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SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 33 of 2008

MERCHANT SHIPPING (CARIBBEAN CARGO SHIP SAFETY) REGULATIONS, 2008

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**MERCHANT SHIPPING (CARIBBEAN CARGO SHIP SAFETY) REGULATIONS, 2008**

In exercise of the power conferred under section 456 of the Merchant Shipping Act, No. 24 of 2002, the Minister responsible for Maritime Affairs makes these Regulations:

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1. **CITATION.** These Regulations may be cited as the Merchant Shipping (Caribbean Cargo Ship Safety) Regulations, 2008.
2. **INTERPRETATION.** In these Regulations
  - “Act” means the Merchant Shipping Act, 2002;
  - “anniversary date” means the date in each year corresponding to the date of expiry of the Caribbean Cargo Ship Safety Certificate;
  - “Code” means the Code of Safety for Caribbean Cargo Ships, 1996;
  - “Caribbean Trading Area” means the area bounded by the east coasts of North, Central and South America; and a line from the east coast of the United States in latitude 32° 30'N to a point 20°N:60' W, thence to a point 10°N:50' W, and thence south to the coast of South America;
  - “Director” means the Director of Maritime Affairs appointed pursuant to section 411 of the Act;
  - “gross tonnage” means gross tonnage as determined by the Merchant Shipping (Tonnage) Regulations, 2007;
  - “international voyage” means a voyage from a port in one country to a port in another country;
  - “nominated surveyor” means a surveyor nominated by the Minister to undertake the surveys required by these Regulations and includes a surveyor from the Department of Maritime Affairs;
  - “safety equipment” means life-saving appliances, fire appliances, lights, shapes, means of making sound signals, pilot ladders and associated equipment, mechanical pilot hoists, echo-sounder installations, gyro compass installations, direction-finder installations and radar installations;
  - “Safety Regulations” means any Regulations for safety, including Regulations for life-saving appliances, fire protection, safety construction, safety radio, collision and distress signals, navigational equipment and pilot ladders and hoists, made under the Act;
  - “tanker” means a cargo ship constructed or adapted for the carriage in bulk of

liquid cargoes of a flammable nature.

3. **APPLICATION.** Subject to regulation 4 these Regulations apply in relation to sea-going Saint Christopher and Nevis ships of less than 500 gross tonnage but above 24m in length, engaged in voyages in the Caribbean Trading Area, except passenger ships, fishing vessels and pleasure crafts.

4. **EXEMPTION.** The Minister may grant exemptions from all or any of the provisions of these Regulations, as may be specified in the exemption for classes of cases or individual cases on such terms, if any, as he may so specify.

5. **SHIPS TO BE SURVEYED WITHIN SIX MONTHS.** Every ship in relation to which these Regulations apply shall be surveyed in accordance with regulation 6 not later than six months after these Regulations come into operation.

6. **SURVEY BEFORE ISSUE OF A CARIBBEAN CARGO SHIP SAFETY CERTIFICATE.** (1) The owner of every ship in relation to which these Regulations apply shall cause the same to be surveyed on completion and thereafter at intervals not exceeding five years by a surveyor.

(2) The survey referred to in sub-regulation (1) shall include the following

- (a) a complete inspection of the structure, machinery and equipment, other than those items surveyed with the lifesaving appliances and installations to ensure that
  - (i) the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment comply with the requirements of the Code and applicable Safety Regulations;
  - (ii) they are in satisfactory condition; and
  - (iii) they are fit for the service for which the ship is intended and that the required stability information is provided;
- (b) an inspection of the pump rooms, cargo, bunker, ventilation piping systems and associated safety devices in the case of tankers or barges carrying liquid cargoes of flammable nature in bulk;
- (c) an inspection of the outside of the ship's bottom and related items on dry dock, to ensure that they are fit for the service for which the ship is intended;
- (d) a complete inspection of the fire safety system and appliances, life-saving appliances and arrangements except radio installations, the ship borne navigational equipment, means of embarkation for pilots and other equipment to which chapters 2, 3, 4 and 6 of the Code apply to ensure that they comply with the requirements of the Code, and applicable Safety Regulations and are in satisfactory condition and are

fit for the service for which the ship is intended;

- (e) a complete inspection of the fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals for the purpose of ensuring that they comply with the requirements of the Code and applicable Safety Regulations;
- (f) a complete inspection of the radio installations, including those used in life-saving appliances to ensure that they comply with the requirements of the Code and applicable Safety Regulations.

(3) The results of the survey referred to in subregulation (1) shall be recorded in the ship's Record of Equipment and Ship Information Book, a copy of which shall be kept on board the ship.

(4) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner of the ship to the Director and shall be accompanied by such information relating to the ship as the Director may require for the purposes of the survey and the prescribed fee.

(5) The nominated surveyor shall, upon receipt of an application, survey the ship and satisfy himself that the ship and its equipment

- (a) comply with the requirements of the Code and Safety Regulations applicable to the ship, or are exempt from those requirements; and
- (b) are in all respects satisfactory for the service for which the ship is intended, having regard to the period for which a certificate in respect of the ship is to be issued.

(6) The nominated surveyor, where satisfied on the survey that he may properly do so, shall forward to the Director a Declaration of Survey containing such particulars of the ship and its equipment as are required by the Director to enable him to issue a Caribbean Cargo Ship Safety Certificate in respect of the ship.

**7. ANNUAL SURVEY.** (1) The owner of every ship in respect of which a Caribbean Cargo Ship Safety Certificate has been issued shall, subject to the requirements of regulations 6 and 8 and as long as the certificate remains in force, cause the ship to be surveyed at the interval and in the manner specified in sub-regulations (2) and (3), for the purpose of seeing whether the certificate should remain in force, and where the ship is not so surveyed, the Minister may cancel the certificate.

(2) The survey shall be carried out within three months before or after the anniversary date of the Caribbean Cargo Ship Safety Certificate.

(3) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner of the ship to the Director and shall be accompanied by such information relating to the ship as the Director may require for the purposes of the survey and the prescribed fee.

(4) The nominated surveyor shall, upon receipt of an application, survey the

ship in accordance with the procedures specified in Part I of the Schedule and shall satisfy himself that –

- (a) such parts of the ship and its equipment specified in Part I of the Schedule remain efficient; and
- (b) no material alterations have been made, in the equipment of the ship to which the Caribbean Cargo Ship Safety Certificate relates, without the approval of the Minister.

(5) On completion of the survey in accordance with the requirements of sub-regulation (4), the nominated surveyor shall, where he is so satisfied, endorse the attachment to the Caribbean Cargo Ship Safety Certificate to that effect.

8. **PERIODIC SURVEYS.** (1) The owner of every ship in respect of which a Caribbean Cargo Ship Safety Certificate has been issued shall, so long as the certificate remains in force, cause the ship to be periodically surveyed at the intervals and in the manner specified in sub-regulations (2) and (3) for the purpose of determining whether the certificate should remain in force, and where the ship is not so surveyed the Minister may cancel the certificate.

(2) The surveys to be carried out under sub-regulation (1) shall be conducted within three months before or after the second anniversary date or within three months before or after the third anniversary date of issue of the Caribbean Cargo Ship Safety Certificate and should take the place of one of the anniversary surveys.

(3) The nominated surveyor shall, upon receipt of an application, survey the ship in accordance with the procedures specified in Part II of the Schedule and shall satisfy himself that

- (a) such parts of the ship and its equipment specified in Part II of the Schedule remain efficient; and
- (b) no material alterations have been made, in the equipment of the ship to which the Caribbean Cargo Ship Safety Certificate relates, without the approval of the Minister.

(4) On completion of the survey in accordance with the requirements of sub-regulation (3), the nominated surveyor shall, where he is so satisfied, endorse the attachment to the Caribbean Cargo Ship Safety Certificate to that effect.

9. **SURVEYS BY MARINE SURVEYORS FROM THE DEPARTMENT OF MARITIME AFFAIRS.** (1) A survey made pursuant to regulation 6, 7, or 8 in a port in Saint Christopher and Nevis or the waters thereof shall be carried out by a marine surveyor from the Department of Maritime Affairs or a nominated surveyor.

(2) At least one survey pursuant to regulation 6, 7 or 8 in any period of five years shall be carried out by a marine surveyor from the Department of Maritime Affairs.

10. **RESPONSIBILITIES OF OWNER AND MASTER.** (1) The owner or master of every ship to which these Regulations apply shall ensure that

- (a) the condition of the safety equipment is maintained so as to comply

with the relevant Safety Regulations and the Code;

- (b) after any survey required by these Regulations has been completed, no material change shall be made in the safety equipment subject to such survey without the approval of the Minister;
- (c) whenever an accident occurs to a ship or a defect is discovered either of which affects the safety of the ship or the efficiency or completeness of its safety equipment, it shall be reported at the earliest opportunity to the Minister or a proper officer, either of whom shall cause investigations to be initiated to determine whether a survey by a nominated surveyor is necessary and shall if a survey is needed in that event require such a survey to be carried out; and
- (d) where the ship is in a port outside of Saint Christopher and Nevis the master or owner shall, in addition, make such a report immediately to the appropriate authorities of the country in which the port is situated.

(2) The nominated surveyor shall ascertain from the appropriate authorities of the country in which the port is situated that the report referred to in sub-regulation (1)(d) has been made.

**11. PROCEDURES TO BE ADOPTED WHEN SAFETY EQUIPMENT IS DEFICIENT.** (1) In any case where the nominated surveyor determines that the condition of the ship does not correspond substantially with the particulars of the Caribbean Cargo Ship Safety Certificate or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, the nominated surveyor shall advise the owner or master of the corrective action which in his opinion is required, and shall notify the Minister.

(2) Where such corrective action is not taken within such period, being a reasonable period, as the nominated surveyor may specify, the nominated surveyor shall at the end of that time, immediately notify the Minister who may, on receipt of such notification, suspend the validity of the Cargo Ship Safety Certificate issued in relation to the ship.

(3) The Minister shall give notice of any suspension under sub-regulation (2) to the owner and to the nominated surveyor and the nominated surveyor shall notify the master.

(4) The master shall thereupon deliver up the certificate issued in relation to the ship to the nominated surveyor on demand and the owner shall on receipt of notice of suspension deliver up the duplicate certificate to the Minister.

(5) When the nominated surveyor is satisfied that corrective action has been taken he shall notify the Minister who shall thereupon, in any case where the validity of the certificate has been suspended

- (a) restore the validity of the certificate;
- (b) give notice thereof to the owner; and
- (c) return the duplicate certificate to the owner;

and the nominated surveyor shall return the certificate issued in relation to the ship to the master.

(6) Where the ship is not within a Saint Christopher and Nevis port and corrective action in accordance with sub-regulation (3) has not been taken, the nominated surveyor shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

12. **PENALTIES.** Where a ship to which these Regulations apply proceeds or attempts to proceed to sea without the requirements of these Regulations having been complied with, the owner or master of the ship shall each be guilty of an offence and liable to a fine not exceeding level 5 of the standard scale of fines set out in Schedule 5 of the Act or to imprisonment for six months or to both such fine and imprisonment.

13. **POWER TO DETAIN.** In any case where a ship to which these Regulations apply does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 436 of the Act, which relates to the detention of a ship, shall have effect in relation to the ship.

## SCHEDULE

*(Regulation 7)*

### ANNUAL AND PERIODIC SURVEYS

#### PART 1

#### ANNUAL SURVEYS

##### *General*

1. In general the scope of the annual survey should be as follows:
  - 1.1 it should consist of
    - .1 an examination of the ship's certificates; and
    - 2 a visual examination of sufficient extent together with certain tests of the ship and its equipment to confirm that their condition is being properly maintained;
  - 1.2 it should also include a visual examination to confirm that no unauthorised modifications have been made to the ship and its equipment;
  - 1.3 the thoroughness or stringency of the survey should depend upon the condition of the ship and its equipment;

##### *Further examination and testing*

2. Should any doubt arise as to the condition of the ship or its equipment, further examination and testing should be conducted as the surveyor deems necessary.