a non-contracting State.

ARTICLE 15

This Convention does not apply to vessels of war, nor to Government Vessels appropriated in favour exclusively to the public service.

ARTICLE 16

Nothing in the foregoing provisions shall be deemed to affect in any way the competence of tribunals, modes of procedure or methods of execution authorized by the national law.

SECOND SCHEDULE

(Section 261 (4))

**REGULATIONS, RULES AND ORDERS OF THE UNITED
KINGDOM THAT MAY BE ADOPTED**

Item	Publication	Title
TONNAGE		
1	S.I. 1967 No. 172	The Merchant (Tonnage) Regulations, 1967
2	S.I. 1967 No. 1093	Amendment Regulations, 1967
3	S.I. 1967 No. 656	Amendment Regulations, 1972
4	S.I. 1975 No. 594	Amendment Regulations, 1975
5	S.I. 1980 No. 282	Amendment Regulations, 1980
6	S.I. 1970 No. 294	The Merchant Shipping (Certificates of competency as A.B.) Regulations, 1980
7	S.I. 1977 No. 1152	The Merchant Shipping (Certification of Deck Officers) Regulations, 1977
8	S.I. 1978 No. 430	Amendment Regulations, 1978
9	S.I. 1977 No. 2070	The Merchant Shipping (Certificates of Marine Engineer Officers) Regulations, 1977
10	S.I. 1979 No. 599	Amendment Regulations, 1979
CREW		
11	S.I. 1972 No. 1871	The Merchant Shipping (Provisions and Water) Regulations, 1972
12	S.I. 1975 No. 733	The Merchant Shipping (Provisions and Water) (Fishing and Other Vessels) Amendment Regulations 1975
13	S.I. 1978 No. 36	The Merchant Shipping Provisions and Water) Amendment Regulations 1978

Item	Publication	Title
TONNAGE		
14	S.I. 1978 No. 795	The Merchant Shipping (Crew Accommodation) Regulations, 1978
15	S.I. 1979 No. 491	Amendment Regulations, 1979
16	S.I. 1980 No. 407	The Merchant Shipping (Medical Scales) (Merchant Shipping and other Vessels) Amendment Regulations, 1980
17	S.I. 1974 No. 1193	The Merchant Shipping (Medical Scales) Regulations 1980
18	S.I. 1975 No. 1582	The Merchant Shipping (Medical Scales) (Merchant ships and other Vessels) Amendment Regulations, 1975
19	S.I. 1972 No. 1874	The Merchant Shipping (Official Log Books) Regulations, 1972
20	S.I. 1980 No. 533	Amendment Regulations, 1980
SAFETY		
21	S.I. 1980 No. 543	The Merchant Shipping (Pilot ladders and Hoists) Regulations, 1980
22	S.I. 1972 No. 531	Amendment No. 2 Rules, 1972
23	S.I. 1980 No. 535	The Merchant Shipping (Passenger Ship Construction) Regulations, 1980
24	S.I. 1980 No. 537	The Merchant Shipping (Cargo, Ship Construction and Survey) Regulations, 1980
25	S.I. 1980 No. 538	The Merchant Shipping (Life Saving Appliances) Regulations, 1980
26	S.I. 1965 No. 1106	The Merchant Shipping (Fire Appliances) Rules, 1965
27	S.I. 1974 No. 2185	Amendment Rules, 1974

Item	Publication	Title
TONNAGE		
28	S.I. 1980 No. 529	The Merchant Shipping (Radio Installations) Regulations, 1980
29	S.I. 1980 No. 542	The Merchant Shipping (Musters) Regulations, 1980
30	S.I. 1980 No. 540	The Merchant Shipping (Closing of Openings in Hulls and in Water tight Bulk heads) Regulations, 1980
31	S.I. 1980 No. 532	The Merchant Shipping (Accepted Safety Convention Certificates) Regulations, 1980
32	S.I. 1970 No. 1453	The Anchors and Chain Cables Rules, 1970
33	S.I. 1975 No. 700	Merchant Shipping (Carriage of Nautical Publications) Rules, 1975
34	S.I. 1975 No. 927	The Merchant Shipping (Cargo and Passenger Ship Construction) Amendment Rules, 1975
NAVIGATION		
35	S.I. 1980 No. 530	The Merchant Shipping (Navigational Equipment) Regulations, 1980
36	S.I. 1980 No. 534	The Merchant Shipping (Navigational Warnings) Regulations, 1980
37	S.I. 1977 No. 982	The Collision Regulations and Distress Signals Order, 1977
38	S.I. 1977 No. 1301	Amendment Order, 1977
39	S.I. 1978 No. 1659	Amendment Order, 1978
40	S.I. No. 1010	The Merchant Shipping (Signals of Distress) Rules, 1977
41	S.I. 1979 No. 1659	The Safety (Collision Regulations and Distress Signals) Regulations, 1979

Item	Publication	Title
TONNAGE		
LOAD LINES AND CARGOES		
42	S.I. 1968 No. 1053	The Merchant Shipping (Load Line) Rules, 1968
43	S.I. 1970 No. 1003	Amendment Rules, 1970
44	S.I. 1975 No. 595	Amendment Rules, 1980
45	S.I. 1968 No. 1072	The Merchant Shipping (Load Lines) (Length of Ship) Regulations, 1968
46	S.I. 1972 No. 1841	The Merchant Shipping (Load Lines) (Particulars of Depth of Loading) Regulations, 1972
47	S.I. 1968 No. 1089	The Merchant Shipping (Load Lines) (Deck Cargo) Regulations, 1968
48	S.I. 1980 No. 536	The Merchant Shipping (Grain) Regulations, 1980
49	S.I. 1978 No. 1543	The Merchant Shipping (Dangerous Goods) Rules, 1978
50	S.I. 1968 No. 1116	The Merchant Shipping (Load Lines) (Exemption) Order, 1968

NOTE:—"S.I." denotes Statutory Instrument of United Kingdom

Passed in the House of Assembly this 13th day of May, 1982.

J. CLEMENT NOEL,
Clerk of the House of Assembly.