

The background of the page is a soft-focus photograph of a desk. A wooden pen with a gold band lies diagonally across the upper half. A pair of round, gold-rimmed glasses is positioned in the lower-left quadrant. Several sheets of white paper with faint lines are scattered across the desk surface. The overall lighting is bright and even, creating a professional and clean aesthetic.

BRITISH VIRGIN ISLANDS

PORTS AUTHORITY

REGULATIONS, 1995

S.I. 1995 NO. 27

VIRGIN ISLANDS
BRITISH VIRGIN ISLANDS PORTS AUTHORITY REGULATIONS, 1995

ARRANGEMENT OF REGULATIONS

Regulation

PART I

Preliminary

1. Citation and commencement.

PART II

Navigation and General Control Afloat

2. Notice of arrival of vessel.
3. Hoisting of national flag.
4. Ships letters and other signal to be identified.
5. Quarantine signal to be identified.
6. No boarding or landing before inward clearance, etc.
7. Arrival report.
8. Notice to leave harbour.
9. Notice to leave harbour.
10. Payment of charges before departure.
11. Managing Director to take action in certain circumstances.
12. Master responsible for erroneous report.
13. Berthing.
14. Power of Managing Director.
15. Speed in harbour.

16. Free Channel and approaches to be maintained.
17. Power of Managing Director to move vessels.
18. Vessels be kept ready to move at short notices.
19. Warps.
20. Vessels' moorings etc.
21. Additional precautions for severe weather.
22. Rat-guards.
23. Use of buoys.
24. Vessel moored to other vessel.
25. Vessel to tend own moorings.
26. Preventing Collisions.
27. Special protected areas and systems.
28. Application for licence to operate a ferry service.
29. Ferry service.
30. Holding of regattas, etc.
31. Communications.
32. Shading of lights.
33. Explosive devices.
34. Use of whistles and radio for navigational purposes.

PART III

Pilotage

35. Compulsory pilotage.
36. Application for services of a licensed pilot.
37. Authority members and Managing Director not liable in certain circumstances.
38. Master of vessel to ensure safety of pilot.
39. Qualifications of applicants for Pilot's Licence.
40. Application for Pilot's Licence.
41. Examination for Pilot's Licence.

42. Issue and duration of Pilot's Licence.
43. Renewal of Pilot's Licence after absence of twelve months.
44. Authority may require re-examination of Pilot.
45. Fees.
46. Age limit for issue of Pilot's Licence.

PART IV
Coastal Craft

47. Licence for certain classes of coastal craft.
48. Certain coastal craft exempted from licensing.
49. Application for licence for coastal craft.
50. Power of Managing Director to re-inspect.
51. Power of Managing Director to waive inspection.
52. Duty of owner to make ready for inspection.
53. Issue of certificate of inspection.
54. Particulars of a certificate of inspection.
55. Certificate of inspection to be carried in the craft.
56. Certificate of inspection of canoes and open boats.
57. Navigation of coastal craft without certificate.
58. Certificate of inspection to be handed over when expired or revoked.
59. Certificate of inspection may be revoked.
60. Inspector may direct repairs.
61. Managing Director may order another inspection.
62. Decision of Authority final.
63. Power of Authority to give instructions to surveyors.
64. Issue of licence to operate a coastal craft.
65. Appeal to Minister against Managing Director's decision.
66. Suspension of licence.
67. Licences not transferable except under certain circumstances.
68. Registration of coastal craft.

69. Owner to report to the Authority laying up sale, wrecking etc.
70. Application for Marine Inspector's Licence.
71. Duration of Marine Inspector's Licence.
72. Managing Director may designate Officers to be Marine Inspectors.
73. Licences Authority may grant to a Marine Inspector.

PART V

Dangerous Goods

74. Definition of dangerous goods.
75. Classification of dangerous goods.
76. Hoisting of signals.
77. Duty of Master, etc. to give notice when dangerous goods on board.
78. Permission to ship and unship dangerous goods.
79. Handling, etc. of dangerous goods.
80. Vessel to anchor or berth at place assigned by Managing Director.
81. Removal of dangerous goods by owner.
82. Managing Director's power to order removal of dangerous goods.
83. Restrictions at place of landing of dangerous goods.
84. Safety and fire-fighting appliances and equipment.
85. Facilities for inspection.
86. Danger warning notices, etc.
87. Precautions against use of petroleum.
88. Special control.

PART VI

Miscellaneous Licences

89. Licences for certain services.

PART VII**Charges**

90. Interpretation for purposes of Part VII.
91. Charges and rates or other payments.
92. Cargo charges.
93. Charges payable for containers.
94. Exemption from cargo charges.
95. Conditions applicable to cargo charges.
96. Harbour charges.
97. Exemptions from harbour charges.
98. Conditions applicable to cargo charges.
99. Running of lines for ships at a wharf or mooring.
100. Conditions applying to running of lines.
101. Watering of ships alongside wharf.
102. Wharfage.
103. Exemption from wharfage.
104. Conditions applicable to wharfage.
105. Storage charges.
106. Conditions applicable to storage.
107. Removal of cargo from a harbour.
108. Licence fees for private wharves, etc.
109. Payment of charges and fees.
110. Hours of business.
111. Overtime.
112. Hire of plant and equipment.
113. Authority not liable for any loss or damage caused by hirer.
114. Royalties.
115. Payment of other charges.
116. Adjustment of charges.
117. Requisition for service.

- 118. Berthing of vessels.
- 119. Managing Director may re-measure for payment of charges.
- 120. Authority not liable for financial loss.
- 121. Authority immune from liability.

PART VIII

Control of Harbours

- 122. General control.
- 123. General restrictions on persons entering or leaving a harbour.
- 124. Harbour passes.
- 125. General restrictions on the use in a harbour.
- 126. Restrictions on the use of vehicles in a harbour.
- 127. Report of an accident involving a vehicle.
- 128. Permit to operate vehicle in harbour.
- 129. Regulation of vehicular traffic in harbour.
- 130. Vehicles operating for hire.
- 131. Removal of goods.
- 132. Animals.
- 133. Burials.
- 134. Admission of children.
- 135. Restriction of trading activities in a harbour.
- 136. Accidents in a harbour.
- 137. Activities in a harbour.
- 138. General restrictions on conduct of a person in a harbour.
- 139. Removal of a person from a harbour.
- 140. General control of landing and shipping cargo.
- 141. Manifests.
- 142. Working of ships.
- 143. Overtime in connection with landing etc.
- 144. When cargo is considered delivered to the Authority.

145. When cargo is considered delivered to a ship.
146. Fire on ships.
147. Prevention of nuisance in a harbour.
148. Refuse not to be deposited in a harbour.
149. No goods allowed to float in a harbour.
150. Removal of ship with offensive matter on board.
151. Fumigation.
152. Repairs of ships.
153. Displaced moorings or mark to be reported.
154. Underwater construction.
155. Disposal of dangerous goods.
156. Boarding or leaving ships.
157. Disembarking and embarking passengers.
158. Efficient lighting to be provided.
159. Transit sheds closed to public.
160. Documents required before delivery of cargo.
161. Documents required for payment of cargo.
162. Receiving of cargo for shipment.
163. Marking of packages.
164. Defective packages.
165. Unpacking of cargo.
166. Change of ownership.
167. Charges to be prepaid or secured.
168. Delivery of Customs Warehouse.

PART IX

PREVENTION OF MARINE POLLUTION

169. Discharge of pollutants etc.
170. Marine Pollution.

PART X
GENERAL

- 171. Liability.
- 172. Permission for activity in harbour.
- 173. Contravention of the regulations an offence.

SCHEDULE I

SCHEDULE II

SCHEDULE III

VIRGIN ISLANDS
STATUTORY INSTRUMENT 19 **NO.**
BVI PORTS AUTHORITY ACT, NO. **1990**

THE BRITISH VIRGIN ISLANDS PORTS AUTHORITY
REGULATIONS, 1995

The Minister in exercise of the powers conferred on him by Section 94 of the British Virgin Islands Ports Authority Act, 1990 makes the following Regulations –

PART I

Preliminary

- Citation and commencement.
1. (1) These Regulations may be cited as the British Virgin Islands Ports Authority Regulations, 1995.
 - (2) These Regulations or any provision thereof shall come into operation on a day or days that the Minister may appoint by notice published in the Gazette.

PART II

Navigation and General Control Afloat

- Notice of Arrival Of vessel.
2. (1) Subject to sub-regulation (2), the owner, master or agent of a vessel carrying cargo, passengers or both from a foreign port, that proposes to call at a harbour shall, not less than twenty-four hours before arrival of that vessel, give notice in writing to the Managing Director setting out –
 - (a) the date and time of arrival of the vessel and the purpose of the call;
 - (b) the particulars as to the nature and quantity of cargo, if any, in the vessel;
 - (c) the particulars and number of passengers, if any, in the vessel;

(d) the overall length, beam and draughts of the vessel;

(e) any other information that the Authority may require.

(2) The Managing Director may waive, in respect of a vessel or class of vessels, any other requirements set out in sub-regulation (1).

(3) The provisions of sub-regulation (1) shall not apply in respect of a vessel or class of vessels that may be exempted by the Authority.

Hoisting of National flag.

3. The master of a vessel shall, while the vessel is entering a harbour hoist its national flag and the Merchant Jack (Red Ensign) of the British Virgin Islands and keep them hoisted between 0800 hours and 1800 hours while the vessel is in the harbour.

Ship's letters and other signal to be identified.

4. The master of a vessel shall, on arrival within signal distance of a harbour, or at any time at the request of the Managing Director-

(a) signal the identity of his vessel by its name; or

(b) hoist the vessel's signal letters; or

(c) adopt radio telephone or any such other means as may be practical,

to establish identity and shall keep that signal flying or transmitting until it is acknowledged.

Quarantine signal to be identified.

5. The master of a vessel shall, upon arriving in a harbour, display from a conspicuous place on the vessel the appropriate quarantine signal and that signal shall not be hauled down until pratique has been granted to the vessel.

No boarding or

6. (1) no person shall, except with the permission of the Port

landing before
inward clearance,
etc.

Health Officer (as designated by the Ministry of Health) leave a vessel before the completion of customs procedures, and the granting of pratique.

- (2) No person, other than the Pilot, the Port Health Officer, a Customs Officer or an Immigration Officer or any person authorized by an Immigration Officer, shall board a vessel before the granting of pratique and completion of inward clearance procedures.

Arrival report.

7. (1) Subject to sub-regulation (2), the master of a vessel shall notify the Managing Director after the arrival of the vessel at a harbour, and furnish a declaration containing particulars of the vessel and its cargo, passengers, or both as may be required by the Managing Director.
- (2) The Managing Director may waive, in respect of a vessel or class of vessels, the requirement to furnish a declaration under sub-regulation (1).
- (3) The master of a vessel shall produce to the Managing Director the Certificate of Registry of his vessel when required to do so by the Managing Director.

Vessel carrying
dangerous goods.

8. Subject to Part V of these Regulations, the master of a vessel having explosives or other goods of a dangerous or inflammable nature on board shall, on arrival at a harbour, give notice thereof to the Managing Director on Form 1 set out in the First Schedule and shall comply with any laws and regulations in force in the Territory with respect to those goods.

Notice to leave
harbour.

9. (1) Subject to sub-regulation (3), the master or agent of a vessel shall give notice to the Managing Director before the vessel is ready to leave a harbour and the notice shall be given not less than two hours before departure.
- (2) Where the master intends that his vessel shall leave between 1600 hours and 0800 hours, or at any time on a weekend, the notice shall be given two hours before

the closure of business on a week day.

- (3) The Managing Director may, in respect of a vessel, or class of vessels waive the requirement as to notice under sub-regulation (1) or modify the terms of the notice.

Payment of charges before departure.

10. The master of a vessel shall not remove the vessel from a harbour until-
- (a) all charges due by or on account of the vessel have been paid; or
 - (b) an approved guarantee furnished by the master or agent of the vessel has been accepted by the Managing Director,

and a certificate to that effect has been issued by the Managing Director.

Managing Director to take action in certain circumstances.

11. (1) The master of a vessel shall comply with any direction given by the Managing Director relating to the movement and operation of the vessel while in a harbour.
- (2) Where the master fails or refuses to comply with such directions, the Managing Director may take whatever action he may deem necessary relating to the movement or operation of the vessel and recover any expenses incurred in so doing from the owner or agent of the vessel before clearance.

Master responsible for erroneous report.

12. The master of a vessel shall be responsible for any loss or damage caused to any person resulting from an erroneous declaration made by the master or his agent, as to the draught of water, or dimensions of his vessel, or any other information provided by him under regulations 2 and 7.

Berthing.

13. (1) The owner, master or agent of a vessel shall apply in writing to the Managing Director for the use of any facilities or services to be provided by the Authority including the berthing and unberthing of a vessel –

- (a) alongside a wharf;
 - (b) at any other mooring; or
 - (c) before shifting its berth.
- (2) Subject to sub-regulations (6) and (7) every vessel shall occupy the berth assigned to it by the Managing Director, whether at a wharf or elsewhere.
 - (3) The master of a vessel proceeding alongside a wharf shall ensure that the vessel is stable and trimmed upright and that the vessel has no list.
 - (4) Notwithstanding sub-regulation (3), the Managing Director may allow a vessel with a list to proceed alongside a wharf, where he considers that the list in the vessel is not dangerous.
 - (5) The Managing Director may refuse to assign a berth to the master of a vessel unless suitable arrangements have been made for the use of facilities and services mentioned in sub-regulation (1) including the embarking and disembarking of passengers, the loading, unloading, storage or other means of disposal of the cargo to be shipped in or from any particular vessel.
 - (6) Except in case of an emergency, the master of a vessel shall not shift its berth or change the position assigned to his vessel, without obtaining prior sanction of the Managing Director.
 - (7) The Managing Director may, where he considers it necessary, instruct the master of a vessel to move his vessel from its berth to any other place within a harbour.
 - (8) The Managing Director shall have the right to control the berthing and mooring arrangements of every vessel accommodated in a harbour.
 - (9) The provisions of sub-regulations (1) and (2), shall not apply in respect of any vessel, proceeding to a privately

owned and operated wharf or mooring, or any vessel moored at a privately owned and operated wharf or mooring.

Power of
Managing
Director.

14. Subject to any Health and Customs Regulations governing the boarding of vessels, the Managing Director may board a vessel at any time when the vessel is in the harbour, and it shall be the duty of the master of the vessel to facilitate the boarding.

Speed in harbour.

15. (1) Except, in the event of an emergency or with the written approval or consent of the Managing Director, no vessel shall be driven or propelled or operated at a speed greater than five knots while the vessel is –

- (a) in a harbour;
- (b) entering, or departing from a harbour; or
- (c) within a distance of one hundred yards of the low water mark along the coastline of the territorial waters.

(2) The master of every vessel shall, while the vessel is approaching or passing –

- (a) another vessel, whether that vessel is in motion, anchored or moored;
- (b) a wharf or structure;
- (c) any work under construction;
- (d) plant and equipment engaged in harbour or coastal improvement; or
- (e) any other structure liable to damage by collision, suction or wave or wake action,

give as much leeway as the circumstance permit and reduce its speed sufficiently to preclude causing damage to such vessel, structure or equipment, or cause any loss or injury to any person thereon.

(3) The master or a person in charge of a vessel who contravenes the provisions of this regulation commits an offence, and is liable on conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding three months.

(4) Where the master or a person in charge of a vessel is convicted of an offence under this regulation the court may, in addition to any other punishment that may be imposed by it, make an order to prohibit the master or person in charge of the vessel from operating any vessel within the territorial waters for a period not exceeding one year.

Free channel and approaches to be maintained.

16. (1) The master of a vessel shall, while the vessel is in a harbour ensure that –

(a) a free channel is maintained for other vessels;

(b) free approaches to wharves and moorings are maintained for the use of the other vessels.

(2) The master of a vessel shall move that vessel to clear any channel or approaches when requested to do so by the Managing Director.

Power of Managing Director to move vessels.

17. (1) It shall be the duty of the owner or master of vessels when entering, leaving, moving or mooring a vessel within the territorial waters to provide the vessel with sufficient hands on board to carry out the duties connected with that task.

(2) The Managing Director shall have the power to move a vessel where the owner or master fails to comply with sub-regulation (1) and any expenses incurred in doing so shall be recovered from the owner or master of the vessel.

Vessels to be kept ready to move at short notice.

18. Where a vessel is in a harbour, the master of the vessel shall keep the vessel in a condition ready for removal when notice to do so is given by the Managing Director, unless repairs are being carried out to the vessel with the permission of the Managing Director.

19. (1) The owner or master of a vessel shall provide the vessel with warps.
- (2) No warps may be cast off unless the casting off is authorized by the Managing Director or the master of the vessel.
- (3) Where the Managing Director finds that a vessel is not adequately equipped with warps he may direct the owner of the vessel to furnish it with the necessary warps.
- (4) Where the owner of a vessel fails to comply with a direction under sub-regulation (3), the Managing Director may furnish the warps and recover from the owner of the vessel the expenses incurred in so doing.

Vessels' mooring
etc.

20. Where a vessel is in a harbour the owner or master of the vessel shall ensure that –
 - (a) sufficient hands are on board to tend to its moorings;
 - (b) no rope shall be made fast from the vessel except, to dolphins, moorings posts and bollards placed for that purpose;
 - (c) no wire rope shall be used from the vessel unless the bollard and the edge of the coping of the wharf or jetty are protected from chafe; and
 - (d) no chain cable shall be used from the vessel for mooring alongside except, with the permission of the Managing Director.

Additional
precautions for
severe weather,
etc.

21. (1) The master of a vessel shall anchor, moor or berth the vessel to the satisfaction of the Managing Director.
 - (2) Additional precautions in respect of anchoring, mooring or the berthing of vessels may be ordered by the Managing Director at the approach of and during severe weather.

- Rat-guards.
22. (1) The master of a vessel shall, when berthed alongside a wharf or otherwise, affix efficient rat-guards on every line and wire connected to or reaching the shore.
- (2) The Port Health Officer may modify the requirements of sub-regulation (1) or exempt any vessel or class of vessels from that requirement.
- Use of Buoys.
23. [1] The master of a vessel or a person in charge of a raft or seaplane shall not make fast the vessel, raft or seaplane to a buoy, beacon, or sea-mark within the territorial waters except to buoys intended for that purpose.
- [2] No person shall, except with prior written permission of the Managing Director, lay a buoy or erect a leading light or other navigational aid within the territorial waters.
- [3] No ship shall use any mooring buoy which is the property of the Authority without the permission of the Managing Director.
- [4] A buoy or mooring installed in contravention of sub-regulation (2) may be removed at the expense of the owner.
- [5] The Authority may use any buoy or mooring within a harbour.
- Vessel moored other vessel
24. [1] Except with the prior permission of the Managing Director, the master of a vessel shall not make fast his vessel alongside any other vessel, while in a harbour.
- [2] The master of a vessel shall, while the vessel is in a harbour, permit any other vessel to be made fast to or tied alongside it when requested so to do by the Managing Director.
- [3] Whenever a vessel is made fast to or tied alongside another vessel-

- [a] in a harbour, the lines of the vessel that is so made fast or tied shall not be cut or cast off by any person unless –
 - [I] prior permission of the Managing Director has been obtained; and
 - [ii] notice of the intention to do so has been given to the master or owner of the vessel.
- [b] at a wharf, a free and unencumbered passage over the inner vessel shall be allowed to the outer vessel for access to and from the shore –
 - [i] for the purpose of loading and discharging cargo;
 - [ii] for the purpose of embarking and disembarking passengers,

[4] The provisions of sub-regulation (1) shall not apply to a vessel that is moored at a privately owned and operated wharf.

Vessels to Tend own moorings.

25. The master of a vessel shall, having moored the vessel after arriving in a harbour provide sufficient hands on board to tend its ropes and moorings, and to perform any other duties connected with the vessel’s stay in the harbour

Preventing Collisions.

Cap. 262

26. The master of a vessel shall, while the vessel is in the territorial waters, save as otherwise provided by the Act or these regulations, observe the Prevention of Collisions at Sea Act.

Special protected Areas and systems

27. [1] The Authority may, with the approval of the Minister, designate areas as special protected areas and establish special systems for such matters as it may consider necessary.

[2] The Authority may, when designating areas as special protected areas and when establishing special systems, have regard to

- [a] the safety of navigation;
 - [b] the safety and protection of life and property; and
 - [c] the prevention, reduction and control of pollution within the territorial waters.
- [3] The Authority may designate special protected areas or establish special systems in respect of all or any of the following matters.-
- [a] compulsory pilotage areas;
 - [b] sea lanes and traffic separation schemes;
 - [c] prohibited anchorages;
 - [d] safe anchorages and hurricane shelters;
 - [e] fairways and other safe navigational channels;
 - [f] systems of navigational aids and communication;
 - [g] exclusive areas for swimming, diving or other recreational use in which any particular type of vessel or traffic may be excluded; and
 - [h] any other special areas or systems as may be approved by the Minister.
- [4] The Authority shall indicate the designated areas and systems on charts and notices and publicise them.
- [5] The master of a vessel or a person who uses any equipment in a designated area or established shall observe any rules and regulations established in respect of those designated areas or system.
- [6] The owner or master of a vessel who contravenes this regulation commits an offence and is liable on summary

conviction to pay a fine not exceeding one thousand dollars.

Application for
for licence to
operate a ferry
Service.
Form 2
First Schedule

28. [1] An application to operate a ferry service shall be made to the Authority on form 2 set out in the first schedule.
- [2] When making an application for a licence to operate a ferry service the applicant - shall submit with that application.
- [a] evidence of liability insurance coverage, and
 - [b] evidence of ownership of the vessel or other document acceptable to the Authority, allowing the applicant to operate the vessel as a ferry.

Second Schedule

[3] Where the Authority approves an application, it shall upon payment of the prescribed fees set out in Item A of the second Schedule, issue to the applicant a ferry licence on form 3 set out in the first Schedule, subject to such conditions as it may see fit to impose.

- [4] Every vessel in respect of which a ferry licence is issued shall have been licensed in accordance with the regulations relating to the licensing of coastal craft.

Ferry service

29. [1] A person who intends to operate a ferry service within the territorial waters shall submit the charges and fares proposed for the service with the application for a ferry licence.
- [2] The charges and fares for the ferry service shall be displayed in legible form at a conspicuous place accessible to the public-
- [a] on board the ferry, and
 - [b] at the places of departure and arrival at the ferry terminals.

- [3] When a passenger purchases a ticket to travel on a ferry he shall be issued with a receipt to be retained by him.
- [4] A person licensed to operate a ferry service shall notify the Authority of any proposed changes in the charges and fares at least one month before the changes are to be implemented.

Holding of
Regattas etc.

- 30. [1] No person shall hold-
 - [a] a regatta,
 - [b] a marine parade
 - [c] a boat race, or
 - [d] any other competitive aquatic sport,

in a harbour, navigational channel or special protected area except under the authority of a permit issued in that behalf by the Managing Director.
- [2] an application to obtain a permit under sub-regulation [1] shall be made in writing to the Managing Director, not less than thirty days before the proposed event setting out-
 - [a] the name , address and telephone number of the applicant,
 - [b] the intended locality of the proposed event,
 - [c] the nature of the event and details of activities involved at the proposed event,
 - [d] where applicable , a chart or scale drawing or sketch indicating the boundaries of the proposed locality and water courses to be utilized by participants,
 - [e] the date, time and duration of the proposed event.

- [3] Where an application is made to the Managing Director in accordance with sub-regulation (2), the Managing Director shall, if he is satisfied –
- [a] that the proposed event is not hazardous in nature and the holding of the proposed event will not endanger the safety of navigation in the territorial waters;
 - [b] that the holding of the proposed event is not likely to cause-
 - [i] a congestion of vessels in the area of the proposed locality; or
 - [ii] obstruction of navigable channels,
- issue a permit subject to the conditions he may impose.
- [4] Where the Managing Director disapproves an application, he shall, within a period of seven days after receipt of an application notify the applicant setting out the reasons for the disapproval.
- [5] An applicant who is aggrieved by a decision of the Managing Director may, within seven days of receipt of notification of the decision, appeal in writing to the Minister, whose decision will be final.
- [6] Where a permit has been issued to a person under sub-regulation (3) it shall be the duty of the person to give adequate notice of the proposed event to the public.
- [7] No action shall lie against the Crown or the Authority in respect of any loss or injury caused to any person or any damage done to any property resulting from the conduct of any event or aquatic sport for which a permit had been issued by the Managing Director under this regulation.

Communication.

31. The master or a person in charge of a vessel may, while the vessel is in the territorial waters, communicate with other vessels or the shore by using one or more of the following methods of communication –

- (a) International Code of Signals Flag and Morse Code;
- (b) VHF or other radio communication;
- (c) The International Distress Signals in appropriate circumstances.

Shading of Lights.

32. While a vessel is in a harbour the master or person in charge of a vessel shall not at night display any electric lights, or other lights from the vessel unless, the lights are shaded or screened so as not to impede navigation of other vessels within the harbour.

Explosive devices.

33. (1) Subject to sub-regulation (2), a master of a vessel or person in charge of a vessel shall not –

- (a) fire guns, flares or other explosive devices; or
 - (b) burn blue lights,
- from a vessel while the vessel is in the territorial waters.

(2) The provisions of sub-regulation (1) shall not apply in circumstances –

- (a) where a vessel is in distress; or
- (b) where written approval has been obtained from the Managing Director.

Use of whistles and radio for Navigational purposes

34. No person on a vessel that is within the territorial waters shall –

- (a) sound a whistle or make a signal other than sounds or signals necessary for the purpose of navigation;

- (b) except in case of emergency, use the radio frequencies or channels designated and reserved for use in an emergency.

PART III

Pilotage

Compulsory

35. (1) Subject to sub-regulation (2), every vessel other than a vessel exempted under sub-section (2) of section 52 of the Act, shall, while navigating in a harbour, be under the pilotage of a licensed pilot.

(2) The Managing Director –

- (a) may exempt a vessel from the requirement of compulsory pilotage under sub-regulation (1) in case of emergency or other exceptional circumstances; and
- (b) shall, where a vessel had been exempted, issue a certificate of exemption to the master of that vessel (hereafter referred to as a pilotage exemption certificate).

(3) The master of a vessel shall return the pilotage exemption certificate issued under sub-regulation (2) when required to do so by the Managing Director.

Application for services Of a licensed pilot.

36. (1) The master or agent of a vessel may for apply to the Managing Director requesting him to provide the services of a licensed pilot and upon that request, the Managing Director may provide the services of a licensed pilot.

(2) Where the Managing Director is unable to provide the services of a licensed pilot he shall notify that fact to the master or agent of the vessel who shall make suitable arrangements for pilotage.

- Authority Members and Managing Director not liable in certain circumstances.
37. No liability shall attach to a member of the Authority or to the Managing Director for any loss or damage caused to a person by the failure of the Managing Director to provide the master or agent of a vessel the services of a licensed pilot.
- Master of a vessel to ensure Safety of pilot.
38. The master of a vessel who engages the services of a licensed pilot shall take adequate measures to ensure the safety and security of the pilot throughout the process of his boarding, pilotage and leaving of the vessel.
- Qualifications Of applicants For pilot's license.
39. A person applying to the Authority to be licensed as a pilot shall –
- (a) be over 21 years of age;
 - (b) be of good character; and
 - (c) have not less than five years experience in navigating vessels within the territorial waters
- Application for Pilot's Licence.
40. (1) Every application for a pilot's licence Shall be submitted to the Authority in such form as the Authority may provide for the purpose.
- (2) Every applicant for a pilot's licence shall submit together with his/her application –
- (a) a certificate of his medical fitness signed by a medical practitioner registered in the Territory.
 - (b) his/her certificate of birth or if that certificate is not available, an affidavit certifying his age;
 - (c) certificate of professional qualification and proof of sea service if any; and
 - (d) two personal references.

(3) The determination of the Authority to grant a licence or not upon an application shall be final.

Examination for
Pilot's Licence.

41. No person shall be licensed as a pilot unless, the Authority is satisfied after examination that the person has adequate knowledge of –

(a) the applicable laws and regulations of the Territory including –

(i) these regulations;

Cap, 262

(ii) the Prevention of Collisions at Sea Act; and

Cap. 196.

(iii) the Quarantine Act, and any regulations and rules made thereunder;

(b) the International Code of Signals;

(c) the working of steam, motor and sailing vessels;

(d) the nature of duties to be performed on board a vessel by licensed pilot;

(e) The area of the territorial waters and its approaches in respect of which the licence is required including –

(i) the depth of water and the lines of soundings in that area;

(ii) the rise and fall of tide in that area;

(iii) the set and drift of the current at the various times and states of tide in that area;

(iv) the banks, shoals, reefs, rocks, and other dangers in that area with directions for clearing them;

- (v) the description and position of lights, buoys and beacons placed in that area;
- (vi) the climatic conditions and weather patterns prevailing in that area; and
- (vii) any other nautical matter on which the Authority may think fit to examine the person.

Issue and Duration of Pilot's Licence.

42. A pilot's license shall be on Form 4 set out in the First Schedule, and shall be in force until the 31st day of December of the year of issue and subject to regulations 43 and 46, the licence may be renewed annually by the Authority.

Renewal of Pilot's Licence After absence of Twelve months.

43. (1) A pilot who wishes to renew his licence after an absence of twelve months or more from the Territory shall present himself for examination on all or any of the matters specified in regulation 40 or on any other matters as the Authority may deem fit to examine the pilot.
- (2) No pilot's licence shall be renewed under sub-regulation (1) unless the holder of the licence produces a medical certificate to the Authority certifying that he is physically fit to perform his duties as a licensed pilot.

Authority may Require Re-examination Of pilot.

44. (1) The Authority may, at any time, require a licenced pilot to submit himself for re-examination by the Authority.
- (2) The Authority may suspend the licence of a pilot pending the result of a re-examination.

Fees

45. The fees to be paid for the issue or renewal of a pilot's license or for a pilotage exemption certificate are the fees set out in Item B of the Second Schedule.

Age limit for

46. (1) Subject to sub-regulation (3), no pilot's

Issue of Pilot's
Licence.

licence shall be issued to a person who
Has attained the age of sixty-five years.

(2) A licence issued to a pilot shall, cease to be void on his attaining sixty-five years of age and the licence shall be surrendered by him to the Authority.

(3)- Subject to any recommendations of the Managing Director, the Authority may grant an extension of the licence of a pilot who has attained the age of sixty-five years for a period not exceeding six months and the licence may be renewed for further six monthly periods.

PART IV

(Note: Part IV has been made inactive by the Provisions of the Merchant Shipping Act)

Coastal Craft

Licences for
Certain classes
Of coastal craft

47. Subject to regulation 48, the following classes of coastal craft shall not be permitted to operate within the territorial waters unless the owner or master of such a craft is in possession of a coastal craft licence issued by the Authority in respect of that craft –
- (a) British Ships registered in Road Harbour under the provisions of the Merchant Shipping Act 1894, of the United Kingdom;
 - (b) Schooners, cutters, sailing yachts and other decked vessels
 - (c) Canoes and other open boats exceeding 15 feet in length;
 - (d) Barges and lighters; and
 - (e) All power driven vessels.

Certain coastal
Craft exempted
From licensing.

48. (1) The following classes of coastal craft are exempted from obtaining a licence under These regulations –
- (a) Canoes and other open boats exceeding 15 feet in length;
 - (b) Canoes and open boats used solely for the purpose of fishing;
 - (c) Undecked vessels belonging to vessels in respect of which a licence is a force and used as a ship's boat;
 - (d) Visiting vessels remaining in the Territory not exceeding three months;
 - (e) Her majesty's ships and ships belonging to foreign Governments but not plying for freight or fares;
 - (f) Any other class of vessel that may be exempted by the minister by notice published in the Gazette.

Application for
Licence for
Coastal craft

49. An application for a coastal craft licence shall be made to the Managing Director by the owner of the coastal craft in a form as may be provided by the Managing Director for the purpose and shall be accompanied by a certificate of inspection issued by a licensed Marine Inspector, in respect of that craft.

Power of
Managing Director
To re-inspect

50. The Managing Director may, where he is not satisfied with the certificate of inspection in respect of the coastal craft, submitted with an application under regulation 49, require the applicant to have the craft re-inspected by one or more licensed Marine Inspectors appointed by the Managing Director.

Power of

51. The Managing Director shall waive the

Managing Director
To waive inspection

requirement of an inspection of a coastal craft where that craft possesses a valid certificate –

- (a) of equivalent standard to the certificate of inspection required under regulation 49; and
- (c) issued by the proper authority of the country in which the craft is registered or by any other Authority that is recognized by the Authority.

Duty of owner
To make ready
For inspection
inspection.

52. A Marine Inspector may refuse to inspect a coastal craft unless, in the opinion of the in the inspector, the owner of the craft has taken the steps necessary to make the craft ready for

Issue of
Certificate of
Inspection

53. (1) Where an inspection is made in respect of a coastal craft the Marine Inspector shall, if satisfied that the craft complies with the relevant prescribed conditions and upon payment of the appropriate inspection fee, issue to the owner of the craft a certificate of inspection in Form 5 as set out in the First Schedule.

Form 5
First Schedule

(2) A certificate issued in terms of sub-regulation (1) shall be valid for a period of one year from the date of issue or for another period as may be specified therein.

(3) It shall be an offence for the owner, master, agent or person in charge of a craft issued with a certificate in terms of sub-regulation (1) to operate that craft in contravention of the maximum numbers of persons to be carried on the craft as stated in the certificate.

Particulars
Of a certificate
Of inspection

54. (1) The certificate of inspection issued in respect of a coastal craft under regulation 53 shall contain the following particulars –

- (a) that the hull, the navigation lights, compasses, signals and ground tackle of the craft are in good condition and are sufficient for the period of service intended;

- (b) that, in the case of all craft, motor vessels and motor launches including power boats, an electrical inspection lamp in working order, is provided in the craft, vessel or launch;
- (c) that the life-boat, life-rafts, life-buoys, life-belts and all other life-saving appliances of the craft are in good conditions, are sufficient for the safety of the maximum number of persons to be carried on board the craft, are readily accessible and their location is clearly indicated;
- (d) that adequate safeguards are provided for persons carried on the deck of the craft;
- (e) that adequate means of access and egress to and from under-deck spaces are provided for the maximum number of persons carried on the craft or working in those spaces and their location is clearly indicated;
- (f) a report as regards the hull machinery and other equipment of the craft;
- (g) that the period, if less than one year, for which the hull and equipment of the craft will be sufficient for the service intended;
- (h) the number of persons that the craft can safely carry having regard to –
 - i. the cargo carried on board the craft; and
 - ii. any other circumstances that may affect the safety of such craft;
- (i) that the machinery of the craft is in good condition and is sufficient for the service intended;
- (j) that the period, if less than one year, for which the machinery of the craft will be sufficient for the service intended;

- (k) that the fire equipment of the craft meets with the requirements of the Marine Inspector;
 - (l) that any other condition laid down by the Authority regarding any equipment or appliances of the craft has been complied with.
- (2) In case of a craft –
- (a) employed within the limits of a harbour and other semi-enclosed waters or irregular ferry service, the life-saving equipment on the craft shall be determined by the Marine Inspector, having regard to the nature of the service in which the craft is employed;
 - (b) operating a passenger service –
 - (i) where any space intended for the use of passengers or crew is used for the storing of cargo, the number of passengers authorized to carry shall be reduced in proportion to the space so used for the storing of cargo;
 - (ii) where any areas are reserved only for passengers a minimum of eight square feet of deck space free of cargo shall be allocated for each passenger carried on-board the craft.
- (4) In determining the type and quantity of safety appliances and equipment to be carried in a craft, Marine Inspectors shall take into account the requirements set out in the Merchant

U.K.S.I.
No. 538 of 1980

U. K. S. I
No. 1218 of 1994

Shipping (Life Saving Appliances) Regulations, 1980 and the Merchant Shipping (Fire Protection) Regulations, 1984 of the United Kingdom and any other applicable rules the Authority may make from time to time.

Certificate of
Inspection to
Be carried

55. (1) Subject to the provisions of regulation 56, and except in the case of canoes and open boats, it shall be the duty

- In the craft of the owner, agent, master or person in charge of the craft to ensure that the certificates of inspection in respect of the craft is carried on the craft.
- (2) The owner, agent, master or person in charge of the craft who fails to comply with the provisions of sub-regulation (1) commits an offence and is liable on summary conviction to a fine not exceeding on hundred dollars, and a fine not exceeding fifty dollars for each day the offence continues.
- Certificate of
Of inspection of
Canoes and open
Boats
56. (1) The certificate of inspection issued in respect of a canoe or an open boat shall be retained by the owner of the canoe or open boat at the place from which the canoe or open boat is operated.
- (2) The owner or a person in charge of a canoe or open boat shall on demand by the Managing Director or any person authorized by him, produce, within twenty-four hours, the certificate of inspection in respect of the canoe or open boat to the Managing Director or other authorized person.
- Navigation of
Coastal craft
Without certificate
57. Subject to regulation 48, the master of a coastal craft who navigates the craft within the territorial waters without a valid certificate of inspection in respect of that craft, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.
- Certificate of
Inspection to be
Handed over
When expired
Or revoked
58. The Managing Director may require a certificate of inspection that has expired or has been revoked or suspended to be handed over as he may direct.
- (2) The owner, agent or master of a coastal craft who without reasonable cause fails to comply with the provisions of sub-regulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.-
- Certificate of
59. The Authority may revoked any certificate of

Inspection may
Be revoked

inspection in any case in which it has reason to
believe –

- (a) that the certificate was obtained fraudulently or it was issued on false or erroneous information; or
- (b) that since the issue of the certificate the hull, equipment or machinery of the craft under inspection has sustained damage or the equipment or machinery is insufficient for the period of service intended.

Inspector may
Direct repairs

60. Where a Marine Inspector finds that any
craft under inspection by him –

- (a) is not provided in all respects as prescribed by these regulations; or
- (b) requires repairs or additions to it or to its machinery, boats, equipment or other articles on board.

The inspector shall give notice in writing to the person having the craft inspected, setting out the deficiencies or defects and shall not grant a certificate of inspection until the deficiencies or defects are made good to his satisfaction.

Managing Director
May order another
Another inspection

61. (1) The Managing Director may order another
inspection to be carried out in respect of a
craft already inspected where -

- (a) the owner, agent or master of the craft is not satisfied with the inspection carried out by a Marine Officer and has requested a second inspection; or
- (b) there is a difference of opinion on an inspection carried out by more than one inspector appointed under regulation 49.

(2) Every re-inspection made under this regulation shall be made subject to the regulations governing, both as to payment of fees or otherwise, original inspections.

Decision of
Authority final

62. If, after the inspection carried out under regulation 61, the owner, master or agent of the craft is dissatisfied with the inspection that has been done, or if the inspectors disagree as to the contents of the inspection, the matter shall be referred to the Authority and the decision of the Authority shall be final.

Power of
Authority to give
Instructions to

63. The Authority may, from time to time, give instructions to inspectors for the purpose of carrying out their duties under these regulations

Issue of licence
To operate
Coastal craft
Form 6
First Schedule

64. (1) Subject to regulation 62, the Managing Director shall, if satisfied that the relevant provisions under this part have been complied with, issue to the owner of a coastal craft a licence on Form 6 set out in the First Schedule.

(2) Every licence shall be valid for the period of one year from the date of issue.

(3) A licence granted under sub-regulation (1) shall contain such conditions as the Managing Director may impose having regard to the size of the craft, its safety equipment and the routes or areas upon which the craft may be used.

(4) No licence shall be issued or renewed in respect of a coastal craft except upon payment of the prescribed fee, set out in item E of the Second Schedule.

Second Schedule

Appeal to
Minister against
Managing Director's
Decision

65. (1) A person who is aggrieved by a decision of the Managing Director regarding the imposition of conditions under regulation 64, and has received an unfavorable resolution from the Authority, may appeal against the decision to the Minister, within fifteen days of the notification of the decision, and the Minister's decision shall be final.

Suspension of a
Licence

66. (1) The Managing Director may suspend a licence relating to a coastal craft where he has reason to believe that -
- (a) the craft is in an unseaworthy conditions;
or
 - (b) there has been in respect of that craft, a breach of the provisions of the Act or regulations made thereunder.
- (2) No licence granted to a coastal craft shall be suspended under sub-regulation (1) unless the licensee has been given an opportunity of making representations to the Managing Director against the suspension.
- (3) A person aggrieved by the decision of the Managing Director and who has received an unfavorable resolution from the Authority, may appeal against the decision to the minister, within fifteen days of the notification of such decision of the Authority, and the Minister's decision shall be final.

Licence not
Transferable
Except under
Certain circumstances

67. The holder of a coastal craft licence shall not transfer the licence to another person except, when a change occurs in the registered ownership of the coastal craft, and that, change shall be endorsed by the Managing Director on the licence.

Registration of
Coastal craft

68. (1) Subject to sub-regulation (2), the Managing Director shall at the time of registration of a coastal craft -
- (a) allot a number to the craft; and
 - (b) enter on the register the number of the craft.
- (2) It shall be the duty of the owner of a coastal craft to display or mark, the allotted number on the craft, in such manner, as may be approved by the Managing Director.

- (3) A coastal craft that bears on both sides of its bow or other approved part of the craft a name in letters of a size, colour and character approved by the Managing Director shall not be required to have a number painted upon either side of the bow.
- (4) It shall be the duty of the owner, master or agent of a coastal craft to keep the name or number allotted to such craft clearly legible on the craft.

Owner to report
Laying up sale
Wrecking, etc.

69. The owner of a coastal craft shall report to the Managing Director –
- (a) the laying-up or beaching of the craft for any period exceeding six months; or
 - (b) the sale, transfer, wrecking, abandonment, breaking-up or loss of the craft.

Application for
Marine Inspector's
Licence

70. (1) A person who wishes to obtain a Marine Inspector's Licence shall submit his/her application to the Authority in writing setting out his name, age, address, qualifications and experience.
- (2) The Authority may, upon receipt of an application under sub-regulation (1), examine the applicant and if satisfied as to the applicant's competence, grant the applicant a licence on Form 7 set out in the First Schedule.

First Schedule

- (3) No person shall be licenced as a Marine Inspector unless the Authority is satisfied, after examination, that the person has adequate knowledge of -
- (a) the laws and regulations including conventions applicable in the territory;
 - (b) ship operations, including nautical knowledge and marine engineering;
 - (c) ship construction and stability;

- (d) life-saving appliances and equipment;
- (e) fire prevention and related appliances and equipment;
- (f) marine safety, preliminary investigations into casualties and reporting;
- (g) survey and inspection of coastal craft;
- (h) marine pollution prevention and response.

Duration of
Marine Inspector's
Licence

71. (1) A Marine Inspector's Licence shall remain in force for one year from the date of issue and, if the Authority is satisfied as to the competence of the holder of the licence, the Authority may renew the licence annually.

Second Schedule

(2) The fee to be paid in respect of the issue and renewal of the licence shall be the fee set out in Item C of the Second Schedule

Managing Director
May designate Officers
To be Marine Inspectors

72. (1) The Managing Director may designate any marine officer employed by the Authority to carry out inspections of coastal craft for the purpose of these regulations.

Second Schedule

(2) The fee to be paid for any inspection carried out under sub-regulation (1) shall be the fee set out in Item F of the second Schedule.

Licences Authority
May grant a Marine

73. (1) The licences that the Authority may grant to a Marine Inspector are –

Inspector

- (a) a Ship Inspector's Licence;
- (b) an Engineer Inspector's Licence;
- (c) A Combined Inspector's Licence

PART V**Dangerous Goods**

Definition of
Dangerous goods

74. In this Part “dangerous goods” includes -

- (a) substances and things classified as “dangerous goods” by the International Convention on the Safety of Life at Sea;
- [b] any explosives with in the meaning of Explosives Ordinance; and
- (c) any petroleum or petroleum spirit within the meaning of the petroleum Ordinance.

Cap. 124

Cap. 128

Classification of
Dangerous goods

75. Dangerous good shall be divided into the following classes –

- (a) Class 1 – Explosives;
- (b) Class 2 – Gases ; compressed, liquefied or dissolved under pressure;
- (c) Class 3 - Inflammable liquids;
- (d) Class 4.1 - Inflammable solids;
- (e) Class 4.2 – Inflammable solids or substances liable to spontaneous combustion;
- (f) Class 4.3 - Inflammable solids or substances which when in contact with water emit inflammable gases;
- (g) Class 5.1 - Oxidizing substances;
- (h) Class 5.2 - Organic peroxides;
- (i) Class 6.1 - Poisonous (toxic) substances;
- (j) Class 6.2 - Infectious substances;
- (k) Class 7 - Radioactive substance;

- (l) Class 8 - Corrosive substances;
- (m) Class 9 - Dangerous substances not herein before specified and any other substances that are to be regarded as dangerous substances.

- | | |
|--|--|
| Hoisting of Signals | 76. The master of a vessel that has on board as cargo dangerous goods shall, on approaching a harbour and during the time the vessel remains in a harbour, display the appropriate day and night signals prescribed in the International Code of Signals until the goods are discharged. |
| Duty of master Etc. to give Notice when Dangerous goods On board | <p>77.[1] The master, owner or agent of a vessel that has on board as cargo any dangerous goods whether for discharge in the territory or not, shall give notice to the Managing Director, not less than twenty-four hours before arrival of the vessel within the territorial waters.</p> <p>[2] The master, agent owner of a vessel or other person who intends to ship any dangerous goods on board a vessel shall, not less than twenty-four hours before shipment, give notice, to the Managing Director of his intention to ship those goods by that vessel.</p> |
| Permission to Ship and unship Dangerous Goods | <p>78. [1] No person shall ship or unship dangerous goods unless a permit for that purpose is obtained from the Managing Director.</p> <p>(2) No permit shall be issued to a person unless the particulars of the dangerous goods to be shipped or unshipped have been furnished by that person to the Managing Director.</p> <p>(3) On receipt of particulars of the dangerous goods under sub-regulation (2), the Managing Director may issue a permit containing particulars of the goods that are to be shipped or unshipped.</p> |
| Handling, etc. of Dangerous goods | 79. A person who handles, carries or stores any dangerous good shall pack, mark, label, document and stow the goods in accordance |

with the memorandum issued by the Ministry of transport of the United Kingdom, and in accordance with the International Maritime organization Dangerous Goods Code issued by the International Maritime Organization, relating to the handing storing of the goods.

Vessel to
Anchor or
Berth at place
Assigned by
The managing
Director

80.(1) The master of a vessel carrying or intending to carry dangerous goods shall anchor or berth in the position assigned to it by the Managing Director and the vessel shall not be moved without a written order of the Managing Director or obtaining prior permission from him

Removal of
Dangerous
Goods by
Owners

81. Except with the written approval of the Managing Director, dangerous goods shall be landed on a wharf for removal or shipment during day light hours and dangerous Goods so landed shall be removed or shipped from The wharf by the owner or agent before 1800 Hours on the day the goods are so landed.

Managing
Director's
Power to
Order removal
Dangerous goods

82. (1) The Managing Director may request the owner of his agent to remove any dangerous goods from a wharf within the period of time as may be specified by him.

(2) Where the owner or agent does not comply With the request, the Managing Director may cause the goods to be removed and disposed of as he sees fit.

(3). The Managing Director may recover from the owner or his agent expenses incurred for the Removal of any dangerous goods and in addition The owner or agent is liable to indemnify the Authority against any claim that may arise from Any loss or damage caused to any person or Property by the removal.

Restrictions at
Place of
Landing of
Dangerous goods.

83. where dangerous goods are being landed, no persons, other than a person authorized by the Managing Director shall-
(a) handle any other goods or articles at or near The place of landing of the dangerous goods,

(b) enter and remain at or near the place of
The dangerous goods,

(c) take to, or remove from the place or landing of
The dangerous goods any mobile equipment
Authorized by the Managing Director to be used
For that purpose.

Safety and
Fire –fighting
Appliances
And equipment

84. The master of a vessel shall, when carrying
dangerous goods on board the vessel or when
discharging or loading dangerous goods and
safety and fire- fighting appliances and other
For use on board the vessel or at the place of
Discharging on loading of the dangerous goods.

Facilities for
Inspection.

85. While in a harbour, the owner, master or agent
Of a vessel, having dangerous goods on board the
Vessel shall afford the managing Director or any
Person authorized by the managing Direct, every
Facility to ascertain whether any regulations
Under this part are being contravened.

Dangerous warning
Notices, etc

86. The master of a vessel shall, when discharging
or loading dangerous goods from the vessel-

(a) provide and exhibit a notice, alongside the
vessel at or near the wharf where is moored, warning the
public that dangerous goods are being loaded or discharged
from the vessel and the notice shall bear the word
“DANGER” in legible letters and each letter of the word shall
Measure at least six inches in height

(b) adhere to any orders, rules, regulations and
Other.

1971c 60

instruments made under the prevention of oil
Pollution Act of the United Kingdom.

Precaution
Against
Use of
Petroleum

87.(1) Every owner, master or agent of a vessel
that uses petroleum as fuel for navigating the
vessel shall ensure that-

(a) every drum, portable tank or other container
Used for the carriage of petroleum shall be fitted
With screw caps and such shall not be removed

While the vessel is underway,

(b) the vessel's fuel tanks shall not be replenished
While the vessel is under way or while the engine
In running,

(c) during the operation of refueling of the
Vessel

(1) no person shall be allowed to smoke on board
The vessel.

(2) no naked light, other than electric lighting
shall be used for the purpose of illumination'

(d) every drum, portable tank or container used
For carriage of petroleum shall, be carried at a
Distance of not less than 12 feet from the engine
Room or from any oil- burning navigation light

(e) no naked light shall at any time be used in the
Engine room or brought to within the distance of
12 feet of any fuel tank.

[f] when refueling a box containing a sufficient quantity
of sand is made available for absorbing any overflow
or spill over of any petroleum;

[g] sufficient and suitable fire extinguishers are kept for
use against any outbreak of fire.

[2] In the cases of petroleum and other inflammable
substances, these regulations shall apply in
addition to any relevant legislation of the Territory
governing petroleum and other inflammable
substances.

Special control

[88] (1) In addition to the controls established in Part ii of
these regulations, the Managing Director may require a vessel
carrying dangerous goods, before entering a harbour or the
territorial waters, to be subject to special control, including
compulsory pilotage.

(2) Special control may be established for all or any
part of the passage during the presence of the vessel within
the territorial waters.

(3) The Managing Director may, waive or modify the requirement as to notice under regulations 77 in respect of a vessel carrying dangerous goods.

PART VI

Miscellaneous Licences

Licences for
Certain services

89. (1) Application for a licence to operate as –
- (i) a stevedore;
 - (ii) a ship agent;
 - (iii) a customs broker;
 - (iv) a freight forwarder;
 - (v) a ship chandler, or
 - (vi) to provide general services as stated in (i) –
(v)

shall be made to the Managing Director in the form provided by the Authority for that purpose.

- (2) Where an application is made to the Managing Director under sub-regulation (1), the Managing Director may issue a licence subject to any terms and conditions he may deem fit.
- (3) A licence issued under sub-regulations (2) shall be in force until the 31st day of December of the year of issue and may be renewed annually.
- (4) The fee to be paid in respect of the issue and renewal of a licence shall be the fee set out in Item D of the Second Schedule.
- [5] An applicant who is aggrieved by any decision of the Managing Director regarding the issue of a

Second Schedule

licence or any conditions imposed under this regulation may appeal against the decision in writing to the Minister within fifteen days of the notification of the decision and the decision of the Minister shall be final.

PART VII

Charges

Purposes of Part VII

Interpretation for 90. In this part unless the context otherwise requires

“Authority facility” means a facility that is owned by, leased to, or otherwise in the actual possession or control of, the Authority

“container” means an article of transport equipment which is

- (a) of a permanent character and capable of being used repeatedly;
- (b) designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;
- (c) designed to be secured or readily handled or both; having corner fittings for these purposes; and
- (d) of a size that the area enclosed by the outer bottom corner fittings is –
 - (i) at least seven square meters (75.35 square feet) if the container is fitted with a top corner; or
 - (ii) at least fourteen square meters (150.7 square feet), if any other case,

and includes a container carried on a chassis but does not include a vehicle, or packing or any articles of transport equipment designed solely for use in air transport or a swap body except when carried by or on board a sea-going ship;

“facility” includes any wharf, jetty, pier, mooring, quay, dock or slip of whatever description erected or extending beyond the high water mark of Ordinary Spring Tide *(OST) or extending into waters of any navigable channel and also includes any portion or extension moored in such waters and used as a wharf, jetty, pier, mooring, quay, dock or slip;

“initial period” means the period referred to in regulation 96 (a);

“Private facility” means a facility that is not an Authority facility;

“document” means any document used in connection with ships, harbours and cargo;

“exports” means goods loaded or intended to be loaded into a ship in a harbour;

“F.O.B. value” means free on board value and shall be the net invoice price of the goods which the importer is required to pay in the country of origin of the goods;

“free period” means the period specified from time to time during which cargo may be stored within a port or harbour free of storage charges;

“gross registered tonnage” means the highest gross registered tonnage of a ship as shown in Llyods Register or any other appropriate register;

“imports” means cargo other than transshipment cargo or overlanded cargo discharged at a harbour from a ship;

“longshoring” mean the on shore operation of discharging, loading, shifting or other movement of cargo;

“net registered tonnage” means the highest net registered tonnage of a ship as shown in the Llyods Register or any other appropriate register;

“shifting” in relation to a ship, means the moving of a ship from one position to another at the request of the Managing Director, master or owner;

“stevedoring” means the onboard operation of discharging, loading, shifting or restoring cargo on a ship;

“storage charge” means the penal charge made on cargo remaining in a port facility after the expiry time of any free period;

“ton” mean –

- (a) where charges are assessed by weight, two thousand pounds;
- (b) where charges are assessed by measurement one cubic meter (approximately 35 cubic feet); or
- (c) where charges are assessed by net registered tonnage, the higher net tonnage for closed shelter deck shall be used;

“transshipment cargo” means intransit cargo declared as transshipment cargo in a harbour and brought in by a ship from outside the Territory for the purpose of reshipment to a foreign place.

Charges and rates
Or other payments
Third Schedule

91. (1) On and after the date of coming into force of these regulations, any charges or rates payable under these regulations as set out in the Third Schedule and any conditions, whether general or special, imposed by these regulations shall apply to users of all vessels including seaplanes and other traffic within the territorial waters and in any harbour administered by the

Authority or under the jurisdiction of the Authority.

- | | | |
|---|-----|---|
| Cargo charges
Third Schedule | 92. | Cargo charges as set out in Item A in the Third Schedule, shall be paid on all cargo loaded or unloaded from a vessel. |
| Charges payable
For containers

Third Schedule | 93. | Charges as set out in Item G in the Third Schedule shall, in addition to those charges payable under regulation 92 be payable in respect of vessels unloading or loading containers, whether the containers are loaded or empty. |
| Exemptions from
Cargo charges. | 94. | <p>The following are exempt from payment of cargo Charges –</p> <ul style="list-style-type: none"> (a) passenger baggage passed by the Department of Customs; (b) fuel oil and material shipped as bunkers for vessels own use; (c) stores required for vessel's use; (d) transshipment cargo; (e) goods originating in the Territory on which charges have been paid and which are being transported within the Territory. |
| Conditions
Applicable to
Cargo charges | 95. | <p>The following conditions are applicable when assessing cargo charges –</p> <ul style="list-style-type: none"> (a) the gross weight and measurement of packages shall be taken; (b) overlanded cargo shall be charged at fifty per centum of the full rate for cargo charges; (c) charged shall be assessed in the manner, ether by weight or measurement, in which freight for cargo is charged; (d) petroleum products in bulk discharged by pipeline to a private facility shall be charged at a |

rate of fifty per centum of the rate for general cargo;

- (e) cargo landed temporarily during stevedoring and reloaded on the same ship before its departure shall be charged at a rate of twenty-five per centum of the rate for general cargo;
- (f) cargo charges are payable by the owner of a ship in respect of all the cargo, and adjustments shall be made for amended manifests and out-turns;
- (g) no refund of cargo charges or part thereof shall be allowed after a lapse of 12 months from the date of the ship's report inward or outward, as the case may be.

Harbour charges
Third Schedule

96. Subject to regulations 97 and 98, harbour charges at the rate specified in Item B of the Third Schedule shall be payable in respect of -

- (a) the first period of twenty-four hours or part thereof that a vessel remains in the territorial waters after it is provided legal entry into the Territory (referred to as "the initial period"); and
- (b) each period of twenty-four hours or part thereof that a vessel remains in the territorial waters after the expiration of the initial period; and
- (c) each period of twenty-four hours or part thereof that a vessel uses an Authority facility after the expiration of the "initial period".

Exemptions from
Harbour charges

97. (1) The following vessels are exempted from payment of harbour charges -

- (a) Her majesty's ships and other vessels belonging to the Crown or on voyages exclusively for the Crown;
- (b) vessels belonging to foreign governments, unless when carrying cargo for freight or passengers for fares; and

- (c) vessels under fifteen feet overall length engaged exclusively in coastwise inter-island traffic within the Territorial waters of the British Virgin Islands
- (2) Subject to regulation 98, regulation 96 shall not apply to ferry vessels, but a ferry vessel operating between
- (a) the United States Virgin Islands and the British Virgin Islands shall be subject to harbour charges at the rate specified in Item B of the Third Schedule; and
 - (b) harbours in the British Virgin Islands shall be subject to harbour charges at the rate specified in Item B of the Third Schedule.
- (3) Regulation 96 (b) shall not apply to a vessel that is home ported in the Territory.
- (4) For purposes of this regulation, “home ported” means a vessel
- (a) exceeding fifteen feet in length and registered in the British Virgin islands which operates;
 - (b) licensed or certified in the British Virgin Islands which operates; or
 - (c) in which a belonger owns at least fifty-one percent shares and which operates from an assigned berth or mooring in the British Virgin Islands.

Conditions
Applicable to
Harbour charges

98. The following conditions shall apply in respect of payment of harbour charges –

- (a) the calculations of the charges shall be based on the overall length of the vessel;
- (b) a vessel at an Authority facility that is berthed or moored in an unauthorized manner or place or shifted without the approval of the Managing Director shall, without prejudice to

any other liability under the Act or these Regulations and in addition to the applicable harbour charges under regulation 96 (a) or (c) or 97 (2), be subject to a penalty equal to one hundred percent of the harbour charges payable in respect of any time at which the vessel was so berthed, moored or shifted, or in the case of a ferry, a penalty of one hundred dollars for each time the vessel was so berthed, moored or shifted;

- (c) a ferry vessel that remains at berth at an Authority facility for more than one hour before departure or after disembarking passengers, shall be subject to full harbour charges under regulation 96 © as if it were a vessel berthed at an Authority after the expiration of the initial period.;
- (d) a vessel that is provided legal entry into the Territory and remains in the territorial waters for less than two hours without using an Authority facility shall be subject to harbour charges under regulation 96 (a) a fifty percent of the full rate;
- (e) a vessel that remains in the territorial waters after the initial period and does not use an Authority facility shall be subject to harbour charges under regulation 96 (b) a fifty percent of the full rate;
- (f) where a vessel is required to anchor and is provided with facilities to land passengers or cargo by tender or lighter, the vessel shall be subject to harbour charges under regulation 96 (a) or (c) at seventy-five percent of the full rate;
- (g) .where a vessel is, at any time after the initial period, required to anchor in a harbour due to congestion or force majeure, the vessel shall be subject to harbour charges under regulation 96 (b) at twenty-five percent of the full rate;

- (h) A vessel that is berthed or moored at a private facility, or is anchored in the territorial waters, for the purpose of loading or discharging cargo, other than ship's stores, shall be subject to harbour charges under regulation 96 (b) at fifty percent of the full rate;
- (i) A vessel berthed alongside another vessel at an Authority facility shall be subject to harbour charges under regulation 96 (c) at the full rate

Running of lines
For ships at a
Wharf or mooring

99. (1) The owner, master or agent of a ship making fast alongside, shifting or casting off from a wharf or mooring in a harbour shall –
- (a) engage competent persons to run and secure the ship's lines to the wharf or mooring, or
 - (b) request the Managing Director to provide the services.
- (2) where services are provided by the owner, master or agent of a ship a royalty of ten cents per foot of vessel length becomes payable.
- (3) Where a request is made to the Managing Director or upon the failure of the owner, master or agent of the ship to provide competent persons, the Managing Director may provide the necessary service and charge for those services the fee set out in Item C of the Third Schedule.

Third Schedule

Conditions applying
To running of lines

100. Whenever the size, manoeuvring, nature or berth of a ship makes it necessary to use a mooring boat and the Authority supplies a vessel for that purpose an additional charge shall be payable in accordance with regulation 114.

Watering of Ships
of alongside wharf

101. (1) Where fresh water is supplied to a ship, the ship's officer with an Authority representative shall read the meter before and after the supply is made and they shall agree the total number of gallons supplied.

- Third Schedule (2) There shall be charge as set out in Item D of the Third Schedule for the supply of fresh water to a ship.
- Wharfage 102. Wharfage as set out in Item E of the Third Schedule shall be paid on all goods landed from or loaded into a vessel at any harbour or other place in the territory.
- Third Schedule
- Exemption from Wharfage 103. The following are exempt from payment of wharfage –
- (a) petroleum products discharged through ships pipeline direct to private facility of cargo owners;
 - (b) goods or cargo loaded locally for other parts of the Territory;
 - (c) transshipment cargo;
 - (d) cargo trailers and containers landed or loaded solely for the importation and exportation of goods or cargo in respect of which wharfage is payable;
 - (e) boats discharged directly into the water from the carrying ship; and
 - (f) empty cylinders used for the importation and exportation of liquids and gases.
- Conditions Applicable to 104. (1) In the absence of satisfactory documentary evidence of the F.O.B wharfage value of goods, wharfage shall be levied, collected and paid on the value of the goods as assessed by the Comptroller of Customs.
- (2) Wharfage shall be paid in the case of goods or cargo by the consignee or the consignor or their agents, before delivery of the goods or cargo.

(3) Wharfage shall be paid at the first entry of goods into the Territory, provided that the goods are not taken out from the Territory.

(4) Wharfage shall not be paid on exported goods originating in the Territory.

Storage charges
Third Schedule

105. (1) Subject to sub-regulation (2) storage charges as set out in Item F of the Third Schedule shall be payable in respect of goods remaining in a warehouse, transit shed, open storage or other area after the free period.

(2) The Authority may reduce the storage charges payable under sub-regulation (1) where they exceed the declared value of the goods.

Conditions applicable
To storage

106. (1) The free period allowed for the storage of cargo shall be as follows –

- | | | |
|-----|--|---|
| (a) | Import and –
Export cargo | Five days
Excluding Sundays
and public holidays; |
| (b) | Transshipment
Cargo within
The Territory
But excluding
The island of Tortola | Ten days including
Sundays and public
holidays; |
| (c) | Transshipment
Cargo outside
The Territory | Twenty –one days
excluding Sundays and
Public holidays; |
| (d) | Loaded
Containers
In transit | Twenty-one
days excluding Sundays
and public holidays; |
| (e) | Empty
Containers
In transit | Thirty days excluding
Sundays and public
holidays; |
| (f) | Vehicles | Notwithstanding paragraph |

(a), (b), and (c), the free period for vehicles shall be twenty-four hours.

(2) For the purposes of sub-regulations (1), the free period shall commence as follows -

- | | | |
|-----|---------------------------------|--|
| (a) | Imports and Transshipment Cargo | The free period shall commence at noon on the day following the day the discharged ship is deemed by the Managing Director to have completed the discharge of cargo. |
| (b) | Export cargo | The free period shall commence at noon on the day following the day on which cargo was received into the harbour; |
| (c) | Empty containers | The free Period shall commence at noon the day following the day the cargo is discharged or received or brought into a harbour or unstuffed in a harbour; |
| (d) | Vehicles | the free period shall commence immediately after a vehicle is discharged from a ship. |

Removal of cargo
From a harbour

107. (1) Notwithstanding anything contained in these regulations, the Managing Director may instruct the owner of any cargo to remove the cargo from the harbour within 24 hours of the giving of such instruction.

(2) If the instruction is not complied with the Managing Director may dispose of the goods and recover any expenses incurred thereby from the owner.

(3) The Authority shall not be liable in respect of any loss or damage caused to any cargo after the free period has elapsed.

Licence fees for
Private wharves. Etc.

108. Fees as set out in Item G of the Second Schedule shall be payable for licences in

Second Schedule	respect of private wharves, buoys and mooring and other marine facilities.
Payment of Charges and fees	<p>109. The charges and fees fixed by these regulations shall be payable to the British Virgin Islands Ports Authority and may be collected by –</p> <ul style="list-style-type: none"> (a) The Comptroller of Customs; (b) any officer of the Authority authorized so to do by the Managing Director; or (c) any public, other than the Comptroller of Customs authorized by the Authority to collect such charges and fees with the prior approval of the Minister.
Hours of business	<p>110. (1) The hours of business for carrying out cargo and other operating are as follows: -</p> <ul style="list-style-type: none"> (a) cargo operations at Port Purcell – <ul style="list-style-type: none"> (i) Monday-Friday 08:30 hours to 16:30 hours (ii) Saturdays 09:00 hours to 12:30 hours. (b) all other operations Monday-Friday 08:30 hours to 16:30 hours. <p>(2) The Authority may not (except in an emergency) vary the hours of business without prior notification to the public.</p>
Overtime	<p>111. (1) The Managing Director may, at the written request of any person, make special arrangements for any work or service to be performed by the Authority outside business hours.</p> <p>(2) the cost of overtime payment for such work or service shall be borne by the person requesting the work or services.</p>
Hire of plant	112. A person may hire from the Authority, at an hourly

And equipment	rate, the Authority's mechanical plant or other equipment on the terms and conditions the Authority may impose.
Authority not liable For any loss or damage Caused by hirer	113. The Authority shall not be liable for any loss or damage caused to any person or property by any act of the hirer of the mechanical plant or other equipment hired under regulation 112.
Royalties	114. The Authority may charge a licensee a royalty as set out in Item H of the Third Schedule for the services of stevedoring, longshoring, pilotage and running of lines where those services are not provided by the Authority.
Third Schedule	
Payment of Other charges	115. Where no charge has been prescribed under these regulations for services or facilities provided to a person by the Authority the Managing Director may, in addition to charges payable under these regulations, determine other charges payable for those services or facilities and impose and collect those charges.
Adjustment of charges	<p>116. (1) Subject to sub-regulation (2), the Managing Director may make adjustments to charges payable under these Regulation</p> <p>(2) The maximum amount that may be adjusted by the Managing Director under sub-regulation (1), in respect of any charges payable under these regulations, shall not in any case exceed twenty-five per centum of such charges.</p>
Requisition for Service	117. Every person who requires the use of a marine installation, service or facility provided by the Authority in a harbour or wharf shall apply in writing to the Managing Director not less than seventy-two hours before the service or use of the facility is required.
Berthing of Vessels	<p>118. (1) An application to berth a vessel shall be made to the managing Director by the owner, agent or master of a vessel not less than seventy-two hours before the expected time of arrival of the vessel and before close of business on a working day.</p> <p>(2) The Managing Director may, on receipt of an application pursuant to sub-regulation (1) assign a berth to the vessel.</p>

(3) Once a berth is assigned to a vessel under sub-regulations (2), it shall be the duty of the master of the vessel to ensure that the vessel remains there until further direction or permission to move it is given by the Managing Director.

Managing Director
May remeasure for
Payment of charges

119. (1) The Managing Director shall have the right to re-weigh and remeasure any cargo on board the vessel in order to assess the accuracy of the registered tonnage of the vessel and the weight and measurement of cargo and other matter submitted by the owner of the vessel or cargo for payment of charges.

(2) Where particulars submitted by the owner under sub0regulation (1) are erroneous, the cost of remeasuring of the cargo on board the vessel shall be at the expense of the owner.

Authority not
Liable for
Financial loss

120. (1) The Authority is not liable for any financial loss caused to a person by –

- (a) the detention of or delay in the discharge or loading of goods on or from a vessel;
- (b) a stoppage in the delivery of goods from a vessel;
- (c) any delay or detention of a vessel; or
- (d) a delay in the licensing or certifying of any person, vessel or other facility under these regulation.

(2) Notwithstanding the occurrence of any event or circumstances mentioned in sub-regulation (1), charges, fees and rates incurred or accrued by a person under these regulations are payable to the Authority.

Authority immune
from liability

121. No liability attaches to the Authority, its employees or agents for any loss or damage or any injury caused to a person or to property as result of the action of its employees or agent in the bona fide discharge of its functions under these regulations.

PART VIII

Control of Harbours

General Control

122. (1) Every person entering or remaining in a harbour and every ship and every person on board in a harbour shall be subject to the general control and direction of the Managing Director.

(2) The Managing Director, in order to secure the safety and protection of goods in a harbour and for the prevention of crime or contravention of these regulations, may refuse to grant permission to a person wishing to enter or remain in a harbour without assigning a reason for the refusal and may, at anytime, revoke any permission granted earlier to a person.

(3) The Managing Director may authorize any person to carry out any or all of his functions under these regulations and may in a like manner revoke that authorization at any time.

(4) The Managing Director may, in an emergency, whenever it is necessary in his opinion to do so, close any harbour or part of a harbour to the public at the times and for the periods he sees fit and may in a like manner restrict access to a harbour to persons or vehicles or classes of persons or vehicles as he may from time to time determine.

General restrictions On persons entering Or leaving a harbour

123. (1) The Managing Director reserves the right of admission to a harbour and may restrict entry to a person unless he has legitimate business in a harbour.

(2) Every person entering into, within or leaving a harbour shall when so requested by an authorized person, state his true name, address and the nature of his business and produce any written permission or authority to that authorized person.

- (3) A person entering or leaving a harbour shall do so only through the entrances or exits provided and designated for that purpose.
- (4) An authorized person may stop the entry of a person to a harbour or eject a person there from unless he had legitimate business in that harbour.
- (5) A person wishing to enter a harbour for a legitimate purpose between the hours of 4:30 p.m. and 8.30 am. may make an application to the managing Director who may allow entry subject to the condition that the Authority shall not be liable for personal injury, whether fatal or otherwise, to that person and loss of or damage to his property, however caused.
- (6) The person requesting the work or services between the hours specified in sub-regulation (5) shall bear the cost, including overtime payment, for work done or services rendered.

Harbour Passes

124. (1) A person employed within or habitually visiting a harbour shall carry and exhibit such identification disc or pass as may be prescribed by the Authority.
- (2) A person who seeks to enter a harbour shall first apply for and obtain an entry pass or identification disc which may be restricted to such parts of a harbour as the Authority may designate in the pass or identification disc.
 - (3) The Managing Director without stating reasons may delay the issue or refuse to issue any pass or identification disc applied for under sub-regulation (2).
 - (4) A pass, or identification disc referred to in sub-regulations (1) and (2) is not transferable and is valid only for the person named therein and for the purpose and period of time stated therein.

- (5) Every person who has obtained a pass or identification disc referred to in sub-regulations (1) and (2) shall –
- (a) be deemed to have read and understood it and to have agreed to abide by the terms and conditions as may be written or printed on the pass or identification disc.
 - (b) whilst in the harbour keep the pass or identification disc in his possession;
 - (c) comply with every direction given by an authorized person;
 - (d) produce the pass or identification disc at the request of an authorized person;
 - (e) Surrender the pass to the Authority when the need for the pass or identification disc no longer exists or when the pass had expired.

General restrictions
On the use of vehicles
In a harbour

125. (1) A person driving, using or in charge of a vehicle shall at all times when arriving at an entrance to a harbour for the purpose of entering or whilst within a harbour or when leaving a harbour shall conduct himself in an orderly manner and shall comply with –
- (a) the directions as may be issued generally or specified by the Managing Director in respect of driving, parking or the use of vehicles in the harbour or at any entrance to or exit from a harbour;
 - (b) the terms of all notices or signs exhibited in a harbour by the Authority relating to the driving, parking or use of vehicles.
- (2) Where a vehicle is operated or parked in a harbour in contravention of these regulations the Managing Director may

cause that vehicle to be removed at the risk and expense of the owner.

Restrictions
On the use
Of vehicles
In a harbour.

126. No person shall while in a harbour –
- (a) drive a vehicle in a manner which is dangerous to other vehicles, persons or property.
 - (b) drive a vehicle at a speed exceeding 10 miles per hour or other speed as from time to time may be prescribed by the Authority;
 - (c) when driving or in charge of a vehicle, disregard any danger signal given or refuses to stop when so required by an authorized person;
 - (d) park a vehicle at a place or in a manner otherwise than in accordance with the general directions of the Managing Director and for the purposes of this paragraph a vehicle shall be deemed to be parked wherever it is stopped other than when it is being stopped by an authorized person, whether or not the driver remains in the vehicle and whether or not the engine of the vehicle is running;
 - (iii) leave a vehicle unattended in a place in a port area in a manner likely to cause or which causes an obstruction to other persons or vehicles.
 - (iv) Ride a bicycle in a transit shed or in any other area designated by the Authority;
 - (v) Allow to drip from a vehicle, gasoline, oil or other substances likely to be dangerous or constitute a nuisance;
 - (vi) Allow a vehicle to be loaded in excess of the load limits specified for that vehicle.
 - (vii) Allow a vehicles to be loaded improperly or in such a way that it is likely to cause damage to roadways or other property or goods;

- (viii) Supply to; receive into or discharge from any vehicle any gasoline or other fuel or oil except at locations and times approved by the Managing Director.

Report of an
Accident involving
A vehicle

127. When an accident occurs within a harbour involving a vehicle the driver shall forthwith report the accident to an authorized person and shall give his name and address and the name and address of the owner of the vehicle and the vehicle number.

Permit to operate
Vehicle in harbour

128. (1) No person shall operate a vehicle in a harbour without the permission of the Managing Director
- (2) upon production of a current drivers licence, permission in the form of a permit may be granted to a person to operate a vehicle in a harbour and that permit

-

(a) shall specify -

- (i) the name of the person to whom the permit is granted;
- (ii) the vehicle in respect of which it is granted;
- (iii) the date on which it is granted and the date upon which it shall expire;

(b) may contain such conditions as the Managing Director thinks fit

(3) A permit granted under sub-regulation (2) shall not be transferable.

(4) A permit granted under sub-regulation (2) shall be subject to cancellation, by oral notice to that effect, where the holder is in contravention of this regulation and may not be granted another permit for a period of a number of Cruise ship calls deemed appropriate by the Managing Director.

(5) Oral notice given under sub-regulation (4) shall be confirmed in writing within three days of the oral notice.

(6) An applicant aggrieved by a decision of the Managing Director in the cancellation of or refusal to grant a permit may appeal first to the Authority with a final appeal to the Minister

(7) Owners and operators of vehicles plying for hire or reward within the harbour shall pay the fees as set out in Item I of the Third Schedule upon the granting of a permit.

Third Schedule

Regulation of
Vehicular traffic
in harbour

129. (1) Vehicular traffic in a harbour shall at all times give way to pedestrians, cargo handling plant, equipment and appliances.

(2) All vehicles operating in a warehouse shall first obtain clearance from an authorized person.

(3) A person in charge of a vehicle shall move it when required to do so by the Managing Director or other authorized person.

Cap 218

(4) The Road Traffic Act and regulations made thereunder shall apply to vehicles in a harbour.

Vehicles operating
For hire

130. (1) No person shall, in a harbour, ply a vehicle for hire except with the permission of the Authority or the Managing Director.

(2) Every person operating a vehicle in a harbour for the purpose of transmitting persons or passengers for hire shall comply with the following:-

(a) every vehicle shall be parked in such a manner and in such area as may be designated from time to time by the Managing Director.

(b) All vehicles operated for hire from a harbour shall be kept in good operating condition and appearance and the Managing Director shall have the right to order the removal of any vehicles that are deemed unsafe or are continuously unkempt in appearance.

- (3) Where a person is aggrieved by a decision taken by the Managing Director under paragraph (b) of sub-regulation (2), he may appeal first to the Authority with a final appeal to the Minister.
- (4) The drivers of any vehicles or class of vehicles awaiting hire in any harbour shall form a queue in the order of their arrival, and in accordance with the instructions of the Managing Director.
- (5) The driver of any vehicle awaiting hire at any wharf or harbour shall advance forward as the vehicle immediately ahead pulls off.
- (6) Vehicles engaged for pre-arranged tours are exempted from sub-regulation (5).
- (7) The driver of any vehicle awaiting hire at any harbour shall –
- (a) stay with his vehicle at all times;
 - (b) not solicit, annoy or molest any passengers;
 - (c) move his vehicle after the said vehicle has been hired;
 - (d) conduct himself in a manner generally conducive to good order.
- (8) Nothing in this regulation shall be construed as preventing a passenger from boarding the vehicle of his or her choice.

Removal of goods

131. (1) No person shall knowingly or otherwise remove or attempt to remove any goods from a harbour unless he –
- (a) had satisfied customs requirements in connection with the goods;
 - (b) has paid or secured to the satisfaction of the Managing Director, all rates and charges which may have accrued on the goods;

(c) is in possession of a written permit on Form 8 in the First Schedule issued by an authorized person permitting the removal of the goods.

(2) Every person removing or about to remove any goods from a harbour shall produce the written permit prescribed in sub-regulation (1) (c) on demand to any authorized person and shall if requested by the authorized person permit the authorized person to inspect the goods at such place in the harbour that the authorized person may direct.

(3) A vehicle entering, within or leaving a harbour may be searched by an authorized person.

(4) A person, entering, within or leaving a harbour may be searched only by an authorized person of the same gender.

(5) No person shall tamper or interfere with goods or other property in a harbour.

Animals

132. (1) No person shall, except with the permission of the Managing Director, bring or cause to be brought into a harbour any animal.

(2) An animal found at large in a harbour may be removed by an authorized person at the expense of the owner of the animal which expense shall be recoverable as a civil debt.

Burials

133. (1) No dead body of any kind shall be buried within a harbour

(2) The body of a dead person shall not be buried at sea within twelve nautical miles of an island in the Territory.

(3) No dead animal shall be deposited in a harbour.

Admission of Children

134. No child under the age of 12 years shall be allowed into a harbour unless accompanied by an adult who shall be responsible for the child.

Restriction on
Trading activities
In a harbour

135. (1) No person shall sell, expose or offer for sale any goods or refreshments or exchange any money, hold any auction or solicit any customer in a harbour or from a ship alongside, close to or occupying a berth in a harbour, unless that person holds a licence issued in that behalf by the Managing Director.
- (2) The holder of a licence issued under sub-regulation (1) shall –
- (a) produce the licence when requested to do so by an authorized person;
 - (b) not transfer or lend his licence to any other person for use by that person;
 - (c) not employ any person in a harbour without the written permission of the Authority.
 - (d) Not trade in any commodity other than that specified in the licence.
- (3) The licence may be subject to the terms and conditions as the Managing Director may see fit and may be revoked by the Managing Director at anytime.

Accidents in
A harbour

136. (1) Every person involved in an accident which causes the death or injury to any person or loss or damage to goods or property in a harbour shall report the accident to an authorized person giving details of the accident.
- (2) Goods or property in a harbour that are damaged or destroyed by a person, ship or vehicle may be replaced or repaired as the case may be, by that person or the owner agent of the ship or vehicle, without prejudice to any other penalty at law.

Activities in
A harbour

137. (1) No person without the permission of the Managing Director shall –
- (a) except in an emergency, move or interfere with any life saving

equipment, first aid equipment or any light signal, fire hydrant or other appliance provided for use in a harbour, for the protection or safety of persons or property;

- (b) deposit or cause to be deposited any refuse, rubbish or waste sweeping in or upon any place in a harbour, other than a place approved by the Managing Director by a public notice;
- (c) climb upon the roof of any building or upon any crane, mechanical equipment, lighthouse signal station or navigation mark;
- (d) fish from a harbour;
- (e) remove from a harbour any sand, stone or gravel.

General restriction
On conduct of a person
In a harbour

138. No person shall –

- (a) urinate or defecate in any place in a harbour other than a place provided for use as a urinal or toilet;
- (b) break down or make his way through or under or over any fence surrounding a harbour.

General control of
Landing and shipping
Cargo

140. The landing of cargo or the shipment of cargo or the embarking of passengers in a harbour shall be subject to the control and directions of the Managing Director.

Manifests

141. (1) The master or agent of a ship which has arrived in or is departing from the Territory with cargo passengers or both shall furnish to the Managing Director copies of –

- (a) inward manifests upon arrival; and
- (b) outward manifests prior to departure; and

any other documents as may reasonably be required by the Managing Director in a manner acceptable to the Managing Director

- (2) The master or agent of a ship shall notify the Managing Director as soon as possible of subsequent amendment to the documents required under sub-regulation (1).

Working of ships

142. (1) As far as may be practicable, cargo shall be discharged from and loaded into ships in the order of their arrival and readiness to work in a harbour but subject always to the direction of the Managing Director.

(2) A ship which has arrived from a foreign place shall not break bulk or commence discharging unless the master or agent has obtained the permission from Customs and the Authority.

(3) The Managing Director may refuse to permit cargo to be discharged or passengers to disembark from any ship until suitable accommodation is available for the cargo or passengers.

(4) The use of lighters, barges or other vessels to or from a ship in a harbour for the purpose of disembarking or embarking passengers shall be subject to the general or special directions of the Managing Director.

(5) The use of tenders, launches or other vessels to or from a ship in a harbour for the purpose of disembarking or embarking passengers shall be subject to the general or special directions of the Managing Director.

(6) The owner, master or agent of any ship must obtain the approval of the Managing Director for the transfer of cargo from one ship to another within the territorial waters.

- (7) The Managing Director may refuse to allow timber or iron and steel work of any kind to be landed unless properly marked and packaged, and where permission is granted, the Authority shall not be liable for any loss, damage, delay or misdelivery however caused.
- (8) The landing of animals from a ship shall be prohibited unless a veterinary or other certificate or document required by law in respect of the animals is produced to the proper authority.
- (9) The landing of plants or plant matter shall be prohibited unless a certificate or document required by law in respect of the plant or plant matter is produced to the proper authority.
- (10) The loading or discharging of cargo or embarking or disembarking of passengers shall be prohibited in a harbour at a facility other than a port Authority facility save with the written permission of the Managing Director.
- (11) The Managing Director may direct that the discharge of cargo from any ship alongside or at anchor in a harbour shall cease or shall proceed at a slower rate if in his opinion the discharge obstructs or is likely to obstruct any other operation.
- (12) If a ship fails to take in or discharge cargo with the dispatch that appears reasonable to the Managing Director –
 - (a) the ship shall, after due notice, lose its turn to take in or discharge cargo and if it is occupying a wharf berth, it may be removed at the risk and expense of the ship; or
 - (b) the Managing Director may take whatever action he deems necessary

for expeditiously taking in or discharging any cargo from the ship.

- (13) if any plant, labour or staff engaged, as requested by a ship, for landing, shipping or transshipping any cargo, is not fully employed on the ship, the expenses incurred by the Authority shall be paid by the ship.
- (14) A responsible person authorized by the master shall remain on board a ship whilst loading or discharging cargo, for the purpose of superintending the loading or discharging.
- (15) Any goods or ships gear dropped overboard shall be reported at once by the master or agent of the ship concerned to the Managing Director and shall be immediately recovered by the ship if it is reasonably possible or if not, it may be recovered by the Managing Director at the risk and expense of the ship.
- (16) The Managing Director may direct that certain goods being loaded or landed shall be handled directly between the ship and vehicles and goods so directed to be so handled may not be deposited on the quay.

Overtime in
Connection with
Landing etc.

- 143. (1) Work afloat and ashore in connection with the landing, shipping and transshipment of cargo outside normal working hours shall be charged at overtime rates at ships expense.
- (2) Overtime working may be allowed by the Managing Director on a written request from the owner, agent or master of a ship; the written request to be submitted by noon on a weekday.
- (3) Every harbour shall normally be closed on Good Friday, Easter Sunday, Festival Monday and Christmas Day.

- (4) Subject to sub-regulation (3) the Managing Director may, in exceptional circumstances, and where labour and staff are available, allow services to be performed.

When cargo is
Considered delivered
the Authority

144. Cargo for shipment will be considered delivered to or in the possession of the Authority when they have been removed from the cargo gear used to land the cargo from the ship, and officially received into storage by an authorized person.

When cargo is
Considered delivered
to a ship

145. Cargo for shipment will be considered delivered to a ship in good condition when it is placed by order of the Managing Director in the cargo gear provided for loading the ship, unless the condition of the cargo has been contested or the cargo is declined by the ship as being damaged or in a bad condition.

Fire on ships

146. (1) In the event of a fire occurring on board in a harbour the master shall at once give the alarm and shall take such steps towards the protection of property subject to directions as may be given by the Managing Director in the interest of protecting the harbour.

(2) The alarm signal for ships (other than small craft) on fire shall be as follows -

(a) ships shall hoist "N. Q." flags of the International Code and at the same time shall sound one long and three short blasts in quick succession on the siren;

(b) the signal "N.Q." shall be kept hoisted until the fire on board has been extinguished.

- (4) In addition to the signals the master shall report the fire immediately to the Authority

Prevention of
Nuisance in harbour

147. All ships in a harbour shall ensure that -

(a) all outlets and scuppers are fitted with adequate shields to prevent any noxious

fluids or other matter from falling on the wharf or into the water;

- (b) exhaust pipes shall be so equipped as to prevent exhaust from inconveniencing other ships or traffic in the harbour;
- (c) no thick smoke is made, and
- (d) no excessive noise is made from –
- [e] exhausts;
- [f] chipping, scaling and other maintenance work;
- [g] sirens; or
- (j) other sources

Refuse not to be
Deposited in a
In a harbour

148. (1) No ropes, wires, dunnage mats, wood, dirt, ballast, ashes, stone, offal or rubbish of any sort whatsoever shall be thrown or allowed to fall or drift into the water at a harbour.
- (2) A ship that contravenes sub-regulation (1) shall make good the loss damage and expenses that the Authority or other person may sustain or incur from the consequences of that contravention.
- (3) No dead animal shall be thrown into a harbour from any ship.
- (4) Dead animals on board a ship, unless permitted by the appropriate authority to be buried ashore, shall be taken not less than three nautical miles outside harbour limits at the expense of the ship.
- (5) No ship shall pump out or clean their tanks or bilges within 200 nautical miles of the Virgin Islands.
- (6) All articles which have fallen or drifted into the into the water in a harbour shall at once be recovered by the person responsible, failing which the Authority may recover them at the risk and

expense of the person concerned

(7). Every ship whilst loading or discharging any cargo shall provide adequate safeguard to prevent It from falling into a harbour.

(8) No cement, pumice, stones or similar matter Shall be spilled or allowed to escape on a wharf or into the water at a harbour

(9) Where a ship is responsible for an occurrence as Stated in sub-section (8) the ship shall ensure that The wharf and water at the harbour are cleaned, failing which the Authority may do so at the risk and expense of the ship concerned.

No goods Allowed to Floated in A harbour	149.	(1) No goods shall be permitted to float in a harbour unless previous permission in writing has been obtain from the Managing Director and handling charges have been paid at the same rate as if it had been landed.
Removal of Ships with Offensive Matter on Board	150.	The Managing Director may order the removal from a harbour of any ship which has cargo or other matter which, in the opinion of the Managing Director, is injurious to health or offensive or dangerous in any respect.
Fumigation	151.	No ship may be fumigated in a harbour except with the written consent of the Managing Director and subject to any condition he may impose.
Repairs of Ships	152. (1)	<p>No structural repairs of ship may be made in a harbour except with the written consent of Managing Director and subject to the following conditions-</p> <p>(a) before any repairs are commenced , the ship shall take such precautions as the Managing Director may direct to prevent dirt or other material falling on to a wharf or into the water; and</p> <p>(b) the master or agent of the ship shall observe any other conditions that may be imposed by the by the Managing Director.</p>

(2) If the ship contravenes or fails to comply with the provision of sub- regulation (1) the work may be stopped by the Managing Director.

- | | | |
|--|------|---|
| Displaced Moorings or Mark to be Reported. | 153. | <p>(1) If any mooring or marker buoy is dragged from its position or damaged by a ship, the cost of replacing or repairing it shall be borne by the ship.</p> <p>(2) the master of agent of a ship getting foul of a Mooring laid by the Authority shall not except in The case of emergency, lift the buoy for the purpose of getting clear but shall immediately report the occurrence to the Managing Director and wait instructions.</p> |
| Underwater Construction | 154. | A ship which damage any underwater structure cables or other construction within a harbour shall be liable to the Authority for the cost of repair and any related expenses. |
| Disposal of Dangerous goods | 155. | Where there has been a breach of any provision in this part in relation to any dangerous or poisonous goods in a harbour , the Managing Director may, in his discretion, seize and dispose of the goods in a harbour, and may recover any expense incurred in such disposal from the owner of the ship involved or from the owner of the goods. |
| Boarding or Leaving ships | 156. | All persons shall board or leave a ship by means of the gangway provided for that purpose or an efficient pilot ladder. |
| Disembarking And embarking Passengers | 157. | <p>(1) When passengers disembark from a ship in a harbour, a sound gangway shall be provided and one of the crew of the ship shall be in attendance at the ship's end of the gangway to attend to the security of the gangway and the safety of the passengers using it.</p> <p>(2) When any ship is in a harbour a life buoy with a line attached thereto shall be placed in proper order for immediate use near the head of each gangway.</p> |

Efficient
Lighted
To be
Provided

158.(1) All parts of a ship where processes are carried on and for which access is required shall be sufficiently lighted with due regard to the safety of the ship, goods on board, person employed on the ship and also the navigation of the other ships.

Transit
Sheds
Closed to
Public

159. the transit sheds and warehouses in a harbour shall be closed to the public and no vehicle or person shall enter any of them without the permission of the Managing Director

Documents
Required
Before
Delivery of
Cargo

160 Importers or their agents shall present, at a place that may be appointed by the Managing Director during normal working hours of a harbour the following documents before delivery of cargo-

- (a) a bill of lading or shipping company's Delivery order completed in every detail Specifying the
 - (i) marks and numbers,
 - (ii) description and contents,
 - (iii) gross weight and cubic measurement of the goods.
 - (iv) Name of the ship,
 - (v) Port of shipment,
 - (vi) Arrival date , and
 - (vii) Disposal instruction
- (b) the document in (a) must be endorsed by the ship or its agent indicating their release of the cargo.
- (c) A separate bill of lading or shipping company' Delivery order for each consignment,
- (d) A release by the customs officer authorizing the delivery of the cargo,

- (e) A shipping order complete in every detail and respect in the case of transshipment goods.

Documents
Required for
Shipment of
Cargo

161.(1) persons desiring cargo to be shipped shall deliver to an authorized person at a place that may be determined by the Managing Director, during normal working hours a shipping order complete in every detail specifying-

- (a) marks and numbers
- (b) description and contents; and
- (c) Gross weight and cubic measurement of the cargo.

(2) A separate shipping order shall be completed for each consignment.

Receiving of
Cargo for
Shipment.

162.(1) The Managing Director may direct the places where cargo for shipment shall be deposited.

(2) Cargo intended for shipment for any particular ship together with the relative shipping orders shall be presented to the Managing Director at a harbour not later than one clear normal working day before the ships appointed sailing time.

(3) In the event of cargo or shipping orders being received late, the slipper shall be liable for any additional expense incurred

(4) Cargo in respect of which shipping orders are presented shall be ready for shipment in all respect

(5) Sorting or other manipulation of cargo for shipment is not permitted in a harbour.

(6) The Authority shall not be responsible for ensuring that the whole or any part of any cargo intended for shipment is placed on board any ship before the time of sailing.

- Marking of Packages 163.(1) Where cargo is insufficiently or incorrectly marked, the Managing Director may require from any person claiming those goods, a special release order signed by the ship's owner or agent.
- (2) Storage charges can be charged against All cargo remaining in a harbour as a result of insufficient or correct marking.
- Defective Packages 164.(1) Where cargo has been landed in packages of a defective or leaky character, delivery of cargo shall not be considered to have been made to the Authority until those packages have been repacked, rebbaged or repaired in a reasonably sound condition and the cargo checked in the presence of the master or agent of the of the ship and the customs officer.
- (2) The Authority may decline to accept any cargo tendered for landing in packages of a defective or leaky character.
- Unpacking of Cargo 165. (1) Except for customs purposes no cargo shall be unpacked in a harbour without the special permission of the Managing Director.
- (2) Where permission is granted under sub- regulation (1) the packing and other material from the cargo unpacked shall be immediately removed by the owner of the cargo and if he fail to do so the authority shall remove the packing and other material at the owners expense.
- Change of Ownership Of cargo 166. In the event of a change of ownership in the cargo the shipping agent shall be responsible for all outstanding charges.
- Charges of be Prepaid or Secured 167. Before any orders for delivery shipping or forwarding are acted upon, all rates and charges, prescribed in the Traiff and payable upon all goods including containers landed, shipped, transhipped or stored shall be paid or sufficient security shall be furnished for the payment.

Delivery to
Customs
Warehouse

168. (1) The delivery of goods to a warehouse appointed by a customs Officer shall constitute delivery of the goods to the consignee and The Authority shall not be liable in respect of the goods after they have been delivered.
- (2) where the consignee takes delivery from the customs warehouse, the goods shall not be delivered until all the rates and charges of the Authority have been secured

PART IX

Prevention of Marine Pollution'

Discharge
of pollutants,
Ect.

169. (1) No person shall discharge or deposit any pollutants in the territorial waters.

(2) The master of a vessel or a person who permits or fails to prevent the discharge or deposit of pollutants into or upon the territorial waters commits an offence and in addition to any other punishment provided by the act and other laws of the territory, is liable to a penalty of five thousand dollars

(3) For the purpose of these regulations pollutants Includes-

(a) any discharge or deposit of oil, oily waste or sludge, which cause a slick, film or sheen upon the surface of the water or causes a sludge or emulsion beneath the surface of the water,

(b) sewage

(c) noxious liquid substances,

(d) Garbage.

Marine Pollution

170. (1) The Managing Director may exclude from the territorial waters a vessel whose general condition or the state of whose cargo in his opinion constitutes a threat to the marine environment.

(2) The Managing Director may order the Master or person in charge of a vessel whose general condition or the state or whose cargo in his opinion constitute a threat to the marine environment to take whatever action necessary to ensure the removal of that vessel from the harbour.

(3) Where the owner of a vessel fails to comply with in an order under sub- regulations (2) the Managing Director may take whatever action necessary to ensure the removal of the vessel from the harbour and recover from the owner of the vessel the expenses incurred in so doing.

PART X

General

Liability

171. The granting under these regulations of any licence authorization, certificate or permit for any purpose shall not impose any liability or responsibility upon the Authority for any accident, arising from any cause whatsoever to the persons so authorized or to the holder of such licence, certificate or permit.

Permission for Activity in harbour

172. Save as otherwise expressly provided in these regulations, or with the express permission in writing of the Managing Director in that regard, no person shall in any harbour perform or cause to be performed any work, service or suffer any obstruction or nuisance to remain.

Contravention of the Regulations an offence

173. Unless otherwise expressly provided in these regulations, a person who contravenes any provision of these regulations, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

FIRST SCHEDULE

BRITISH VIRGIN ISLANDS PORTS AUTHORITY ACT NO. 12 OF 1990

FORM 1

[Regulation 8]

Reports of Dangerous Goods to be Landed or Shipped

To the Managing Director of the British Virgin Islands Ports Authority

I hereby give notice that the following goods are

(a) on board Motor Vessel

and are required to be discharged:

.....
.....
.....
.....
.....

(b) require to be shipped by Motor Vessel

.....
.....
.....

(c) on board Motor Vessel

In transit and are specially stowed:

.....
.....
.....

.....
Master

Permit

Permission is given for the above mentioned goods to be landed, shipped by
M.V..... at Harbour.

Your attention is invited to the British Virgin Islands Ports Authority Regulations 1995 regarding Dangerous Goods. The granting of this permit shall not involve the Crown or the Authority in any liability and such goods shall be within the harbours entirely at risk and responsibility of the Master.

.....
Managing Director
British Virgin Islands Ports Authority

FORM 2

[Regulation 28 (1)]

Application for a Licence to operate a Ferry Service

I (We)
of

Herby apply for a licence to operate a ferry in the British Virgin Islands.

Particulars of Ferry Vessel

Name Official Number
Port of Registry GRT NRT
Overall length Agent

Capacity of Ferry Vessel

Passengers Cargo Crew

Route

Destination (s)

Schedule

.....
.....
.....
.....

Other documentations provided:
.....

Name (s) and qualifications of master (s) of the ferry

.....
.....
.....
.....
.....
.....

Coastal Craft Licence issuedexpired

Date

.....
Signature of Applicant

FORM 3

[Regulation 28 (2)]

Licence to operate a Ferry Service

..... is hereby

Licensed to operate a Motor Vessel

As a ferry in the British Virgin Islands between And

.....with stops at

.....
.....
.....
.....
.....

Subject to the following conditions.....

.....
.....
.....
.....
.....
.....
.....

By order of the British Virgin Island Ports Authority.

Dated..... day of.....20.....

.....
Managing Director,
British Virgin Island Ports Authority

This Licence shall expire on day of20.....

Fee paid

Receipt No.....

Date.....

Form 4

[Regulation 42]

Pilot's Licence

No:.....

Licence is hereby granted to.....

of.....

To act as pilot subject to the British Virgin Islands Ports Authority Act, 19 and any regulations made thereunder within the following limits.....

.....
.....
.....
.....
.....

* Vessels displacement.

(a) Unlimited

(b) Limited to vessel not over..... Tons or draft

* Vessel GRT

(a) Unlimited

(b) Limited to vessel not over..... Gross registered tonnage

* delete whichever not applicable.

PARTICULARS OF LICENSEE

Place of abode

Place of birth.....

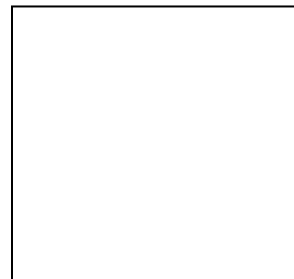
Date of birth.....

Nationality.....

Height.....

...

Weight.....



The Validity of this licence expires on...../.....20.....

By order of the British Virgin Island Ports Authority.....

day of.....20.....

.....
Managing Director
British Virgin Island Port Authority

Form 5

Certificate of Inspection

To remain in force until the day of.....20.....

Name of Vessel.....

Port registry.....Year

built.....

Owner /agent or master.....Registration No.....

Length(over all).....Registration No.....

Engine(s): type and make.....year.....

Number of engines.....horse power.....

Condition of machinery.....

Condition of hull and of what material.....

Condition of quality of around tackle.....

Life boats number and capacity.....

Life buoys number and condition.....

Life raft number and capacity.....

Life jackets.....

Other approved appliance.....

Other approved equipment.....

Fire extinguisher.....

Fire hose length.....

Lights and singals.....

Compass(es).....

Distress flares.....

Electrical inspection lamp.....

Ship/shore radio.....

Limits beyond which not to ply.....

Maximum number of person upper deck.....

To be carried excluding crew Lower
deck.....

Cabin.....

Number of crew: deck.....

Engine room.....

Remarks.....

.....

.....

.....

.....

.....

I/ we the undersigned declare the I/ we have surveyed the above vessel and to the best of my / our judgment find that the machinery, hull, equipment, deck space and shelter for deck passengers are as shown in the above statement and are in the condition there in shown. The said craft and are in accordance with the requirements of the act and the regulations made thereunder.

Signed this..... Day of.....20.....

.....
Inspector

.....
Inspector

Examined and passed

.....
Managing Director

FORM 6

[Regulation 64 (1)]

Coastal Craft licence

LICENCE NO.....

DATED OF ISSUE.....

Licence is hereby granted to(Person/ company)

of.....

To use

the.....

.....within

(Type and name of vessel)

British Virgin Islands Waters.

The licence expires on the.....day of.....20.....

Licence fee paid.....dollars

Signed.....

**Managing Director
British Virgin Islands Ports Authority**

On the back of the Licence shall be printed this notice

1. This licence may be revoked suspended at any time if the craft be found in an unseaworthy condition or if there be any breach of the provisions of the act or any regulation made thereunder.
2. This licence is not transferable except in the cause of the sale of the craft and then only with the written consent of the Managing Director endorsed thereon.

FORM 7

[Regulation 70 (2)]

Maine Inspectors Licence

This is to certify that that.....
(Name of Inspector)

Of.....
(Address)

Is appointed a.....Marine
(ship/engineer/combined)

Inspector for the inspector of.....
(Type of vessel, equipment, rig,ect.)

.....
Managing Director
British Virgin Island Ports Authority

Fee payable for grant of renewal of this licence..... dollars.

FORM 8

[Regulation 131 (1)]

THE BRITISH VIRGIN ISLANDS PORTS AUTHORITY
GATE PASS DELIVERY NOTE

Date.....

SHED/ OPEN STORAGE		SHIP		DELIVERY DETAILS	
		ROTN	Date of Report	Ex-Ship	
VEHICLE NO.		Time Commenced		Ex-Shed	
DRIVER NAME		Time Commenced		Ex-Open Store	
IMPORTER OR AGENT				Palletised	
B/L Number	Marks & Number s	Quantity and Description of Packages and Contents Delivered	Balance Not Yet Delivered	Crane Used	
				Flt. Used	
				Manual	
				Part Delivery	
				Final Delivery	
				Remarks Including reason for part delivery	
TOTAL NUMBER OF PACKAGES IN WORDS			Certified Correct Sign. of Delivery Clerk.....		
			Date: Time:		
			Received the above particulars		

	Sign. of Importer or Agent..... Date: Time:
THIS PASS MUST BE HANDED IN AT THE GATE. VALID FOR DAY OF ISSUE ONLY.	Certified Correct Sign. of Security Staff..... Date: Time:

SECOND SCHEDULE

A. FEE FOR THE ISSUE OF A LICENCE TO OPERATE A FERRY SERVICE

[Regulation 28 (2)]

For each passenger the vessel is Authorized to carry \$2.00 per annum

B. FEE FOR THE ISSUE OF A PILOT’S LICENCE AND PILOTAGE EXEMPTION CERTIFICATE

[Regulation 45]

Piolt’s Licence.....\$500.00 per annum
 Pilotage Exemption Certificate.....\$500.00 per annum

C. FEE FOR THE ISSUE OF A MARINE INSPECTOR’S LICENCE

[Regulation 71 (2)]

Marine Inspector’s Licence.....\$300.00 Per annum

D. FEE FOR THE ISSUE OF A LICENCE FOR OTHER SERVICES

[Regulation 89 (4)]

(1) a Stevedore.....\$1,500.00 per annum
 (2) a Ship agent.....\$ 500.00 per annum
 (3) a Customs Broker.....\$ 200.00 per annum
 (4) A Freight Forwarder.....\$ 200.00 per annum
 (5) A ship chandler.....\$ 200.00 per annum
 (6) For general services

Covering items(1) to (5).....\$2,000.00 per annum
 (7). Per day telephone installed.....\$ 120.00 per annum

E. FEE FOR COASTAL CRAFT LICENCES

[Regulation 64 (4)]

	Commercial	Non commercial
(a) open boats propelled Exclusively by oars	Free	Free
(b)vessel not exceeding 15 feet in length (overall)	Free	Free
(c) vessels not exceeding 15 feet but only exceeding 20 feet in length(overall) per foot.....	\$1.00	\$0.50
(d)vessel is exceeding 20 feet But no exceeding 25 feet In length (overall) per Foot.....	\$1.50	\$0.75
(d) vessels exceeding 25 feet but on exceeding 30 feet in length (overall) per foot.....	\$2.00	\$1.00
(e) vessels exceeding 30 feet but not exceeding 50 feet in length(overall) per foot.....	\$2.50	\$1.50
(f) vessels exceeding 50 feet in length (overall) per foot.....	\$3.00	\$2.50

(2) Condition applying to fees

The fees set out in paragraph (1) shall be payable annually.

F. INSECTION FEES FOR COASTAL CRAFT

[Regulation 72 (2)]

Inspection

(a) open boats and boats propelled exclusively by oars	\$ 5.00
(b) vessels not exceeding 15 feet	\$ 5.00
(c) vessels exceeding 15 feet but not Exceeding 20 feet	\$ 20.00
(d) vessels exceeding 20 feet but not Exceeding 30 feet	\$ 35.00
(e) vessel exceeding 25 feet but on Exceeding 30 feet	\$ 55.00
(f) vessels exceeding 30 feet but on Exceeding 50 feet	\$ 80.00
(g) vessel exceeding 50 feet	\$150.00

G. LICENCE FEES FOR PRIVATE WHARVES, BUOYS AND MOORINGS AND OTHEER MARINE FACILITIES

[Regulation 108]

(1) Private whares (jetties)

(a) commercial wharves not exceeding 50 berths.....	\$50.00 per berth per annum
every additional berth exceeding 50 berths but not exceeding 100 berths.....	\$40.00 per berth

per annum

every additional berth
 exceeding 100 berth but not
 exceeding 150 berths.....\$30.00 per berth
 per annum

exceeding 150 berths.....\$20.00 per berth
 per annum

(b) Non- commercial wharves.....\$25.00 per berth
 Per annum

(2) Private Buoys (including mooring buoys)

(a) commercial

(i) for vessel no
 exceeding 75 tons GRT.....\$100.00 per annum

(ii) for vessel exceeding
 75 tons GRT but not
 Exceeding 200 tons GRT.....\$250.00 per annum

(iii) for vessels exceeding
 200 tons GRT but on
 Exceeding 500 ton GRT.....\$350.00 per annum

(iv) for vessels
 Exceeding 500 tons GRT.....\$500.00 per annum

(b) Non- commercial

(I)for vessel not
 Exceeding 50 tons GRT.....\$100.00 per annum

(ii) for vessel 50
 Tons GRT but on
 Exceeding 200 ton GRT.....\$150.00 per annum

(iii) for vessels
 Exceeding 200 tons GRT.....\$ same rates as
 Applicable to
 Commercial buoy
 In items 2(a)

(3) Slipway, Haul- out and other Dry Docking Facility

- (a) commercial facility.....\$1,000.00 per annum
- (b) Non- commercial facility.....\$500.00 per annum

THIRD SCHEDULE

[Regulation 92]

A. CARGO CHAGES

(1) Rate for cargo loaded or unloaded-

- (a) per ton weight or part thereof.....\$2.00
- (b) per ton measurement or part thereof.....\$2.00

(2) Conditions applicable to cargo charges

The condition set out in regulation 98 apply.

B. HARBOUR CHARGE

[Regulation 96 and 97]

Rates for vessels entering and remaining in the territorial waters or using an Authority facility:

- (a) for the initial period of 24 hours or part of that period, during which a vessel remains in the Territorial waters after it is provided legal entry into the Territory\$1.00 per foot of vessel length
- (b) for the next period of 24 hours or part of that period, during which a vessel remains in the Territorial waters after the expiration of the initial period\$0.75 per foot of a vessel length
- (c) for each period of 24 hours or part of that period, during which a vessel uses an Authority facility after the expiration of the initial period\$0.50 per foot of vessel length
- (d) for each period of 24 hours or part of that period, during which a vessel uses an Authority facility after the expiration of the initial period\$1.00 per foot of vessel length

C.RUNNING OF LINE CHARGES

[Regulation 99 (3)]

Per foot length of Vessel \$0. 50 per foot of vessel

D RATE FOR SUPPLY OF FRESH WATER TO VESSEL

[Regulation 101 (2)]

Supply of water to Vessels..... cost of service
Plus 20%

E. CHARGES FOR WHARFAGE

[Regulation 102]

1. Per centum of F.O.B value of cargo landed or loaded

F. STORAGE CHARGES

[Regulation 105]

(a) The first week or part thereof per cubic foot day per day.....\$0.05

(b)the second week or part thereof per cubic foot per day.....\$0.10

(c) the third week and after per cubic foot per day.....\$0.20

G. CHARGES FOR CONTAINERS

[Regulation 93]

(A) For landing or loading Each loaded container \$100.00 per TEU

(B) for landing or loading empty container \$50.00 per TEU

(C) for stevedoring operations of non- B.V.I Destination cargo landed and reloaded same ship and same voyage

Loaded Containers \$20.00 per TEU
Empty containers \$10.00 per TEU

H. ROYALTIES

[Regulation 114]

(a) Stevedoring Per ton of cargo handle	\$1.00 per ton
(b) Longshoring Per ton of cargo handled	\$0.50 per ton
(c) pilotage	\$ 1.00 per foot of Vessel draft
(D)Running Lines Per foot length of vessel	\$ 0.10 per foot of vessel

I FEE FOR PERMIT TO OPERATE VEHICLE IN HABOUR

[Regulation 128 (6)]

(A) Vehicles with capacities of 6	\$3.00 per day
(b) vehicles with capacities of 7 or more	\$5.00 per day

J. OTHER SERVICES

[Regulation 115]

Rated charged to reflect cost of service plus 20% mark- up

Made by the Minister this 16 the day of August 1995

Minister responsible for Communication & Works

EXPLANATORY NOTE

The purpose of these Regulations is to provide a comprehensive set of regulations to replace the ports and Marine Service Regulations and its amendments up to 1990. to provide also that legal perimeters for the Authority to now deal with the administration of the port and harbour operations and services etc., that were previously dealt with by a Government Department