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First Session Third Parliament Republic of Trinidad and Tobago

REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 24 of 1987

[L.S.]

AN ACT to make provision for the registration and licensing of ships, matters relating to crews, safety of life at sea and matters incidental thereto.

[Assented to 1st December, 1987]

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

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

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

Enactment

NOW, THEREFORE, BE IT ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. This Act may be cited as the Shipping Act, 1987.

PART I

PRELIMINARY

Interpretation

2. In this Act—

"agent" means in relation to a ship, an agent of the owner, not being a managing owner, vested with a specific authority by the owner;

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

"apprentice" means an apprentice to the sea service;

"bankruptcy" includes insolvency and any other process leading to liquidation of assets;

"cargo" includes livestock;

"cargo ship" means a ship which is not a passenger ship, or a fishing vessel;

"Caribbean Community" means the Community established under the Treaty done at Chaguaramas on 4th July, 1973;

"Caricom State" means a State member of the Caribbean Community;

"Comptroller" means the Comptroller of Customs and Excise;

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

"crew" in relation to a ship includes seamen and apprentices;

"Director" means the Director of Maritime Services as referred to in section 403(2)(*a*) and includes any person lawfully acting under the instructions or on behalf of the Director;

"fishing vessel" means a vessel used or intended to be used for catching fish for gain;

"foreign ship" means a ship which is not a Trinidad and Tobago ship;

"Inspector" means a person designated by the Registrar of Seamen to inspect ships;

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

"licensed Trinidad and Tobago ship" means a ship that is licensed pursuant to section 40(1);

"machinery" includes propulsion systems, steering systems, pressurized containers and systems, pumping systems, windlasses, electrical systems and all similar apparatus required for, or affecting, the safety or operation of a ship or the safety of the personnel on board a ship;

"managing owner" in relation to a ship includes any person not being an agent in whom an owner of such ship has vested authority to manage and operate the ship;

"marine officer" means a person referred to as such in section 403(2);

"master" includes every person having command or charge of any ship, other than a pilot;

"merchant ship" includes a cargo ship and a passenger ship;

"Minister" means the Minister to whom the responsibility for shipping is assigned;

"nationals of Trinidad and Tobago" includes—

(*a*) citizens of Trinidad and Tobago;

(*b*) residents as defined in section 5 of the Immigration Act;

(*c*) corporations established by or under the laws of Trinidad and Tobago having the principal place of business in Trinidad and Tobago;

"owner" in relation to a ship includes a demise or bareboat charterer and a managing owner;

"passenger" means any person carried on board a ship except—

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

(*b*) a child under one year of age; or

(*c*) a person carried on the ship under an obligation imposed upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances which neither the master nor the owner nor the charterer, if any, could prevent or forestall;

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

"person qualified to own a Trinidad and Tobago ship" has the meaning assigned to it in section 4;

"pilot" in relation to any ship, means any person not belonging to the ship who has the conduct thereof;

"pleasure craft" means a ship, however propelled, that is used exclusively for pleasure and does not carry passengers or cargo for hire or reward, but does not include a ship that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;

"port" includes a place and a harbour;

"Port of Registry" in relation to any ship, means the port where she is for the time being registered;

"Principal Receiver" means the Principal Receiver of Wreck referred to in section 330;

"proper officer" in relation to any function or activity means a person authorised to perform that function or activity and may include a "consular officer";

"Receiver" means a receiver of wreck so designated under section 320;

"Registrar" in relation to Part III means the Registrar of Ships;

"salvage" includes all expenses properly incurred by a salvor in the performance of salvage services;

"seaman" includes every person employed or engaged in any capacity on board any ship, other than a master or a pilot or a person temporarily employed on the ship while in port, and apprentices, except for the purposes of sections 171 to 195 inclusive;

"ship" includes every description of vessel used in navigation and not propelled by oars;

"shipwrecked persons" means persons belonging to any ship referred to in section 322;

"surveyor" means a person appointed as such under section 27;

"tackle" used in relation to a vessel means the tackle, machinery, gear, apparatus and appliances used on board a ship for the loading and unloading thereof;

"Trinidad and Tobago Government ship" means a ship which belongs to the Government of the Republic of Trinidad and Tobago but does not include a ship which forms part of the Defence Force of Trinidad and Tobago;

"Trinidad and Tobago ship" means a ship which is—

(*a*) registered or licensed in Trinidad and Tobago under this Act; or

(*b*) exempted under this Act from being registered or licensed;

"vehicle" includes any vehicle of any description, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise;

"vessel" includes any ship or boat or any other description of vessel used or designed to be used in navigation;

"waters of Trinidad and Tobago" includes the internal waters and the territorial sea as defined in the Territorial Sea Act, and the archipelagic waters as defined in the Archipelagic Waters and Exclusive Economic Zone Act,;

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"wreck" includes—

(*a*) flotsam, jetsam, lagan and derelict found in the waters or on the shores of Trinidad and Tobago;

(*b*) cargo, stores, tackle or equipment;

(*c*) the personal property of shipwrecked persons; and

(*d*) any wrecked aircraft or any part thereof and cargo thereof.

PART II

Restriction on Trading

Restriction on trading in Trinidad and Tobago

3. (1) No ship shall trade in or from the waters of Trinidad and Tobago unless the ship—

(*a*) is a Trinidad and Tobago ship; or

(*b*) is provided with a certificate of foreign registry or other document similar or equivalent to that required by this Act.

(2) Every Trinidad and Tobago ship trading in any waters and every ship trading in or from the waters of Trinidad and Tobago shall provide evidence of financial responsibility against risks of damage to third parties in such a manner as may be prescribed.

(3) The owner, agent and master of every ship who contravenes subsection (1) or (2) is guilty of an offence and is liable to a fine of five thousand dollars and the ship shall be liable to be detained.

PART III

Registration and Licensing of Ships

Registration

Qualifications for owning Trinidad and Tobago ships

4. Subject to subsections (7) and (8) of section 5, a ship shall not be registered in Trinidad and Tobago under this Act unless she is owned wholly by persons qualified to own a Trinidad and Tobago ship, namely—

(*a*) nationals of Trinidad and Tobago;

(*b*) citizens of Caricom states residing in a member State of the Caribbean Community, where the ship is customarily engaged in international voyages;

(*c*) individuals or corporations owning ships hired out on bareboat charter to nationals of Trinidad and Tobago;

(*d*) individuals or corporations in *bona fide* joint venture shipping enterprise relationships with nationals of Trinidad and Tobago as may be prescribed;

(*e*) such other persons as the Minister may by Order determine, subject to affirmative resolution of Parliament.

Obligations to register Trinidad and Tobago ships

5. (1) Whenever a ship is owned wholly by persons qualified to own a registered Trinidad and Tobago ship, that ship shall, unless it is registered in some other state, be registered in Trinidad and Tobago in the manner provided in this Part, unless—

(*a*) the ship is recognized by the law of a state other than Trinidad and Tobago as a ship of that state, and is by the law of that state exempted from registration;

(*b*) the ship is, pursuant to subsection (2), exempted from registration under this Act;

(*c*) the ship is required to be licensed and operates solely within the waters of Trinidad and Tobago; or

(*d*) the ship is exempt from being licensed.

(2) The Minister may by Notice exempt generally or specifically from registration under this Act, a licensed Trinidad and Tobago ship or a class thereof or a ship or a class of ship that is required to be licensed when operating outside the waters of Trinidad and Tobago.

(3) Every Trinidad and Tobago ship, and every Trinidad and Tobago Government ship shall be registered in one of the register books kept pursuant to section 14 and registration shall be effected in accordance with this Act.

(4) If the master of any ship which is owned wholly by persons qualified to own a registered Trinidad and Tobago ship or a licensed Trinidad and Tobago ship fails, on demand, to produce the Certificate of Registry or the licence as the case may be, of the ship or such other evidence as satisfies the Minister that the ship complies with the requirements of subsection (1), that ship may be detained until that evidence is produced.

(5) Any ship which is wholly owned by persons qualified to own a Trinidad and Tobago ship, and which immediately before the commencement of this Part, is registered in Trinidad and Tobago in accordance with the Merchant Shipping Act, 1894, is entitled to be registered under this Act, but subject to such conditions as may be prescribed.

(6) A ship required to be registered or licensed under this Act shall not be recognised as a Trinidad and Tobago ship and is not entitled to the rights and privileges accorded to Trinidad and Tobago ships under this Act unless it is so registered or licensed.

(7) The Minister may make regulations for the purpose of giving full effect to this section and, in particular for matters relating to—

(*a*) the obligation to register ships and failure to comply therewith;

(*b*) the manner in which Trinidad and Tobago Government ships, or any class of those ships may be registered under this Act.

(8) Subject to any modifications which may be made by those regulations either generally or in respect of any specified class of ship, this Act shall apply to Trinidad and Tobago Government ships which are registered in accordance with the regulations as if they were ships registered in the manner provided in this Part.

(9) Where the Minister has reason to believe that there is some doubt as to the title of any ship registered under this Act, he may direct the Registrar to require that evidence be given to his satisfaction that the ship is entitled to be so registered; and where, within such time as may be prescribed by the Minister, not being less than thirty days, evidence to the satisfaction of the Registrar of the title of the ship is not given, the ship shall be liable to be deregistered.

Registrar of ships and Deputy Registrar

6. (1) The Director may be the Registrar of ships and the Minister may designate a Deputy Registrar at such Port of Registry as he may deem it.

(2) In the exercise of his functions under this Act, a Deputy Registrar designated under subsection (1) shall be subject to such directions as the Director may, from time to time, give to him in that behalf.

Application for registration

7. (1) Application for registration of a ship under this Act shall be made to the Registrar in the prescribed form.

(2) The application shall be made, in the case of individuals, by the person requiring to be registered as owner, or by some one or more of the persons so requiring, if more than one, or by his or their agent, and, in the case of a corporation, by its agent; and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointors, and, if appointed by a corporation, under the common seal of the corporation.

(3) The Registrar may require proof of ownership to his satisfaction before proceeding with the registry of a ship.

Declaration of ownership on registration and other evidence required

8. (1) A person shall not be entitled to be registered as owner of a Trinidad and Tobago ship or of a share therein until he, or in the case of a corporation, a person authorised on behalf of the corporation, has made and signed a declaration of ownership referring to the ship as described in the Certificate of Survey and containing the following particulars—

(*a*) his full name and address;

(*b*) a statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner;

(*c*) a declaration that, to the best of his knowledge and belief, the owner of the ship or every owner of every share therein is a person qualified to own a Trinidad and Tobago ship.

(2) A declaration of ownership by an individual owner and a declaration of ownership on behalf of a corporation as owner, shall each be made in the prescribed form.

Evidence on first registry

9. (1) In addition to the declaration of ownership, the following evidence shall be produced to the Registrar on the first registration of a ship—

(*a*) in the case of a ship built within the Caribbean Community—

(i) a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of—

(A) the proper denomination and tonnage of the ship as determined by him;

(B) the time when and place where the ship was built;

(C) the name of the person, if any, on whose account the ship was built; and

(ii) if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registration;

(*b*) in the case of a ship built outside the Caribbean Community, the same evidence as in the case of a ship built within the Community, unless the person who makes the declaration of ownership declares that the time and place of the building of the ship are not known to him, or that the builder's certificate cannot be produced, in which case only the bill of sale under which the shares in the ship became vested in the applicant for registration, shall be produced;

(*c*) in the case of a ship condemned by a competent court, an official copy of the order of condemnation.

(2) In the case of every ship built in Trinidad and Tobago, the builder shall, if requested to do so, deliver to the owner a signed certificate containing the particulars specified in paragraph (*a*) of subsection (1).

(3) If any builder fails to comply with subsection (1) or (2) or wilfully makes a false statement in a certificate given thereunder, he is guilty of an offence and is liable to a fine of five thousand dollars.

Restriction on registration

10. (1) Subject to subsection (2), a ship which is or has been registered in any state shall not be eligible for registration under this Act unless—

(*a*) a certificate has been issued by such state to the effect that the ship has been deregistered; or

(*b*) a certificate has been issued by such state to the effect that the ship will be deregistered on the day that the new registration is effected.

(2) The Minister may in his discretion waive the provisions of subsection (1) where any person applying for registration of a ship provides reasons satisfactory to the Minister for his inability or failure to comply with the said provisions.

Cancellation of registration

11. Subject to section 10 a ship shall not be registered as a Trinidad and Tobago ship unless the foreign registration is cancelled, and the registration of a ship shall be cancelled if at any time it—

(*a*) appears to be registered also in a foreign registry;

(*b*) ceases to comply with the qualifications for the ownership of Trinidad and Tobago ships as required by section 5;

(*c*) appears to have been lost or broken up.

Restriction on deregistration of ships

12. The Registrar shall not permit the deregistration of a ship without the consent in writing of all of the holders of mortgages and preference rights in the said ship registered under this Act.

Port of Registry

13. (1) The port of Port-of-Spain shall be the Port of Registry for the registration of ships.

(2) The Minister may by Order declare any other port of Trinidad and Tobago as a Port of Registry.

Register books

14. (1) The Registrar of Ships shall keep such register books as may be deemed necessary, including the following—

(*a*) a register book for merchant ships;

(*b*) a register book for fishing vessels;

(*c*) a register book for ships under construction.

(2) Entries in those books shall be made in accordance with the following provisions—

(*a*) the property in a ship shall be divided into sixty-four shares;

(*b*) subject to the provisions of this Part with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this provision shall not affect the beneficial title of any number of individuals or of any corporation represented by or claiming under or through any registered owner or joint owner;

(*c*) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein;

(*d*) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered;

(*e*) a corporation may be registered as owner by its corporate name.

(3) As soon as the requirements of this Part preliminary to registration have been complied with, the Registrar shall enter in the register book the following particulars respecting the ship—

(*a*) the name of the ship and the previous name and registry, if any;

(*b*) the details contained in the Certificate of Survey;

(*c*) the particulars respecting its origin stated in the declaration of ownership;

(*d*) the name, address, occupation and nationality of its owner and where there is more than one owner what share in the ship is held by each;

(*e*) the Port of Registry or home port and the official number or identity mark;

(*f*) the international call sign of the ship, where one is assigned;

(*g*) the name of the builders, place and year of building of the ship;

(*h*) the description of the main technical characteristics of the ship;

(*i*) details with respect to any mortgages.

(4) Only those individual owners, joint owners, and corporations recorded as owners in the register books shall be regarded as owners of the ship or part thereof.

(5) The Registrar shall keep a record in the manner approved by the Minister of—

(*a*) the date of deletion or suspension of the previous registration of the ship;

(*b*) the name, address and, as appropriate, the nationality of the bareboat charterer;

(*c*) maritime liens or other charges.

(6) On the registration of a ship, the Registrar shall retain in his possession the following documents—

(*a*) the Certificate of Survey;

(*b*) the builder's certificate, if any;

(*c*) all declarations of ownership;

(*d*) any bill of sale of the ship previously made;

(*e*) the copy of the condemnation, if any;

(*f*) the notice of name of the ship;

(*g*) the application for registration.

(7) Any person may, upon payment of the prescribed fee, have access to the register book at any Port of Registry at any reasonable time during the hours of official attendance of the Registrar.

Registration of merchant ships

15. The Minister may make regulations prescribing the class of vessel required to be registered in the register book for merchant ships.

Name of ship

16. (1) Every merchant ship registered in the register book for merchant ships shall have a name; and two or more merchant ships shall not bear the same name.

(2) The Registrar may refuse the registration of a ship by a name proposed for the registration if the name is already the name of a Trinidad and Tobago ship or a name calculated to deceive or to offend the public interest.

(3) A Trinidad and Tobago ship shall not be described by any name other than that by which the ship is for the time being registered.

Change of name of ship

17. (1) A change may not be made in the name of a Trinidad and Tobago ship without the previous written consent of the Director.

(2) Application for a change of name shall be made on the prescribed form.

(3) The Director may not grant permission to change the name of a Trinidad and Tobago ship, unless he is satisfied that all registered mortgagees thereof have been notified of the proposed change of name.

(4) An approval for a change of name shall be granted by the Registrar in accordance with the regulations and a change of name of a ship in the register shall be carried out in the manner set out in the regulations.

Register book for fishing vessels

18. (1) The Minister may make regulations prescribing the class of vessels required to be registered in the register book for fishing vessels.

(2) On the registration of a fishing vessel the Registrar shall allocate to it a combination and sequence of letters and numerals (hereinafter called the "identity mark") which he shall cause to be entered in the register book.

(3) The same letters and identity mark of a registered fishing vessel shall not be allocated to any other fishing vessel.

(4) Every registered fishing vessel shall display the identity mark allocated to it under this section on each side of its bow and shall show its Port of Registry on the stern.

(5) The master and owner of a fishing vessel which displays an identity mark not allocated to it under this section is guilty of an offence.

Offences

19. (1) A person is guilty of an offence who contravenes or permits any other person under his control to contravene section 16 or 17.

(2) The Director may suspend the certificate of registry of a ship until any contravention of section 16 or 17 is remedied.

Call sign

20. A merchant ship or a fishing vessel which is equipped either with a wireless radio transmitting station or with a radio-telephony installation shall also have an internationally registered code designation, that is to say, international call letters or numbers as appropriate to the flag state of registration and assigned to the ship.

Register book for ships under construction

21. (1) The Minister may make regulations prescribing—

(*a*) the class of ship required to be registered in the register book for ships under construction;

(*b*) the conditions and guidelines subject to which the rights of ships under construction shall be registered, and the manner in which such a record shall be kept.

(2) A ship under construction may be entered in the register book for ships under construction from the date of the signing of the contract for construction until it is placed on another register after completion.

Surveys and measurement of ships

22. (1) Before a ship is registered in Trinidad and Tobago—

(*a*) it shall be surveyed by a surveyor and its tonnage ascertained in accordance with the regulations;

(*b*) the surveyor shall deliver to the Registrar a Certificate of Survey on the prescribed form specifying the ship's tonnage, the time and place of construction and such other particulars descriptive of the identity of the ship as the Registrar may require;

(*c*) the Registrar or any person delegated by him shall on the basis of the certificate referred to in paragraph (*b*), issue a tonnage certificate in the manner prescribed.

(2) The Minister may by regulations, hereinafter referred to as "the tonnage regulations"—

(*a*) provide for ascertaining the tonnage of ships;

(*b*) make different provisions for different descriptions of ships or for the same description of ships in different circumstances;

(*c*) make any provision of the regulations dependent on compliance with such conditions to be evidenced in such manner as may be specified in the regulations;

(*d*) prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and provide for making the master and the owner each liable to a fine of five thousand dollars when such a prohibition or restriction is contravened.

(3) In the tonnage regulations, provision may be made—

(*a*) for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not to be loaded to the full depth to which it can otherwise be safely loaded;

(*b*) for indicating on the ship by such mark as is specified, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship can be loaded for the lower tonnage to be applicable; and

(*c*) for the issue of documents certifying the registered tonnage of any ship or the tonnage that is to be taken for any purpose specified as the tonnage of a ship not registered in Trinidad and Tobago.

(4) In making the tonnage regulations the Minister shall have due regard to the International Convention on Tonnage Measurement of Ships 1969, including any amendments thereof.

Tonnage once ascertained to be tonnage of ship

23. (1) Where the tonnage of a ship has been ascertained in accordance with the tonnage regulations and registered, that tonnage shall thenceforth be deemed to be the tonnage of that ship.

(2) The tonnage of a ship as ascertained under subsection (1), shall be entered in every subsequent registration of the ship unless—

(*a*) an alteration is made in the form or capacity of the ship; or

(*b*) it is discovered that the tonnage of the ship has been erroneously computed,

and in either of those cases the ship shall be remeasured and her tonnage determined and registered according to the tonnage regulations.

Tonnage of foreign ship

24. (1) Where it appears to the Minister that a foreign state has promulgated rules on tonnage that are substantially the same as those under the tonnage regulations, the Minister may order that the ships of that state without being remeasured in Trinidad and Tobago, be deemed to be of the tonnage denoted in their certificate of registry or other national papers in the same manner, to the same extent and for the same purposes as the tonnage denoted in the certificate of registry of a Trinidad and Tobago ship is deemed to be the tonnage of that ship.

(2) Any space shown by the certificate of registry or other national papers of any foreign ship described in subsection (1) as deducted from tonnage, on account of

being occupied by seamen or apprentices and appropriated to their use, shall be deemed to have been certified under this Act and to comply with those provisions of this Act that apply to such a space in the case of Trinidad and Tobago ships, unless a surveyor inspects the ship and certifies to the Minister that the construction and the equipment of the ship in respect of that space do not meet the standard required of a Trinidad and Tobago ship under this Act, in which case the ship shall be remeasured and assigned a tonnage in accordance with this Act.

(3) Where it appears to the Minister that the tonnage of a foreign ship as measured by the rules as to tonnage of the state to which it belongs materially differs from that which would be its tonnage if measured under this Act, the Minister may order that, any of the ships of that state be remeasured in accordance with this Act, for all or any of the purposes of this Act.

Foreign and other measurements

25. (1) Where a ship has been measured and registered as a foreign ship or has already been measured without being registered as a Trinidad and Tobago ship, a surveyor may, for the purposes of section 22, accept and use any figures of measurement contained in the latest register relating to that ship, or in the case of an unregistered ship, in the latest certificate of measurement relating to that ship.

(2) Before acting under subsection (1), the surveyor shall satisfy himself that there have been no changes of measurement since the making of the register or certificate that he proposes to use; and where any such changes have been made he shall remeasure the ship to the extent made necessary by the changes.

Alterations between surveys

26. Where any alteration or reconstruction of a Trinidad and Tobago ship is made that could affect the ship's classification, measurement, tonnage or load line, the owner or master of the ship shall, within thirty days after the completion of the alteration or reconstruction, advise the Registrar of the alteration or reconstruction and give him details thereof.

Appointment of surveyors

27. (1) The Minister may appoint duly qualified persons within or outside Trinidad and Tobago as surveyors to survey and measure ships under and for the purposes of this Act.

(2) The Minister may, by regulations, nominate any person within or outside Trinidad and Tobago to be a classification society for the purposes of this Act and any classification society so appointed may appoint any person to survey and measure ships under and for the purposes of this Act.

Marking of ships

28. (1) Every ship shall, before being registered in Trinidad and Tobago, be marked permanently and conspicuously in accordance with the regulations.

(2) Where the Registrar is satisfied that a ship is insufficiently or inaccurately marked, he may suspend the Certificate of Registry of the ship or in the absence of such certificate he may detain the ship until the insufficiency or inaccuracy has been remedied to his satisfaction.

(3) The Minister may make regulations exempting any class of ship from all or any of the requirements of this section.

Certificate of Registry

Issue and custody of Certificate of Registry

29. (1) On the completion of the registration of a ship, the Registrar shall grant a certificate of registry in the prescribed form.

(2) The Certificate of Registry shall be kept on board the ship and shall be used only for the lawful navigation of the ship and shall not be subject to retention by reason of any title, lien, charge or other interest of any owner, mortgagee, or other person.

(3) No person who has in his possession, or under his control, the Certificate of Registry of a ship shall refuse or omit, without reasonable cause, to deliver the certificate on demand to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any Registrar, ship surveyor, officer of Customs and Excise or other person entitled by law to require its delivery.

(4) Every person who contravenes subsection (3) is guilty of an offence and is liable to a fine of five hundred dollars.

(5) If, in any proceedings in respect of an offence under this section, the court is satisfied that the certificate is lost, the court shall so advise the Minister in writing.

Use of improper certificate

30. Where the owner or master of a ship, whether or not the ship is a Trinidad and Tobago ship, uses or attempts to use for its navigation a Certificate of Registry not legally granted in respect of the ship, he is guilty of an offence and is liable to a fine of twenty thousand dollars and to imprisonment for a term of two years, and, in addition, the ship shall be liable to forfeiture.

Power to make regulations in relation to Certificate of Registry

31. The Minister may make regulations relating to—

(*a*) the grant of a new Certificate of Registry;

(*b*) the loss of a Certificate of Registry;

(*c*) the keeping of a record of masters;

(*d*) the endorsement of a change of ownership on a Certificate of Registry;

(*e*) the delivery up of the Certificate of Registry of a ship that is lost or broken up or has ceased to be a Trinidad and Tobago ship.

Provisional Certificate of Registry

32. (1) Where owners of a ship intend to apply to have the ship registered as a Trinidad and Tobago ship but there is no Registrar immediately available, a proper officer or other appropriate authority designated to act on behalf of the Government may grant to its owner or master, on his application, a provisional certificate stating—

(*a*) the name of the ship;

(*b*) the time and place of its purchase and the names of its purchasers;

(*c*) the name of its master;

(*d*) the best particulars respecting its tonnage, the time and place of its construction and other particulars which he is able to obtain,

and shall forward a copy of the certificate at the first convenient opportunity to the Registrar.

(2) A provisional certificate under this section shall have the effect of a Certificate of Registry until the expiration of six months after its date of issue or until the arrival of the ship at a port in Trinidad and Tobago whichever first happens, and on either of those events happening shall cease to have effect.

(3) The master of every ship in respect of which a provisional certificate is granted under this section shall, within ten days of the ship's first arrival thereafter at a

port in Trinidad and Tobago, deliver the certificate to the Registrar; and where any master fails to comply with this subsection, he is guilty of an offence and is liable to a fine of five hundred dollars.

(4) The Minister may make regulations prescribing the form, the contents and the entries to be contained in provisional Certificates of Registry granted under this section.

Temporary pass in lieu of Certificate of Registry

33. (1) Where it appears to the Minister that by reason of special circumstances it is desirable that permission be granted to a ship to pass, without being previously registered, from any port in Trinidad and Tobago to any other port within or outside Trinidad and Tobago, the Minister may, in any case in which the ship belongs to a state whose law provides for the issue of temporary passes, direct the Registrar to grant a pass and that pass for the time and within the limits therein mentioned shall have the same effect as a Certificate of Registry; and the Registrar when so directed shall grant the pass accordingly.

(2) The Minister may by regulations prescribe the procedure, form and conditions to be attached to the issue of temporary passes under this section.

Registration of Alterations and Registration Anew

Registration of alteration

34. (1) When a Trinidad and Tobago ship is so altered as not to correspond with the particulars relating to its tonnage or description in the register, notification of the alteration shall be given within thirty days after the completion of the alteration to the Registrar; and the notice shall be accompanied by a Certificate of Survey stating the particulars of the alteration.

(2) Upon receipt of a notice of alteration of a Trinidad and Tobago ship under subsection (1), the Registrar shall either cause the alteration to be registered or direct that the ship be registered anew.

(3) Where there is a failure to comply with the requirements of subsection (1) or with a direction under subsection (2), the Registrar may suspend the Certificate of Registry of the ship in respect of which the failure occurs.

Alterations noted on Certificate of Registry

35. (1) On the registration of an alteration in a Trinidad and Tobago ship, the ship's Certificate of Registry shall be produced to the Registrar within sixty days after the registration.

(2) Where a Certificate of Registry has been produced to the Registrar under subsection (1), the Registrar may—

(*a*) endorse and sign on that certificate a statement of the alteration; or

(*b*) retain that certificate and issue a new Certificate of Registry that contains a description of the ship as altered.

Provisional certificate where ship registered anew

36. (1) Where a Trinidad and Tobago ship is outside of Trinidad and Tobago, and consequent upon notification as to alterations in the ship, the Registrar directs that the ship is to be registered anew, a proper officer or other appropriate authority designated to act on behalf of the Government shall grant to the master on his application, either a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

(2) Where the proper officer or other appropriate authority grants a provisional certificate or provisionally endorses a certificate under this section, he shall add to the certificate or endorsement a statement that the same is made provisionally.

(3) The master of every ship in respect of which a provisional certificate is granted or a certificate is endorsed under this section shall, within ten days of the ship's arrival thereafter at a port in Trinidad and Tobago or within six months of the date of issue or endorsement of the certificate, whichever is the sooner, deliver that certificate to the Registrar, and, if any master fails to comply with this subsection, he is guilty of an offence and is liable to a fine of one thousand dollars.

(4) Where any ship in respect of which a provisional certificate is granted or a certificate is endorsed under this section first arrives thereafter at a port in Trinidad and Tobago, application for registration of that ship anew shall be made to the Registrar, and the other requirements requisite for registry shall be complied with; and, if, in respect of any such ship, there is failure to comply with

this subsection, the owner of the ship is guilty of an offence and is liable to a fine of one thousand dollars and, in addition, to a further fine of one hundred dollars for every day during which the offence continues after conviction.

Registration anew on change of ownership

37. Where the ownership of a Trinidad and Tobago ship is changed, the Registrar may, on the application of the owner of the ship, register the ship anew, even though registration anew is not required under this Part.

Procedure for registration anew

38. (1) When registering a Trinidad and Tobago ship anew, the Registrar, shall proceed as in the case of a first registration and—

(*a*) on delivery to him of the existing Certificate of Registry and on compliance with other requirements for first registry as applicable; or

(*b*) in the case of a change of ownership, on compliance with such of the requirements for registration as he thinks applicable,

make a registration anew in respect of that ship and issue a new Certificate of Registry thereof.

(2) When a ship is registered anew, the former registration of the ship is closed and the names of all persons appearing by the former registration as owner, mortgagees or holders of other interests in the ship registered anew shall be entered on the new registration.

(3) A registration anew does not in any way adversely affect the rights of any persons described in subsection (2).

Restriction on re-registration of wrecked or abandoned ships

39. Where the registration of a Trinidad and Tobago ship is closed because the ship has been wrecked or abandoned, the ship shall not be re-registered until it has, at the expense of the applicant for re-registration, been surveyed by a surveyor and certified by him to be seaworthy.

Licensing

Ships to be licensed

40. (1) Subject to subsections (2) and (3), every ship under twenty-four metres in length shall be licensed under this Act.

(2) The following ships shall be exempt from being licensed under this section:

(*a*) pleasure craft of less than five metres in length not equipped with propulsion machinery;

(*b*) pleasure craft of less than three metres in length equipped with propulsion machinery of not more than five horse power;

(*c*) ships registered under this Act.

(3) The Minister may in writing exempt, either generally or specifically, ships from compliance with subsection (1), subject to such conditions as he may stipulate.

Qualifications for owning Trinidad and Tobago ships

41. (1) A ship shall not be licensed in Trinidad and Tobago unless it is owned wholly by individuals or coporations ordinarily resident in Trinidad and Tobago.

(2) No more than eight persons may be recorded as joint owners of a licensed Trinidad and Tobago ship.

(3) Within seven days, or such further time as may be allowed by the Minister, after a change of ownership of a Trinidad and Tobago ship, the owner shall in writing notify the Registrar of such change.

(4) Where the owner of a licensed Trinidad and Tobago ship ceases to be resident in Trinidad and Tobago, or where he fails to comply with subsection (3), the licence of the ship shall be deemed to have been cancelled.

(5) The Minister may in writing exempt any ship from the provisions of subsection (1).

Operating restrictions

42. (1) Subject to subsection (2), a licensed Trinidad and Tobago ship shall—

(*a*) operate only within the waters of Trinidad and Tobago;

(*b*) comply with such conditions as may be endorsed on the licence.

(2) The Minister may in writing exempt a licensed Trinidad and Tobago ship from any of the provisions of subsection (1).

Regulations

43. The Minister may make regulations regarding the licensing of ships and licensed Trinidad and Tobago ships, and in particular for the following matters:

(*a*) the manning of and the life-saving, safety and fire-fighting equipment to be carried on such ships;

(*b*) the examination and certification of skippers, mechanics and deckhands;

(*c*) surveys and inspections;

(*d*) the appointment of surveyors;

(*e*) the keeping of records;

(*f*) fees;

(*g*) discipline.

PART IV

National Character and Flag

National character of ship to be declared before clearance

44. (1) The Comptroller of Customs and Excise shall not grant a clearance to any ship until the master of the ship has declared to him the name of the state to which he claims the ship belongs, and the Comptroller shall thereupon inscribe that name on the clearance.

(2) Where a ship attempts to proceed to sea without such a clearance, it may be detained until the declaration is made.

Right to fly flag of Trinidad and Tobago

45. (1) A ship registered or licensed in accordance with this Act shall be entitled to fly the national flag of Trinidad and Tobago.

(2) Nothing in this section shall be construed to prohibit Trinidad and Tobago ships which are exempt from registration or licensing under this Act from using on the waters of Trinidad and Tobago the national colours of Trinidad and Tobago.

Nationality and colours

46. (1) The national flag of Trinidad and Tobago constitutes the national colours of a Trinidad and Tobago ship.

(2) Subject to such exemptions as may be prescribed, a Trinidad and Tobago ship shall hoist the national colours

on entering or leaving any port, and on a signal being made to the ship by any ship in the service of the Government.

(3) Where a Trinidad and Tobago ship fails to comply with subsection (2), the master of the ship is guilty of an offence and is liable to a fine of five hundred dollars.

(4) Where there are hoisted on board any Trinidad and Tobago ship, any colours or pendant usually worn by ships of the Defence Force of Trinidad and Tobago, or the national colours of any other state, the master of the ship, or the owner thereof if he is on board the ship, and every other person hoisting the pendant or colours, is guilty of an offence and is liable to a fine of fifteen hundred dollars and to seizure of the colours or pendant by the state.

Penalty for unduly assuming Trinidad and Tobago character

47. (1) Where a person uses the Trinidad and Tobago flag and assumes the Trinidad and Tobago character on board a ship owned in whole or in part by any person not qualified to own a Trinidad and Tobago ship for the purpose of making it appear to be a Trinidad and Tobago ship, it shall be liable to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2) In any proceeding for enforcing any such forfeiture the burden of proving the right to use the Trinidad and Tobago flag and to assume the Trinidad and Tobago national character shall be upon the person using and assuming the same.

National flag on foreign ship

48. (1) A person who uses or permits any person to use the flag of Trinidad and Tobago on board a foreign ship for the purpose of making that ship appear to be a Trinidad and Tobago ship is guilty of an offence and liable to a fine of ten thousand dollars and to imprisonment for one year.

(2) In any proceedings under this section the burden of proving the right to use the flag and to assume the appearance of a Trinidad and Tobago ship is upon the person using the flag of Trinidad and Tobago.

Penalty for concealment of Trinidad and Tobago character

49. Where the master or owner of a Trinidad and Tobago ship does anything or permits anything to be done, or carries or permits to be carried any paper or documents, with intent to conceal from any person who is, under the law of Trinidad and Tobago entitled to inquire into the same, the fact that that ship is a Trinidad and Tobago ship, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be liable to forfeiture under this Act; and the master, if he commits or is privy to the commission of the offence, shall on conviction be liable to a fine of five thousand dollars and to imprisonment for one year.

Penalty for acquiring ownership if not qualified

50. Where a person who is not qualified to own a registered Trinidad and Tobago ship becomes an owner of a Trinidad and Tobago ship, otherwise than by such transmission as is provided for in this Act, and that ship uses the national colours and assumes the national character of Trinidad and Tobago, it is liable to forfeiture.

Liabilities of ship not recognised as Trinidad and Tobago ship

51. Where by this Act a ship which is owned wholly by persons qualified to own a registered Trinidad and Tobago ship is not recognised as a Trinidad and Tobago ship, that ship shall not be entitled to any benefits, privileges, advantages or protection usually enjoyed by Trinidad and Tobago ships or to use the national colours or assume the national character of Trinidad and Tobago; but, as to the payment of dues, the liability to fines and forfeiture and the punishment of offences committed on board that ship, or by any persons belonging to it, the ship shall be dealt with in the same manner in all respects as if it were registered in Trinidad and Tobago and recognised as a Trinidad and Tobago ship.

PART V

Transfers and Transmissions, Mortgages and Maritime Liens

Transfers and Transmissions

Transfers by Bill of Sale

52. (1) A ship or any share therein registered in Trinidad and Tobago when disposed of to a person qualified to own a registered Trinidad and Tobago ship, shall be transferred by a Bill of Sale.

(2) The Bill of Sale shall contain such description of the ship as is contained in the Certificate of Survey, or some other description sufficient to identify the ship to the satisfaction of the Registrar and shall be in the form set out as Form A in the Schedule and shall be executed by the transferor in the presence of one witness at least who shall himself add his occupation and address after his signature.

Schedule

Declaration of transfer

53. (1) Where a ship registered in Trinidad and Tobago, or any share therein, is transferred, the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a corporation, the person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration referring to the ship, in this Part referred to as a "declaration of transfer."

(2) A declaration of transfer shall be in the prescribed form, and shall contain—

(*a*) a statement of the qualification of the transferee to own a Trinidad and Tobago ship or, if the transferee is a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a Trinidad and Tobago ship; and

(*b*) a declaration that, to the best of his knowledge and belief, the owner of the ship or every owner of every share therein is a person qualified to own a Trinidad and Tobago ship.

Bill of Sale to be produced to Registrar for entry in Register

54. (1) Every Bill of Sale for the transfer of a Trinidad and Tobago ship, or a share therein, shall, when duly executed, be produced to the Registrar, with the declaration of transfer; and the Registrar shall thereupon enter in the register book the name of the transferee as the owner of that ship or share, and shall endorse on the bill of sale the fact of that entry having been made, with the date and time of acceptance.

(2) Bills of Sale of a ship, or of a share therein, shall be entered in the register book in the order of their production to the Registrar.

Transmission of property in ship on death, bankruptcy, etc.

55. (1) When the property in a ship registered in Trinidad and Tobago, or any share therein is transmitted to any person qualified to own a Trinidad and Tobago ship on the

death or bankruptcy of any registered owner, or by any lawful means other than by a transfer under this Act—

(*a*) that person shall authenticate the transmission by making in a form approved by the Minister and by signing a declaration (in this Part referred to as a declaration of transmission) identifying the ship and a statement of the manner in which, and the person to whom, the property has been transmitted;

(*b*) if the transmission is consequent on death, the declaration of transmission shall be accompanied by a grant of probate or letters of administration in the estate of the deceased owner, or, in the case of the death of a joint owner, by proof of survivorship to the satisfaction of the Registrar; and

(*c*) if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being admissible in any court in Trinidad and Tobago as proof of the title of persons claiming under a bankruptcy.

(2) The Registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person so entitled under the transmission as owner of the ship or share, the property which has been transmitted, and, where there is more than one such person, shall enter the names of all those persons, but those persons however numerous shall, for the purpose of ownership in the register book be considered as one person.

Order of sale on transmission to unqualified person

56. (1) Where the property in a Trinidad and Tobago ship or a share therein, is transmitted on death, or bankruptcy, or otherwise to a person not qualified to own a Trinidad and Tobago ship, the High Court may, on application by or on behalf of the unqualified person, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under the transmission or otherwise as the Court may direct.

(2) The Court may require any evidence it thinks requisite in support of the application, and may make the order on any terms and conditions the Court thinks just,

or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) Every such application for sale shall be made within thirty days after the occurrence of the event on which the transmission has taken place, or within such further time, not exceeding in the whole one year from the date of the occurrence, as the Court may allow.

(4) If the application is not made within the time aforesaid, or if the Court refuses an order for sale, the ship or share transmitted shall thereupon be liable to forfeiture.

Transfer of sale of ship by order of Court

57. Where the High Court orders the sale of any ship or share therein, whether under this part or otherwise, the order of the Court shall contain a declaration vesting in some person named therein the right to transfer that ship or share; and the person so named shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof; and the Registrar shall comply with the requisition of the person so named as if that person were the registered owner.

Court may prohibit any dealing with ship

58. (1) The High Court may, if it thinks fit so to do, without prejudice to the exercise of any other power of the Court, on the application of any interested person, make an order prohibiting for a time specified in the order, any dealing with a ship or a share therein and the Court may make the order on any terms or conditions it thinks just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and the Registrar, without being made a party to the proceedings, shall on being served with an order or an official copy thereof obey the same.

(2) An application under this section may be made by summons or otherwise, and either *ex parte* or upon service of notice on any person as the Court or as rules of Court may direct.

Mortgages

Method of mortgage of ship or share

59. (1) A Trinidad and Tobago ship or a share therein, may be made a security for a loan or other valuable consideration, and the instrument creating the security (in

this Part referred to as a mortgage) shall be in the form set out as Form B or C in the Schedule.

(2) On the production of a mortgage to the Registrar, the Registrar shall record it in the register book.

(3) Mortgages shall be recorded by the Registrar in the order in which they are produced to him for that purpose, and the Registrar shall endorse and sign a statement on each mortgage, stating the date and time of acceptance.

Entry of discharge of mortgage

60. Where a registered mortgage is discharged, the Registrar shall, on the production of the mortgage, with a receipt for the mortgage money or other release endorsed thereon duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged; and on that entry being made the estate, if any, which passed to the mortgagee shall vest in the person in whom, having regard to intervening acts and circumstances, if any, it would have vested if the mortgage had not been made.

Priority of mortgages

61. (1) Where there are more mortgages than one registered in respect of the same ship or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date and time that each mortgage is recorded in the register book and not according to the date of each mortgage itself.

(2) A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order or disposition, or was the reputed owner thereof.

Mortgagee not treated as owner

62. Except as may be necessary for making a ship or share available as a security for the mortgage debt the mortgagee shall not, by reason of the mortgage, be deemed to be the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be the owner thereof.

Mortgagee to have power of sale

63. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but, where there are more persons than one

registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of the High Court, sell the ship or share without the concurrence of every prior mortgagee.

Transfer of mortgage

64. (1) A registered mortgage of a Trinidad and Tobago ship or a share therein, may be transferred to any person; and the instrument effecting the transfer shall be in the form set out as Form D or E in the Schedule.

(2) On the production of an instrument effecting a transfer of mortgage and of the mortgage to which it relates, the Registrar shall record the transfer by entering in the register book the name of the transferee as the mortgagee of the ship or share, and shall endorse and sign on the mortgage and on the instrument effecting the transfer thereof, a statement that the transfer has been recorded by him, stating the date and time of acceptance.

Transmission of interest in mortgage by death, bankruptcy

65. (1) Where the interest of a mortgagee in a Trinidad and Tobago ship, or any share therein, is transmitted to any person on the death or bankruptcy of the mortgagee, or by any lawful means, other than by a transfer under this Part, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted.

(2) A declaration made under this section shall be in the prescribed form and shall contain a statement of the manner in which, and the person to whom, the property has been transmitted, and shall be accompanied by the like evidence as is required by this Part in the case of a corresponding transmission of the ownership of a ship or share.

(3) The Registrar on the receipt of the declaration, and the production of the evidence as aforesaid, shall enter the name of the person entitled under the transmission in the register book as the mortgagee of the ship or share.

Authority to sell or mortgage out of Trinidad and Tobago

66. (1) Where a registered owner of a Trinidad and Tobago ship or a share therein, is desirous of disposing by way of sale or mortgage of that ship or share at any place out of Trinidad and Tobago, he may make application, by declaration in writing, to the Registrar.

(2) In any such application, there shall be set forth the following particulars—

(*a*) the name and address of the person by whom the power mentioned in the certificate is to be exercised, together with—

(i) in the case of a sale, the minimum price at which a sale is to be made if it is intended to fix any such minimum; or

(ii) in the case of a mortgage, the maximum amount thereof, if it is intended to fix any such maximum;

(*b*) the place where the power is to be exercised, or, if no place is specified, a declaration that the power may be exercised anywhere, subject to this Act;

(*c*) the limit of time within which the power may be exercised.

(3) Subject to section 67(1), in the case of an application to dispose of a ship by way of sale, the Registrar shall enable any such applicant to dispose of the ship or share in the manner desired in accordance with subsection (4).

(4) On receiving an application made under this section, the Registrar shall enter in the register book a statement of the particulars set forth in the application, and shall grant to the applicant a Certificate of Sale or a Certificate of Mortgage, as the case may require.

(5) A Certificate of Sale and a Certificate of Mortgage—

(*a*) shall each be in the prescribed form;

(*b*) shall not authorise any sale or mortgage to be made in Trinidad and Tobago, or by any person not named in the certificate; and

(*c*) shall contain a statement of the particulars set forth in the application, and also a statement of any registered mortgages and certificates of sale or mortgage affecting the ship or share in respect of which the certificate is given.

General rules for Certificates of Sale

67. (1) A Certificate of Sale shall not be granted except for the sale of an entire ship; and such a certificate shall not be granted under this Part, except upon the application, made by declaration in writing of all persons appearing on the register to be interested therein, as owners or mortgagees.

(2) The power conferred by any such certificate shall be exercised in conformity with the directions contained therein.

(3) An agreement for sale entered into in good faith in exercise of the power conferred by any such certificate to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying at any time between the giving of the power and the completion of the sale.

(4) Whenever any such certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given.

Procedure where ship under Certificate of Sale granted in Trinidad and Tobago

68. (1) Where a Trinidad and Tobago ship is sold, in exercise of a power conferred by a Certificate of Sale granted under this Part, to persons qualified to own a Trinidad and Tobago ship—

(*a*) a transfer of the ship shall be made by Bill of Sale in the manner provided by this Part; and the Bill of Sale, when duly executed, and the Certificate of Sale shall be produced to a proper officer at the place at which the ship is sold, and that officer shall thereupon endorse and sign on the certificate of sale a statement of the fact of that ship having been sold, and shall forthwith notify the Registrar;

(*b*) the ship may be registered anew in the manner provided by this Act; and

(*c*) the Registrar upon receipt of the Certificate of Sale and the ship's Certificate of Registry from a proper officer each of those certificates having endorsed thereon an entry of the fact of the sale having taken place, shall thereupon enter the sale of the ship in the register book.

(2) Where a Trinidad and Tobago ship is sold in exercise of a power conferred by a Certificate of Sale, granted under this Part, to persons not qualified to own a Trinidad and Tobago ship—

(*a*) the Certificate of Sale and the Certificate of Registry shall be produced to the proper officer at the place at which the ship is sold, and he shall retain those certificates, and shall endorse and sign on each of them a statement of the fact of that ship having been sold to persons not qualified to own a Trinidad and Tobago ship;

(*b*) the proper officer making the endorsements required by paragraph (*a*) shall forward the Certificates of Sale and Registry, each being duly endorsed, to the Registrar;

(*c*) the Registrar, upon receipt of the Certificates of Sale and Registry, each being endorsed in accordance with paragraphs (*a*) and (*b*), shall make an entry of the sale in his register book, and the registration of the ship shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein; and

(*d*) where default is made in the production of the certificates mentioned in this subsection, the persons to whom the ship is sold shall be considered to have acquired no title to or interest in, the ship, and the person on whose application the Certificate of Sale was granted, and the person exercising the powers conferred thereby, are each guilty of an offence.

(3) Where no agreement for sale is entered into in exercise of the powers conferred by a Certificate of Sale granted under this Part, that certificate shall be delivered to the Registrar, and the Registrar shall thereupon cancel the certificate, and shall enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void.

Registry in Trinidad and Tobago where ship sold under Certificate of Sale granted in a foreign state

69. (1) Where any ship registered in a foreign state is sold in exercise of a power conferred by a Certificate of Sale granted under the law of that country, to persons qualified to own a Trinidad and Tobago ship, that ship may be registered in Trinidad and Tobago in accordance with this section.

(2) Application for registry anew shall be made to the Registrar and there shall be produced to the Registrar the Bill of Sale by which the ship is transferred, the Certificate of Sale and the Certificate of Registry of the ship.

(3) The Registrar, on registering the ship anew—

(*a*) shall retain the Certificates of Sale and Registry, and shall endorse on each of those certificates an entry of the fact of a sale having taken place; and shall forward those certificates, so endorsed, to the Registrar at the ship's former Port of Registry; and

(*b*) shall enter in the register book such particulars as are, by this Act required to be entered therein in the case of the first registry of a ship in Trinidad and Tobago, and also a statement of any registered mortgages or certificates of mortgage enumerated on the Certificate of Sale.

(4) On such registry anew—

(*a*) the description of the ship contained in her former Certificate of Registry may be transferred to the new register book, without her being resurveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee; and

(*b*) all persons appearing on the register to be interested in that ship as owners or mortgagees shall be deemed to have the same rights, and their rights shall be determined in the same manner, as if that ship had been first registered in Trinidad and Tobago in the manner provided in this Act and as if any unsatisfied mortgages or existing certificates of mortgage had been entered in the register book at that port.

70. The following rules shall be observed as to certificates of mortgage— Rules as to certificates of mortgage

(*a*) the power shall be exercised in conformity with the directions contained in the certificates;

(*b*) every mortgage executed thereunder shall be registered by the endorsement of a record thereof on the certificate by the proper officer at the place at which the mortgage is executed;

(*c*) a mortgage executed in good faith thereunder shall not be impeached by reason of the person by whom the power was given dying at any time between the giving of the power and the execution of the mortgage;

(*d*) whenever the certificate contains a specification of the place at which, and a limit at time not exceeding twelve months within which, the power is to be exercised, a mortgage executed in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;

(*e*) every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and where there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied or constructive notice, be entitled one before the other according to the date and time that each mortgage is registered on the certificate, and not according to the date of the mortgage;

(*f*) subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers, and be subject to the same liabilities, as he would have had and been subject to, if his mortgage had been registered in the register book instead of on the certificate;

(*g*) the discharge of any mortgage so registered on the certificate may be endorsed on the certificate by the Registrar or proper officer on the production of such evidence as is, by this Act required to be produced to the Registrar for the entry of the discharge of a mortgage in the register book; and, on that endorsement being made the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would, having regard to the intervening acts and circumstances, if any, have vested if the mortgage had not been made;

(*h*) on the delivery of any certificate of mortgage to the Registrar by whom it was granted, he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the certificate and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void.

Loss of Certificate of Sale or mortgage

71. On proof at any time to the satisfaction of the Registrar that a Certificate of Sale or mortgage is lost or destroyed, or so damaged as to be useless, and that the powers thereby given have never been exercised, or, if they have been exercised, then, on proof of the several matters and things that have been done thereunder, the Registrar may as circumstances require, either issue a new certificate or direct such entries to be made in the register book, or such other things to be done, as might have been made or done if the loss, destruction or damage had not taken place.

Revocation of Certificate of Sale or mortgage

72. (1) The owner of a Trinidad and Tobago ship, or a share therein, in respect of which a Certificate of Sale or mortgage has been granted specifying the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorise the Registrar by whom the certificate was granted to give notice to the proper officer at every such place that the certificate is revoked.

(2) Notice shall thereupon be given accordingly and be recorded by the proper officer receiving it, and after it is recorded, the certificate shall be deemed to be revoked in respect of any sale or mortgage to be thereafter made at that place.

(3) After it has been recorded, the notice shall be exhibited to every person applying for the purpose of effecting or obtaining a transfer or mortgage under the certificate.

(4) A proper officer, on recording any such notice, shall inform the Registrar by whom the certificate was granted whether any previous exercise of the power to which the certificate refers has taken place.

Maritime Liens

Application of law and equity

73. The rules, legal and equitable, applicable to maritime and other liens on ships, cargo and other maritime property at present in operation in Trinidad and Tobago shall continue in force except so far as they are inconsistent with the provisions of this Act.

PART VI

Miscellaneous

Provision for cases of infancy and other disability

74. Where by reason of infancy, mental illness or defect or any other cause, any person interested in a ship or share therein is incapable of making any declaration or doing any act required or permitted by this Act to be made or done in connection with the registry of the ship, or any share therein, the legal guardian or representative of that person, or the committee, manager or other administrator of his estate, or if there is no such guardian, representative, committee, manager or administrator, any person appointed by any court of competent jurisdiction on application made on behalf of the incapable person or of any other person

interested, may make that declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do that act in the name and on behalf of the incapable person; and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted.

Notice of trusts net received

75. (1) No notice of any trust, express, implied or constructive, shall be entered in the register book or be receivable by the Registrar.

(2) Subject to the provisions of this Act, and subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a Trinidad and Tobago ship, or any share therein, shall have power absolutely to dispose, in the manner provided in this Act of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

Equities net excluded by Act

76. In this Part, "beneficial interest" includes interests arising under contract or other equitable interests; and accordingly, without prejudice to—

(*a*) the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the Registrar;

(*b*) the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees;

(*c*) the provisions of this Act relating to the exclusion of unqualified persons from the ownership of Trinidad and Tobago ships,

interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein in the same manner as in respect of any other personal property.

Liability of owners

77. Where any person has a beneficial interest otherwise than by way of mortgage, in a Trinidad and Tobago ship or any share therein, and that ship or share is registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this Act or any other written law on the owners of ships or shares therein; so, nevertheless, that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid persons, with or without joining the other of them.

78. The name and address of the managing owner for the time being of every Trinidad and Tobago ship shall be entered in the register book.

Managing owner to be registered

79. Where, under this Act any person is required to make a declaration on behalf of himself or of any corporation, or any evidence is required to be produced to the Registrar, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the Registrar may, on the production of such other evidence, and subject to such terms as he may think fit, dispense with the declaration or evidence.

Power of Registrar to dispense with declarations and other evidence

80. (1) Declarations required by this Act to be made shall be made before a Registrar, or before any person authorised by law to administer oaths.

Mode of making declarations

(2) Declarations required by this Act may be made on behalf of a corporation by the secretary or any other officer of the corporation authorised by it for the purpose.

81. The following documents shall be admissible in evidence:

Admissibility of register as evidence

(*a*) any register book under this Act on its production from the custody of the Registrar or other person having the lawful custody thereof;

(*b*) a Certificate of Registry or licence under this Act purporting to be signed by the Registrar or other proper officer;

(*c*) an endorsement on a Certificate of Registry or licence purporting to be signed by the Registrar or other proper officer;

(*d*) every declaration made under this Act in respect of a Trinidad and Tobago ship.

82. (1) The several instruments and documents specified in this Act shall be in the prescribed form or as near thereto as circumstances permit.

Forms

(2) The Minister may from time to time, make such alterations in the forms so prescribed and also in the forms set out in the Schedule as he may deem requisite, and shall by Notice give due notice of any such alteration.

(3) The Registrar shall not be required, without the special direction of the Minister, to receive and enter in the register book any Bill of Sale, mortgage or other instrument for the disposal or transfer of any ship or share therein, or any interest therein which is made in any form other than the prescribed form or which contains any particulars other than those required in such form.

Instructions to Registrar

83. The Minister may for carrying this Act into effect give such instructions to the Registrar regarding—

(*a*) the manner of making entries in the register book;

(*b*) the execution and attestation of powers of attorney;

(*c*) any evidence required for identifying any person;

(*d*) the referring to the Minister of any question involving doubt or difficulty; and generally,

(*e*) any act or thing to be done in pursuance of this Act as he thinks fit.

Forgery of documents

84. Every person who forges, fraudulently alters or assists in forging or fraudulently altering, or procures to, be forged or fraudulently altered, any book, builder's certificate, Certificate of Survey, Certificate of Registry, Certificate of Competency, declaration, bill of sale, instrument of transfer, instrument of mortgage or certificate of sale or mortgage under this Act or any entry or endorsement required by this Act to be made in or on any of those documents is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for two years.

False declarations

85. (1) Any person who, in the case of any declaration made in the presence of, or produced to, the Registrar or proper officer under this Act, or in any document or other evidence produced to the Registrar or proper officer—

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

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

is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for two years.

(2) Any individual who wilfully makes a false declaration touching the qualification of himself, or of any other individual or corporation to own a Trinidad and Tobago ship, or any share therein is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for two years; and that ship or share shall be liable to forfeiture under this Act to the extent of the interest therein of the declarant, and also, unless it is proved that the declaration was made without the authority of any person on behalf of whom the declaration is made.

Proceedings on forfeiture of ship

86. (1) Where a ship is subject to forfeiture under this Act an officer may seize and detain the ship and the Minister may apply to the High Court for an order under subsection (2).

(2) Upon application being made under subsection (1) the Court may order the ship and its equipment to be forfeited.

(3) Anything forfeited under this section becomes the property of the State and may be sold or otherwise dealt with as the Minister thinks fit.

(4) An officer who seizes and detains a ship pursuant to subsection (1) is not liable for such seizure or detention where the court, before which a trial relating to the seizure or detention is held, is satisfied that there were reasonable grounds for the seizure or detention, notwithstanding that the ship is not brought in for adjudication or, if so brought in, is declared not liable to forfeiture.

(5) Where the court, referred to in subsection (4), is satisfied that there were no reasonable grounds for the seizure or detention of a ship, the court may award costs and damages to any party aggrieved and make such order as it thinks just.

(6) In this section "officer" means—

(*a*) any public officer appointed by the Minister in writing signed by him to be an officer for the purposes of this section;

(*b*) a police officer;

(*c*) a member of the Trinidad and Tobago Defence Force.

PART VII

Manning and Certification

Minister to make regulations for examinations for certification of competency

87. (1) Subject to subsection (2) the Minister may make regulations—

(*a*) requiring ships to carry such number of qualified officers of any description, qualified doctors and qualified cooks and such number of other seamen or qualified seamen of any description as may be specified in the regulations;

(*b*) prescribing standards of competency to be attained and other conditions to be satisfied, subject to any exceptions allowed by or under the regulations, by officers and other seamen of any description in order to be qualified for the purposes of this section; and

(*c*) requiring that in any case a ship shall be under the charge of a properly certificated master and that watches at sea and in port are always kept by appropriately qualified officers.

(2) The Minister shall not exercise his power to make regulations requiring ships to carry seamen other than doctors and cooks except to the extent that it appears to him necessary or expedient in the interests of safety.

(3) Without prejudice to the generality of paragraph (*b*) of subsection (1) the conditions prescribed under that paragraph may include conditions as to nationality, and regulations made for the purposes of that paragraph may provide for—

(*a*) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;

(*b*) the conduct of any examinations, the conditions for admission to them and the appointment and remuneration of examiners;

(*c*) the issue, form and recording of certificates and other documents;

(*d*) the payment of fees; and

(*e*) prescribing the rights and obligations of holders of certificates of competency and the offences for which certificates may be suspended or cancelled.

Power to exempt

88. The Minister may exempt any ship or class of ship from the requirements of any regulation made under section 87 and such exemption given under this section may be confined to a particular period or to one or more particular voyages.

Recognition of certificates issued abroad

89. (1) Where the laws of any other state provide for the examination for, and grant of, certificates to persons intending to act as masters, seamen, officers and engineers on board ships, and the Minister is satisfied that all examinations are so conducted as to be equally effective as the examinations for the same purpose under this Act, the certificates so granted are deemed to be at least equivalent to those granted under this Act.

(2) Where a person holding a certificate referred to in subsection (1) is desirous of serving on a Trinidad and Tobago ship as master, deck officer or engineer, the Minister may direct that—

(*a*) where the person is a citizen of Trinidad and Tobago, he be granted a certificate of equivalent grade under this Act,

(*b*) where the person is not a citizen of Trinidad and Tobago, he may be issued with a licence, authorising him to serve on a Trinidad and Tobago ship in the same capacity as if his certificate had been granted under this Act,

subject to such conditions as the Minister may impose.

(3) A licence issued under subsection (2) shall—

(*a*) during its currency have the same force as a Certificate of Competency granted under this Act and may be cancelled or suspended for like reason;

(*b*) be valid for a period of five years from the date of issue, and may be renewed upon such conditions as may be prescribed.

(4) The Minister may by Notice from time to time, declare the names of those states to which subsection (1) applies.

Power of the Minister to suspend or cancel

90. (1) Where there has been any allegation of misconduct or contravention of the provisions of this Act by the holder of a Certificate of Competency or licence issued under this Act, the Minister may appoint a board of inquiry to be held by one or more ship's officers or by one or more other persons who, in the opinion of the Minister, are qualified to do so; the members of such a board shall have all the powers of a person holding an inquiry under section 371 and they shall, at the conclusion of their investigation, send a full report of the proceedings and evidence to the Minister who, if it appears to him that the person against whom the allegations were made was guilty of such misconduct or contravention, may suspend or cancel the certificate or licence of that person.

(2) The Minister may also suspend or cancel a Certificate of Competency or licence issued under this Act if the holder is convicted by any court in Trinidad and Tobago of an offence relating to or connected with shipping matters and in this regard the Minister may also exercise any of the powers granted to him under section 392.

(3) Where in any case a Certificate of Competency or licence is believed on reasonable grounds not to be genuine or is held by some person not entitled to it, any person authorised by this Act on any other written law to peruse the certificate or licence may impound it; and if the certificate or licence is impounded it shall forthwith be sent to the Minister who may, in his discretion, cause such investigations to be made as he thinks fit.

Uncertified and unauthorised officers

91. Any person who, having been engaged in any of the capacities prescribed under this Part in any ship as aforesaid, goes to sea in that capacity without being entitled to, and without being in possession of, the required certificate or licence and any person who employs any person in any of the above-mentioned capacities in such ship without ascertaining that he is entitled to, or possesses, such certificate or licence is guilty of an offence.

Production of certificates and other documents of qualification

92. Any person serving in any ship and holding any certificate, licence or other document which is evidence that he is qualified for the purposes of this Part shall on

demand produce it to the Director or proper officer and if he is not himself the master, to the master of the ship, and where he fails to do so without reasonable cause he is guilty of an offence.

Offences relating to certificate

93. Every person who—

(*a*) makes, procures to be made or assists in making any false representation for the purpose of obtaining for himself or for any other person any Certificate of Competency or licence;

(*b*) forges, assists in forging or procures to be forged or fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any certificate, licence or any official copy thereof;

(*c*) fraudulently lends such a certificate or licence to or allows the same to be used by any other person,

is guilty of an offence.

Prohibition against going to sea unmanned

94. Subject to section 88 where a Trinidad and Tobago ship or a foreign ship goes to sea or attempts to go to sea without carrying such officers and other seamen as it is required to carry under this Act or the laws of the flag state as the case may be, it may—

(*a*) in either case be detained; and

(*b*) in the case of a Trinidad and Tobago ship, the owner or master is guilty of an offence and is liable to a fine of five thousand dollars.

Ship leaving without clearance

95. If any ship leaves or attempts to leave any port in Trinidad and Tobago while under detention under this Part, the master thereof is guilty of an offence and is liable to a fine of fifteen thousand dollars.

PART VIII

Engagement of Seamen

Registrar of Seamen

96. The Director shall be the Registrar of Seamen.

Functions

97. The functions of the Registrar of Seamen are:

(*a*) to conduct all business connected with the engagement and discharge of all persons who serve on board Trinidad and Tobago ships and all seamen being citizens of Trinidad and Tobago who serve on foreign ships;

(*b*) to afford facilities for engaging and discharging seamen by keeping registers of the names and conduct of—

(i) seamen who apply to him for engagement;

(ii) seamen shipped or discharged by him;

(iii) seamen who produce continuous discharge certificates in proof of service in foreign or Trinidad and Tobago ships;

(iv) seamen who serve in Trinidad and Tobago ships.

(*c*) to cause copies of the certificates referred to in paragraph (*b*)(iii) to be kept at his office.;

(*d*) to perform such other duties relating to seamen, apprentices and merchant ships as are by or in pursuance of this or any other written law relating to merchant shipping entrusted to him.

Crew agreements

98. (1) Subject to subsection (2) the master of every Trinidad and Tobago ship shall enter into an agreement in accordance with this Act with every seaman whom he engages and carries to sea as one of his crew, and the master of any ship shall enter into such an agreement with every seaman whom he engages in Trinidad and Tobago or carries to sea from Trinidad and Tobago as one of his crew.

(2) Subsection (1) shall not apply in any case where the ship concerned does not exceed twenty-four metres, and which is not engaged on an international voyage.

(3) The Minister may waive the requirements stipulated in subsection (1), or he may vary the contents of the approved form of the crew agreement in respect of any ship if he considers it expedient to do so.

(4) The Minister may make regulations for the engagement of seamen and matters pertaining to the engagement of seamen in respect of vessels under twenty-four metres and which are not engaged on an international voyage.

Contents of crew agreement

99. (1) A crew agreement shall be in the prescribed form and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs his name.

(2) The crew agreement shall show the place at which it is made, the surname and other names of the seaman, his birth-place, and his age or date of his birth, and shall state clearly the respective rights and obligations of each of the parties, and shall contain as terms thereof the following particulars:

(*a*) the name of the ship in which the seaman undertakes to serve;

(*b*) either the nature and, as far as is practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, which shall not exceed twelve months, and the port at which it is intended the crew shall be discharged, and the places or ports of the world, if any, to which the voyage or engagement is not to extend;

(*c*) the number and description of the crew;

(*d*) if possible, the place and date at which each seaman is to be on board or to begin work;

(*e*) the capacity in which each seaman is to serve;

(*f*) the amount of wages which each seaman is to receive;

(*g*) the prescribed scale of the provisions which are to be furnished to seamen;

(*h*) the time that is to expire after arrival at the port of discharge before the seaman is discharged;

(*i*) any regulations as to conduct on board and as to fines, and other lawful punishment for misconduct which have been made by the Minister and which the parties agree to adopt;

(*j*) a list of young persons under the age of eighteen years and the dates of their births.

(3) The crew agreement shall be so drawn up as to admit of such stipulations to be adopted at the will of a master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4) An agreement made to employ a seaman under this section shall be terminated by—

(*a*) mutual consent of the parties thereto;

(*b*) the death of the seaman; or

(*c*) the loss or total unseaworthiness of the ship.

Regulations for disciplinary offences

100. For the purpose of maintaining discipline on board Trinidad and Tobago ships, the Minister may make regulations for—

(*a*) any misconduct on board as a disciplinary offence and enabling the master or such an officer as may be designated by the master to impose fines on seamen committing disciplinary offences;

(*b*) the procedure for the hearing of appeals against fines for disciplinary offences;

(*c*) the setting up of a disciplinary committee of persons employed in the ships and for the exercise by all or any of those members of the powers of the master in dealing with disciplinary offences;

(*d*) the payment of fines for disciplinary offences.

Same offence

101. Where any conduct is both a disciplinary offence and an offence against any of the provisions of this Act, then if it has been dealt with as a disciplinary offence it shall not be dealt with as an offence against that provision.

Procedures relating to certain crew agreements

102. The following provisions shall have effect with respect to a crew agreement made in the case of ships trading from and beyond the waters of Trinidad and Tobago—

(*a*) the agreement shall, subject to the provisions of this Act as to substitutes, be signed by each seaman;

(*b*) the Registrar of Seamen shall cause the agreement to be read over and explained to each seaman or otherwise ascertain that each seaman understands the agreement before he signs it and shall attest each signature;

(*c*) when the crew is first engaged, the agreement shall be signed in duplicate, and one part shall be forwarded to the owner and the other shall be retained by the master and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequent to the first departure of the ship;

(*d*) where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services are, within twenty-four hours of the ship proceeding to sea, lost by death, desertion or other unforeseen cause, the master shall, before the ship proceeds to sea if practicable, and if not, as soon as possible afterwards, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness and the witness shall attest the signature;

(*e*) an agreement may be made for a voyage or, if the voyage of the ship averages less than six months in duration, may be made to extend over two or more voyages, and an agreement as made to extend over two or more voyages is in this section referred to as a "running agreement";

(*f*) a running agreement shall not extend beyond the twelve months' period of time next following the date of the making of the agreement or the first arrival of the ship at her port of destination after the termination of that period;

(*g*) on every return to the port where the crew was engaged before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either

that no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if the master wilfully makes a false statement in any such endorsement he is guilty of an offence;

(*h*) the duplicate crew agreement retained by the owner on the first engagement of the crew shall be kept by the owner for a period of seven years after the expiration of the agreement and shall be produced on demand made therefor by the Registrar of Seamen or other proper officer;

(*i*) except as provided in section 118, a crew agreement shall not purport to deprive any court of its jurisdiction to hear and determine disputes respecting the agreement.

Further provisions as to crew agreement

103. (1) The master shall, at the commencement of every foreign voyage or engagement, cause a legible copy of the crew agreement omitting the signatures to be displayed in some part of the ship which is accessible to the crew.

(2) Every erasure, amendment or alteration in any crew agreement, except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship, shall be without effect unless proved to have been made with the consent of all persons interested in the erasure, amendment or alteration.

(3) In any proceedings, a seaman may introduce evidence to prove the contents of any crew agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

(4) Every person who fraudulently alters, makes any false entry in, or delivers a false copy of, any crew agreement is guilty of an offence.

Stipulations adopted by the parties not to be contrary to law of flag state

104. In no case shall stipulations adopted by the parties be contrary to the laws of the flag state of the ship in matters relating to wages and conditions of employment of seamen and masters on board ships.

105. (1) Subject to section 160, the master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in an approved form, specifying the period of his service and the time and place of discharge. **Certificate of discharge of seamen**

(2) A Certificate of Discharge under subsection (1) shall not contain any statement as to the wages or the quality of work of the discharged seaman.

(3) The master shall, upon the discharge of every certificated officer whose Certificate of Competency has been delivered to and retained by him, return the certificate to the officer.

106. (1) When a seaman is discharged from a Trinidad and Tobago ship, the master thereof shall make and sign a report in the prescribed form, in this section called a "character report", in which the master— **Character report**

(*a*) shall report on the conduct, character and qualifications of the seaman who is being discharged; or

(*b*) may state that he declines to give any report on the conduct, character and qualifications of the seaman who is being discharged.

(2) The master before whom the discharge of a seaman is being made shall, subject to section 160 and if the seaman so desires, give the seaman a copy of the character report on him.

(3) A person is guilty of an offence who—

(*a*) makes a false report of character knowing the same to be false;

(*b*) forges or fraudulently alters any certificate of discharge or character report or copy of a character report;

(*c*) fraudulently uses any certificate of discharge or character report, that is forged or altered or that does not belong to him.

107. Where a Trinidad and Tobago ship ceases to be registered as such, any seaman employed in the ship shall be discharged from the ship, unless he consents in writing to continue his employment in the ship and, in such a case, the provisions of this Part relating to the payment of **Discharge on change of registration**

a seaman's wages and the power of the Registrar of Seamen or other proper officer to decide disputes about wages shall apply in relation to his wages as if the ship had remained registered in Trinidad and Tobago.

Employment of children and young persons

108. (1) No person under the age of sixteen years shall be employed in any Trinidad and Tobago ship, except—

(*a*) upon work approved by the Director on board a school-ship or training ship; or

(*b*) where the Director certifies that he is satisfied, having due regard to the health and physical condition of the person and to the prospective and immediate benefit to him of the employment, that the employment will be beneficial to him.

(2) No person under the age of eighteen years shall be employed in any capacity in any Trinidad and Tobago ship unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that such person is fit to be employed in that capacity.

(3) Every medical certificate under subsection (2)—

(*a*) shall be valid for one year from the date of issue, unless earlier revoked; and

(*b*) may at any time be revoked by a duly qualified medical practitioner if he is satisfied that the young person is no longer fit for work.

(4) No young person under the age of eighteen years shall be employed on work in the engine-room of any ship, unless that young person is an apprentice working under supervision.

(5) This section shall not apply to a ship in which only members of one family are employed.

Changes in crew of certain ships

109. (1) The master of every ship trading from and beyond the waters of Trinidad and Tobago shall, before leaving Trinidad and Tobago, sign and send to the Director a full and accurate statement, in the prescribed form of every change which takes place in his crew before finally leaving Trinidad and Tobago and that statement shall be admissible in evidence.

(2) Any master who without reasonable cause fails to comply with this section is guilty of an offence.

110. (1) Where, during the progress of a voyage of a ship, the master is removed, superseded or for any other reason ceases to have command or charge of the ship, and, is succeeded in the command or charge of the ship, by some other person, he shall deliver to his successor the Certificate of Registry and the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and if he fails without reasonable cause to do so, he is guilty of an offence. **Change of master**

(2) The successor to every master shall, immediately on assuming the command of a ship, enter in the official log book a list of the documents so delivered to him.

111. The Minister may make such regulations as he considers necessary or expedient to provide for— **Conditions of service—power of Minister to make regulations**

(*a*) the conditions of service of those persons serving in Trinidad and Tobago ships and of Trinidad and Tobago citizens serving in foreign ships;

(*b*) matters connected therewith and, in particular, relating to—

(i) apprenticeship to sea service;

(ii) engagement by foreign ships of nationals of Trinidad and Tobago ships;

(iii) the implementation of any international convention relating to the employment, welfare, security, certification or status of officers and seamen;

(iv) the avoidance of agreements made contrary to such regulations as may be prescribed;

(v) wages in general, and the rights related thereto of persons employed in Trinidad and Tobago ships, securing safe working conditions, health and welfare for masters and seamen employed in ships;

(vi) the accommodation to be provided for officers and seamen on board ships, the position and standard of

accommodation and of construction of ships and all questions related to the accommodation of officers and seamen on board; and

(*c*) employment of persons under the age of eighteen years.

Use of English language

112. (1) Except where otherwise provided in this Act, all correspondence, documents, forms or other writings shall be in the English language, and in the case of the crew agreement, official log book and muster lists, in a prescribed form save that a foreign language version of any document may be appended to the English language version thereof.

(2) All written signs displayed on board a Trinidad and Tobago ship shall be in the English language with, if it is considered necessary by the master, a foreign language version appended thereto.

Crew's knowledge of English

113. (1) Where in the opinion of the Director the crew of a Trinidad and Tobago ship consists of, or includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of English and the absence of adequate arrangements for transmitting orders in a language of which they have sufficient knowledge, the Director shall inform the master of his opinion and the ship shall not proceed to sea, and may be detained.

(2) If a ship goes to sea or attempts to proceed to sea in contravention of this section both the owner and the master is guilty of an offence.

Time and manner of payment

114. The master or owner of a Trinidad and Tobago ship trading from and beyond the waters of Trinidad and Tobago shall pay to each seaman belonging to that ship his wages, if demanded, within two days after the arrival of the ship at the port where the crew is to be discharged or upon the seaman's discharge, whichever first happens.

Master to deliver account of wages

115. (1) The master of every Trinidad and Tobago ship shall, before paying off or discharging a seaman, deliver at the time and in the manner provided by this Act a full and true account of the seaman's wages and of all deductions to be made therefrom for any reasons whatever.

(2) The account shall be delivered to the seaman not less than twenty-four hours before his discharge or paying off.

Deductions

116. (1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of section 186, except in respect of a matter happening after the delivery.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made with the amount of the respective deductions as they occur in a book kept for that purpose, and shall if required produce the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Settlement of wages

117. (1) When a seaman is discharged, and the settlement of his wages completed, he shall sign a release, in an approved form, of all claims in respect of the past voyage or engagement; and the release shall be signed by the master or owner of the ship.

(2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) The release shall be delivered to and retained by the owner for a period of seven years after the expiration of the agreement and shall be produced on demand made therefor by the Registrar of Seamen or other proper officer.

Registrar's decision as to wages

118. Where a question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before the Registrar of Seamen and both parties agree in writing to submit the same to him, the Registrar, shall hear and decide the question so submitted; and an award made by him on the submission shall be conclusive as to the rights of the parties; and a document purporting to be the submission of the award shall be admissible in evidence in the manner provided by this Act.

Registrar may require ship's papers

119. (1) In any proceeding under this Act before the Registrar relating to wages, claims or discharge of a seaman, the Registrar of Seamen may require the owner or his

agent or the master or any mate or other member of the crew to produce any log books or other documents in his possession or power relating to a matter in question in the proceedings and may require the attendance of and may examine any of those persons who are then at or near the place on the matter, and may administer oaths.

(2) In any proceedings under this Act before the Registrar of Seamen relating to the wages, claims or disputes or discharge of seamen, all travelling and other expenses incurred by the Registrar shall be met by the owner or master of the ship in dispute.

Rate of exchange

120. Where a seaman has agreed with the master of a Trinidad and Tobago ship for payment of his wages or any part thereof in a specific currency, any payment of or on account of his wages if made in any other currency than that stated in the agreement shall, notwithstanding anything in the agreement, be made at the rate of exchange for the amount stated in the agreement for the time being current at the place where the payment is made, and such rate of exchange shall be endorsed on the agreement by a proper officer at that place.

Power of Registrar of Seamen or proper officer to decide disputes about wages

121. Where, before the Registrar of Seamen or a proper officer, a question as to wages is raised between the master or owner of a ship and a seaman, and the amount does not exceed five hundred dollars, the Registrar or a proper officer may, on the application of either party, decide the question and the decision shall be final; but if the Registrar or a proper officer is of the opinion that the question is one which ought to be decided by a court, he may refuse to decide it.

Power of court to award interest on wages due otherwise than under crew agreement

122. In any proceedings by the master of a ship or person employed in a ship otherwise than under a crew agreement for the recovery of any sum due to him as wages, the court, unless it appears to it that the delay in paying the sum was due to a mistake, to a reasonable dispute as to liability or to the act or default of the person claiming the amount or to any other cause not being the wrongful act or default of the person liable to make the payment or their servants or agents, may order them to pay, in addition to the sum due, interest on it at the rate of twenty per cent per annum or such lower rate as the court may specify, for the period beginning seven days after the sum became due and ending when the sum is paid.

Allotment notes

123. (1) Subject to this section, a seaman may, by means of an allotment note issued in accordance with regulations, allot a part of the wages to which he will become entitled in the course of his employment in a Trinidad and Tobago ship.

(2) The Minister may make regulations—

(*a*) relating to the limitations to which a seaman's right to make an allotment are subject;

(*b*) prescribing the form of allotment notes;

(*c*) relating to the right of a person named in an allotment note to sue in his own name.

Wages where service terminated

124. (1) Where the service of a seaman terminates before the date contemplated in the agreement by reason of his being left on shore at a place abroad by reason of his unfitness or inability to proceed on the voyage, such seaman shall be entitled to wages for time served up to such termination but not for any further period.

(2) Where the service of a seaman terminates before the date contemplated in his agreement by reason of the loss or foundering of the ship on which he is employed, he shall be entitled to receive wages in respect of each day on which he is in fact unemployed during a period of two months from the date of termination of the service at the rate to which he was entitled at that date, except so far as he obtains other suitable employment.

Protection of certain rights and remedies

125. (1) A seaman's lien on a ship, his remedies for the recovery of his wages, his right to wages in case of the wreck or loss of the seaman's ship, and any right he may have or obtain in the nature of salvage shall not be capable of being renounced by any agreement.

(2) Any stipulation in any agreement inconsistent with subsection (1) or any other provision of this Act shall be void.

(3) Subsection (1) does not affect any term of an agreement made with the seamen belonging to a ship which, in accordance with the agreement, is to be employed on salvage service which then relates to the remuneration to be paid to them for salvage services rendered by that ship.

Claims against seaman's wages for maintenance

126. (1) Where, during a seaman's employment in a ship, expenses are incurred by a public officer for the benefit of any of his dependants and the expenses are of a kind specified in the regulations made and such further conditions, as may be so specified are satisfied, the public officer may by notice in writing require the persons employing the seaman—

(*a*) to retain for a period specified in the notice such proportion of his net wages as may be so specified; and

(*b*) to give to the public officer as soon as may be notice in writing of the seaman's discharge from the ship,

and the persons employing the seaman shall comply with the notice, subject to subsection (3), and give notice in writing of its contents to the seaman.

(2) For the purposes of this section—

(*a*) the following persons, and no others, shall be taken to be a seaman's dependants, that is to say, his spouse and any person under the age of sixteen years, whom he is liable, for the purposes of any written law, to maintain or in respect of whom he is liable under such written law to make contributions to a local authority; and

(*b*) expenses incurred for the benefit of any person include in addition to any payments made to him or on his behalf, expenses incurred for providing him with accommodation or care or for exercising supervision over him, but no expenses shall be specified in the regulations unless they are such that a magistrate's court has power under any enactment in force in any part of Trinidad and Tobago to order the making of payments in respect thereof.

(3) No more than the following proportion of a seaman's net wages shall be retained under subsection (1) whether in pursuance of one or more notices that is to say—

(*a*) one-half, if the notice or notices relate to one dependant only;

(*b*) two-thirds, if the notice or notices relate to two or more dependants.

(4) Where a public officer has served a notice under this section on the persons employing a seaman, a magistrate's court may, on the application of the officer, make an order for the payment to the officer of such sum, not exceeding the proportion of the seaman's wages which those persons were required by virtue of this section to retain as the court, having regard to the expenses incurred by the officer and the seaman's means, thinks fit.

(5) Any sums paid out of a seaman's wages in pursuance of an order under this section shall be deemed to be paid to him in respect of his wages; and the service, on the persons who employed the seaman, of such an order or of an order dismissing an application for such an order shall terminate the period for which they were required to retain the wages.

(6) An application for an order under this section for the payment of any sum by the persons who employed a seaman shall be deemed, for the purposes of any proceedings, to be an application for an order against the seaman; but the order, when served on those persons, shall have effect as an order against them and may be enforced accordingly.

(7) Any notice or order under this section may be served by registered post.

(8) The Minister may make regulations specifying—

(*a*) the expenses in respect of which a notice may be served by a public officer under subsection (1);

(*b*) any conditions that must be satisfied if such a notice is to be served;

(*c*) the period that may be specified in such a notice being a period beginning with the service of the notice and ending a specified number of days after the seaman's discharge from his ship;

(*d*) the form of such a notice and the information to be contained therein;

(*e*) the amounts to be deducted from a seaman's wages in computing his net wages for the purposes of this section, and the amounts specified under this paragraph may include amounts allotted by allotment notes issued under section 123.

Remedies of master for remuneration and disbursements

127. (1) The master of a Trinidad and Tobago ship, so far as circumstances permit, shall have the same rights, liens and remedies for the recovery of his wages as a seaman has for his wages under this Act or any law.

(2) The master of a Trinidad and Tobago ship, and every person lawfully acting as master of a ship by reason of the death or incapacity from illness of the master of the ship, so far as circumstances permit, has the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) Where, in any proceedings regarding the claim of a master in respect of wages or of the disbursements or liabilities mentioned in subsection (2), any rights of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceedings, and may direct payment of any balance found to be due.

Wages not to depend on freight

128. (1) The right to wages shall not depend on the earning of freight, and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same notwithstanding that the freight has not been earned; but in the event of wreck, or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim for wages.

(2) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in the same way as the wages of a seaman who dies during a voyage.

Refusal to work

129. A seaman shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for him to begin work, or for any period during which he is lawfully imprisoned for any offence committed by him, unless the court hearing the case otherwise directs.

Illness caused by own default

130. (1) Where a seaman is, by reason of illness, incapable of performing his duty, and it is proved that the illness had been caused by his own wilful act or default, or is a sickness or infirmity wilfully concealed at the time of engagement, he shall not be entitled to wages for the period during which he is, by reason of the illness, incapable of performing his duty.

(2) Subsection (1) does not affect the right of any seaman to any payment or other benefits to which he may be entitled under any law providing for compensation to injured or sick workers.

Costs of procuring conviction

131. When in any proceedings relating to a seaman's wages it is shown that the seaman has, in the course of the voyage, been convicted of an offence and punished by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding one month's wages, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Improper discharge

132. Where a seaman who has signed an agreement is discharged otherwise than in accordance with the terms of the agreement—

(*a*) before the commencement of the voyage; or

(*b*) before one month's wages are earned,

without fault and without his consent, he is entitled to receive from the master or owner, in addition to any wages he might have earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages; and he may recover that compensation as if it were wages duly earned.

Protection of wages

133. (1) The following provisions apply to wages due or accruing to a seaman—

(*a*) wages are not subject to attachment by any court;

(*b*) an assignment or sale of wages before they are due does not bind the person making it;

(*c*) no power of attorney or authority for the receipt of wages is irrevocable; and

(*d*) a payment of wages to a seaman is valid in law notwithstanding that the wages have been sold, assigned, attached or encumbered.

(2) Nothing in subsection (1) affects the provisions of this Act with respect to allotment notes.

(3) Nothing in this section applies to any disposition relating to the application of wages—

(*a*) in the payment of contributions to a fund declared by regulations to be a fund to which this section applies;

(*b*) in the payment of contributions in respect of the membership of a body declared by regulations to be a body to which this section applies.

Annual Leave and Public Holidays

Leave and holidays

134. (1) Every person is entitled after twelve months of continuous service on a Trinidad and Tobago ship, or for the same employer, to an annual leave with pay, or to a proportionate part of the annual leave with pay, the duration of which shall be—

(*a*) in the case of master and officers, not less than eighteen working days; and

(*b*) in the case of other members of the crew, not less than twelve working days.

(2) For the purpose of calculating the time at which annual leave is due—

(*a*) periods between consecutive crew agreements shall be included in the reckoning of continuous service referred to in subsection (1);

(*b*) short interruptions of service not due to the act or fault of the employee and not exceeding a total of six weeks in any twelve months do not break the continuity of the periods of service that precede and follow them; and

(*c*) continuity of service is not interrupted by any change in the management or ownership of the ships in which the person concerned has served.

(3) The following shall not be included in annual leave with pay—

(*a*) interruptions of service due to sickness or injury; and

(*b*) public holidays.

(4) In addition to the entitlement under subsection (1), every member of the crew of a Trinidad and Tobago ship is entitled to nine days annual leave with pay in lieu of public holidays; and if the length of continuous service is less than twelve months, then the annual leave with pay shall be pro-rated.

Mode of Recovering Wages

Seaman may sue for wages

135. (1) Subject to section 125, a seaman or apprentice, or a person duly authorised on his behalf, may, as soon as any wages due to him become payable, sue for them in a court having jurisdiction in the place at which his service has terminated or at which he has been discharged, or at which any master or owner or other person upon whom the claim is made, resides.

(2) A court upon complaint on oath made to it for the purposes of proceedings under this section may summon the master or owner or other person to appear before the court to answer the complaint.

(3) Upon the appearance of the master or owner or other person, the court may examine upon oath the parties and their respective witnesses regarding the complaint and the amount of wages due, and may make such order for the payment of any wages found due as appears reasonable and just.

(4) Where a master or owner or other person does not appear, the court, on due proof that the master or owner or other person was duly summoned, may examine on oath the complainant and his witnesses regarding the complaint and the amount of wages due, and may make such order for the payment of any wages found due as appears reasonable and just.

(5) Where an order under this section for the payment of the wages is not obeyed within twenty-four hours after the making thereof, the magistrate may issue a warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the person on whom the order is made together with all the charges and expenses incurred in connection with the distress and levy and the enforcement of the order.

(6) Where sufficient distress cannot be found the court may cause the amount of the wages, charges and expenses to be levied on the ship in respect of which the wages were earned or on the tackle and apparel thereof, save that if the ship is not within the jurisdiction of the court, no levy may be made on the ship but the court may cause the person upon whom the order for payment is made to be arrested and committed to prison for a term not exceeding three months.

Jurisdiction of High Court limited

136. The High Court has no jurisdiction to hear or determine any action, suit or proceeding instituted by or on behalf of any seaman or apprentice for the recovery of wages, except where—

(*a*) the owner of the ship is bankrupt;

(*b*) the ship is under arrest or is sold by the authority of the High Court; or

(*c*) a magistrate's court refers the claim to the High Court.

Power to rescind contracts

137. (1) Where proceedings are instituted in a court in relation to a dispute between an owner or master of a ship and a seaman, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court may, if, having regard to all the circumstances it thinks it just to do so, rescind any contract between the owner or master and the seaman, or any contract or articles of apprenticeship, upon such terms as the court thinks just.

(2) The jurisdiction of a court under subsection (1) is in addition to any other jurisdiction that the court can exercise independently of this section.

Property of Deceased Seaman

Property of deceased seaman

138. (1) Where any seaman belonging to a Trinidad and Tobago ship dies during a voyage, the master of the ship shall take charge of any money or effects belonging to the deceased seaman that are on board the ship.

(2) The master shall enter in the official log book—

(*a*) a statement of the amount of the money and a description of the effects; and

(*b*) a statement of the wages due to the deceased, the amount of deductions, if any, to be made from the wages and the balance of the wages due.

(3) The entry shall be signed by the master and attested by a mate or some other member of the crew.

(4) The master, if he thinks fit, may cause any of the effects of a deceased seaman to be sold.

(5) The master of the ship shall without delay furnish the Registrar of Seaman with a statement of the property of the deceased seaman.

(6) The money, effects and balance of wages mentioned in subsections (1) to (3) and the proceeds of the sale mentioned in subsection (4) are in this Act referred to as the "property of the seaman".

Delivery of the property

139. (1) Subject to subsection (2), the property of the seaman shall be delivered, by the master of a ship by the most practicable means, to the personal representative of the deceased; or, if there is no personal representative, the master shall deliver the property of the seaman to the Registrar of Seamen or to the proper officer as the case may be, for disposal—

(*a*) in accordance with the law for determining the distribution or succession of personal property of deceased persons of the place in which the deceased was last resident; or

(*b*) in accordance with the order of a court having jurisdiction to determine the distribution of the property of the deceased.

(2) A master may deduct from the property of the seaman any expenses properly incurred in complying with subsection (1).

(3) After complying with subsection (1), the master shall deliver a statement of account to the Registrar of Seamen respecting the property of the seaman.

Forgery of document

140. A person is guilty of an offence, who for the purpose of obtaining, either for himself or for any other person, any

property of the seaman—

(*a*) forges or fraudulently alters any document purporting to show or assist in showing any right to that property;

(*b*) makes use of any document that has been forged or fraudulently altered as described in paragraph (*a*);

(*c*) gives or assists in giving or procures to be given any false evidence knowing the same to be false;

(*d*) makes any false representation knowing the same to be false; or

(*e*) assists in procuring any false evidence or representation to be given or made knowing the same to be false.

Occupational Safety, Provisions, Health and Welfare

Occupational safety regulations

141. (1) The Minister may make regulations for securing, as far as is practicable, safe working conditions and safe means of access for masters and seamen employed in Trinidad and Tobago ships, and requiring the reporting of injuries sustained by them.

(2) Without prejudice to the generality of subsection (1), regulations under this section may—

(*a*) require the maintenance, inspection and testing of any equipment and impose conditions on its use;

(*b*) require, prohibit, or regulate the use of any material or process;

(*c*) require the provision and use of any protective clothing or equipment;

(*d*) limit the hours of employment of seamen in any specified operation or in any specified circumstances;

(*e*) make provision for the discharge, by persons appointed from among the persons employed in a ship, of functions in connection with the arrangements to be made under regulations.

142. (1) The Minister may also make regulations requiring such provisions and water to be provided for seamen employed in Trinidad and Tobago ships or any class of ships as may be specified in the regulations. **Provisions and water**

(2) The Minister may exempt any ship from any requirement of regulations made under this section, either generally or in respect of a particular voyage.

(3) Where the provisions of any regulations made under this section are not complied with in the case of a ship the master or owner is guilty of an offence and is liable to a fine of one thousand dollars unless he proves that the failure to comply was not due to his neglect or default.

(4) Where a person empowered under this Act to inspect the provisions and water to be supplied to the seamen employed in a Trinidad and Tobago ship is not satisfied that they are in accordance with regulations made under this section the ship, if in Trinidad and Tobago, may be detained.

143. (1) Where three or more members of the crew of a Trinidad and Tobago ship consider that the provisions or water provided for the use of the crew are, at any time, of bad quality or deficient in quantity, they may complain thereof to the Registrar of Seamen or the proper officer or an inspector, who may either examine the provisions or water complained of, or cause them to be examined. **Complaint as to provisions or water**

(2) Where the person making an examination under this section finds that the provisions or water are of bad quality or deficient in quantity, he shall communicate that fact in writing to the master of the ship, and if the master does not thereupon provide provisions or water, fit for human consumption he is guilty of an offence.

(3) The person making the examination shall enter a statement of the result of the examination in the official log book and send a report thereof to the Registrar of Seamen, and that report is admissible in evidence in the manner provided by this Act.

(4) Where the person making the examination certifies in his statement that there was no reasonable ground for complaint, each of the complainants is liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions

144. (1) If during the voyage of a Trinidad and Tobago ship the allowance of provisions provided for a seaman is less than that prescribed or any of those provisions are of bad quality, the seaman shall receive by way of compensation for the deficiency or bad quality, for so long as it lasts, such amounts as may be prescribed to be paid to him in addition to, and to be recoverable as, wages.

(2) Where the deficiency occurred because the provisions could not be procured or supplied in proper quantities and proper equivalent substitutes were supplied in lieu thereof, those circumstances shall be taken into consideration for the purposes of subsection (1) and the compensation reduced or denied accordingly.

Weights and measures

145. (1) The master of a Trinidad and Tobago ship in which provisions are supplied to the crew shall keep on board proper weights and measures for determining the quantities of the several provisions and articles distributed; and the master shall allow the weights and measures to be used in the presence of a witness at the time of distribution of the provisions and articles whenever any dispute arises about the quantities.

(2) A master who fails without reasonable cause to comply with subsection (1), is guilty of an offence.

Medical examinations and cooking

146. The Minister may make regulations as appear to him to be necessary—

(*a*) for the medical examination of all persons seeking employment in any capacity on board ships and the issue of medical certificates in respect of such persons; and

(*b*) for the examination and granting of certificates to persons qualified to be employed as ships' cooks.

Crew accommodation

147. (1) The Minister may make regulations with respect to the crew accommodation to be provided in Trinidad and Tobago ships.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may, in particular—

(*a*) prescribe the minimum space per person which shall be provided by way of sleeping accommodation for seamen and the maximum

number of persons by whom a specified part of such sleeping accommodation may be used;

(*b*) prescribe the equipment to be provided for the sleeping rooms, wash rooms, mess rooms and galley in a ship;

(*c*) regulate the position in the ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;

(*d*) provide for the protection of the crew against injury, condensation, heat, cold and noise on a ship;

(*e*) prescribe the water, heating, lighting, ventilation and sanitary facilities to be supplied on a ship;

(*f*) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation and authorise the surveyor to inspect any such works;

(*g*) provide for the maintenance and repair of any such accommodation and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed; and

(*h*) provide for the inspection, measuring and marking of crew accommodation on a ship and its certification for the purpose of ascertaining register tonnage.

(3) Regulations made under this section may exempt ships of any description or any ship from any requirements of the regulations.

(4) Regulations made under this section may require the master of a ship or any officer authorised by him for the purpose to carry out such inspections of the crew accommodation as may be prescribed.

(5) Where the provisions of any regulations made under this section are contravened in the case of a ship, the owner or master is guilty of an offence and the ship, if in Trinidad and Tobago, may be detained.

(6) In this section "crew accommodation" includes sleeping rooms, mess rooms, sanitary accommodation, store rooms and catering accommodation provided for the use of seamen, but does not include any accommodation which is also used by, or provided for the use of, passengers.

(7) In making regulations under this section, the Minister shall have due regard to the requirements of the Convention Concerning Crew Accommodation On Board Ship (Revised 1949) of the International Labour Organisation, including any revisions thereof.

Certified cook

148. (1) Every Trinidad and Tobago ship of one thousand gross register tons or more trading from and beyond the waters of Trinidad and Tobago shall carry a duly certified ship's cook.

(2) Where in the opinion of the Minister there is an inadequate supply of certificated ships' cooks he may exempt a particular ship from the requirements of this section for a specified period.

Scales of medical stores

149. (1) The Minister may make regulations requiring Trinidad and Tobago ships to carry such medicines, medical stores, appliances and books containing instructions and advice, as may be specified in the regulations.

(2) The owner and master of every ship shall ensure that the ship carries medicines, medical stores, appliances and books in accordance with the scales laid down under subsection (1).

(3) Where an inspector is of the opinion that the medicines, medical stores, appliances and books on a Trinidad and Tobago ship are deficient in quantity or quality or are placed in improper receptacles, he shall give notice thereof in writing to the master, owner or agent of the ship, and the ship may be detained.

Expenses of medical treatment and burial

150. (1) Where the master of, or a seaman belonging to a Trinidad and Tobago ship receives any surgical or medical treatment, or such dental or optical treatment, including the repair or replacement of any appliance, as cannot be postponed without impairing the efficiency of the master or seaman, the reasonable expenses thereof shall be borne by his employer.

(2) Where the master or seaman dies and is buried or cremated outside his State of residence, the expenses of his burial or cremation shall also be borne by his employer.

Medical practitioners to be carried

151. (1) Every Trinidad and Tobago ship trading from and beyond the waters of Trinidad and Tobago that proceeds from a port with not less than one hundred persons on board shall carry on board as part of her complement a duly qualified medical practitioner.

(2) The owner of a Trinidad and Tobago ship is guilty of an offence and liable to a fine of one hundred dollars in respect of each day of every voyage of the ship on which the ship is in contravention of subsection (1).

(3) For the purpose of subsection (1), "duly qualified medical practitioner" means a person registered or licensed under the Medical Board Act. Chap. 29:50

Welfare of seaman

152. (1) The Minister may, by regulations constitute an advisory board to be called the National Seamen Welfare Board for the purpose of advising him on the measures to be taken for promoting the welfare of seamen.

(2) Regulations made by the Minister pursuant to subsection (1) may contain such provisions as he may think fit for the proper functioning of the Board.

Facilities for making complaints

153. (1) Where a seaman while on board a Trinidad and Tobago ship informs the master of the ship that he wishes to make a complaint to a magistrate, the proper officer or the Registrar of Seamen, against the master or any of the crew, the master shall, as soon as the service of the ship will permit, allow the complainant to go ashore, so that he can make his complaint—

(*a*) if the ship is then at a place where there is a magistrate, proper officer or the Registrar of Seamen, at that place; or

(*b*) if the ship is not then at such a place, on its arrival at such a place.

(2) A master of a ship who fails, without reasonable cause, to comply with this section, is guilty of an offence and liable to a fine of one thousand dollars.

Protection of Seamen from Imposition

Assignment and sale of salvage

154. Subject to this Act, an assignment or sale of any salvage payable to a seaman that is made before the salvage accrues does not bind the person making the assignment or sale, and a power of attorney or authority for the receipt of any such salvage may be revoked regardless of its terms.

Seamen's debts

155. A debt exceeding a prescribed percentage of a seaman's total earnings as indicated in the crew agreement, if incurred by the seaman after he is engaged to serve, is not recoverable until the service agreed for is concluded.

Provisions as to Discipline

Endangering life or ship

156. (1) The master or any member of the crew of a Trinidad and Tobago ship who by wilful breach or by neglect of duty, or by reason of being under the influence of alcohol or drugs—

(*a*) does any act tending to cause the immediate loss, destruction or serious damage of the ship, or tending to endanger immediately the life or limb of a person belonging to, or on board, the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship, from immediate danger to life or limb,

is guilty of an offence and is liable to a fine of one thousand dollars and to imprisonment for twelve months.

(2) For the purposes of this section "drugs" means narcotics and psychotropic substances as defined in the Narcotic Drugs and Psychotropic Substances Control Act, 1985.

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General offences against discipline

157. (1) Where a seaman or apprentice engaged on a Trinidad and Tobago ship—

(*a*) leaves the ship without leave after its arrival at a port and before it is placed in security, he is liable to forfeit out of his wages a sum not exceeding one week's pay;

(*b*) wilfully disobeys any lawful command, he is liable to imprisonment for one month, and to forfeit out of his wages a sum not exceeding two days' pay;

(*c*) continually disobeys any lawful command, or continually and wilfully neglects his duty, he is guilty of an offence and is liable to imprisonment for three months, and to forfeit for every twenty-four hours continued disobedience or neglect either a sum not exceeding two days' pay or any expenses properly incurred in hiring a substitute;

(*d*) assaults the master or any mate or officer of the ship, he is guilty of an offence and is liable to imprisonment for one year;

(*e*) combines with any of the crews to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage, he is guilty of an offence and is liable to imprisonment for one year;

(*f*) wilfully damages his ship, or dishonestly misappropriates or converts to his own use, or commits criminal breach of trust in respect of, or wilfully damages, any of its stores or cargo, he is guilty of an offence and is liable to imprisonment for one year and to forfeiture out of his wages a sum equal to the loss thereby sustained;

(*g*) commits an act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, is guilty of an offence and is liable to pay to the master or owner a sum sufficient to reimburse the loss or damage and the whole or a proportionate part of wages may be retained in satisfaction or on account of that liability without prejudice to any further remedy;

(*h*) aids or procures a person to stow away on his ship, and that person is afterwards convicted of the offence, he is guilty of an offence and is liable to imprisonment for three months, and

to pay to the master or owner of the ship a sum sufficient to reimburse the expenses occasioned to that master or owner in respect of the stow-away, and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

(2) A seaman or an apprentice shall not be guilty of an offence under subsection (1) by reason only of his refusing duty during a lawful strike after his ship has arrived and has been secured in good safety to the satisfaction of the master and the port authority at a port in Trinidad and Tobago.

(3) A forfeit or other payment imposed in respect of an offence under subsection (1) shall not exceed one-half of one month's salary in any one month, and shall leave the seaman a sum which is sufficient for his maintenance and that of his dependants.

Conviction not to affect other remedies

158. Where a seaman lawfully engaged or an apprentice belonging to a Trinidad and Tobago ship—

(*a*) deserts from his ship, he is guilty of the offence of desertion and is liable to imprisonment for three months, and in addition he is liable to forfeit all or any part of the effects he leaves on board and the wages which he has then earned and, where the master or owner of the ship has engaged a substitute in his place at a higher rate of wages than the rate at which wages had been stipulated to be paid to him, to satisfy that excess;

(*b*) neglects or refuses without reasonable cause to join his ship or to proceed to sea in his ship, or is absent without leave at any time within the period of twenty-four hours immediately before the ship sails for a port either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or his duty, and the act or omission does not constitute or is not treated by the master as constituting the offence of desertion, he is guilty of the offence of absence without leave

and is liable to imprisonment for two months, and in addition is liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute.

Improper negotiation of advance note

159. (1) Where a seaman belonging to a Trinidad and Tobago ship being lawfully engaged has received under his agreement an advance note, and after negotiating his advance note wilfully or through misconduct fails to join his ship or deserts therefrom before the note becomes payable, he is guilty of an offence and is liable to a fine of fifty dollars and to imprisonment for two months.

(2) This section shall not limit or otherwise prejudice any remedy, by suit or otherwise—

(*a*) of any person in respect of the negotiation of the advance note; or

(*b*) which an owner or master would otherwise have for breach of contract.

Certificate of discharge may be withheld

160. Where it is shown to the satisfaction of the Registrar of Seamen that a seaman lawfully engaged in and belonging to a Trinidad and Tobago ship has wilfully or through misconduct failed to join his ship, the Registrar may direct that the seaman's certificate of discharge shall be withheld for such period as he may think fit, and while the seaman's certificate of discharge is so withheld, any person having the custody of the documents may, notwithstanding anything in this Act or any other written law refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character.

False statement as to last ship or name

161. Where a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he is guilty of an offence and is liable to a fine of fifty dollars and to imprisonment for two months.

Deserter from foreign ships

162. (1) Where it appears to the Minister that due facilities will be given by the government of a foreign state for apprehending and recovering a seaman who deserts in

that state from a Trinidad and Tobago ship, the Minister may, by Order, declare that this section shall apply in the case of such foreign state, subject to any limitations, conditions and qualifications contained in the Order.

(2) Where a seaman or apprentice deserts in Trinidad and Tobago a ship registered in a state to which this section applies, the master of the ship may apply to a court for assistance in apprehending the deserter, and the court and its officers shall give all assistance within their power, and for that purpose the court may, on information given on oath, issue a warrant for the deserter to be conveyed on board the ship, or delivered to the master or mate of the ship or to the owner of the ship or his agent to be so conveyed.

Proof of desertion in proceedings for forfeiture of wages

163. Whenever a question arises whether the wages of a seaman or apprentice are forfeited under this part for desertion from a Trinidad and Tobago ship, it shall be sufficient for the person attempting to enforce the forfeiture to show that—

(*a*) the seaman or apprentice was duly engaged in or belonged to the ship; and

(*b*) he left the ship before the completion of the voyage or engagement; and

(*c*) an entry of his desertion was duly made in the official log book,

and the desertion shall thereupon be deemed to be proved so far as it relates to any forfeiture of wages under this Part, unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeiture

164. (1) Where any wages or effects are forfeited under this Part for desertion from a ship, the effects may be sold, and the wages or effects or the money arising from sale of the effects shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and any balance remaining shall be paid to the Registrar of Seamen.

(2) Where any wages are forfeited under this Part for any cause other than desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be in favour of the master or owner by whom the wages are payable.

Question of forfeiture decided in suit for wages

165. Any question concerning the forfeiture of, or deductions from, the wages of a seaman or apprentice under this Part may be determined in any proceedings instituted with respect to those wages, notwithstanding that the seaman or apprentice has not been prosecuted for the offence that gives rise to the question.

Deduction of fine from wages

166. A fine imposed on a seaman for any act of misconduct for which his agreement imposes the fine, shall be subject to the following—

(*a*) on the offender being discharged, and the offence and the entry in the official log book required by this Act to be made in respect thereof being proved to the satisfaction of the Registrar of Seamen or proper officer, the master or owner shall deduct the fine from the wages of the offender; and the fine so deducted shall be paid to the Registrar, and if the master or owner of the ship fails without reasonable cause so to pay the fine he is guilty of an offence;

(*b*) an act of misconduct for which a fine is imposed and paid by or deducted from the wages of the seaman shall not be otherwise punished under this Act.

Persuading seaman to desert, and harbouring deserter

167. Where a person by any means whatever persuades a seaman or an apprentice to neglect or refuse to join or proceed to sea in his ship, or to desert his ship, or otherwise to absent himself from his duty, he is guilty of an offence, and is liable to a fine of one thousand dollars.

Penalty on stowaways

168. (1) Where a person secretes himself and goes to sea in a ship without the consent of either the owner, master, or a mate or of the person in charge of the ship or of any other person entitled to give that consent, he is guilty of an offence and is liable to a fine of five hundred dollars and to imprisonment for three months.

(2) Every person who goes to sea in a ship without a consent mentioned in subsection (1) shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws for preserving discipline, and to the same fines and punishments for offences constituting or encouraging a breach of discipline, as if he were a member of the crew and had signed the crew agreement.

Trade disputes involving seamen Chap. 88:03

169. (1) The Trade Disputes and Protection of Property Act shall, in so far as it relates to the immunity of persons from legal proceedings for acts committed in contemplation or furtherance of a trade dispute, apply to seamen as it applies to other persons.

(2) Notwithstanding anything in any agreement, a seaman employed in a Trinidad and Tobago ship may terminate his employment in that ship by leaving the ship in contemplation or furtherance of a trade dispute after giving to the master not less than forty-eight hours notice of his intention to do so, and shall not be compelled unless the notice is withdrawn to go to sea in the forty-eight hours following the giving of such a notice; but such a notice shall be of no effect unless at the time it is given the ship is in Trinidad and Tobago and securely moored in a safe berth.

(3) In this section, "trade dispute" means any dispute between employers and seamen, or between seamen and seamen which is connected with the employment or non-employment, or the terms of the employment or with the conditions of labour, of any person.

Offences to be entered in official log book

170. Where on or in respect of a Trinidad and Tobago ship—

(*a*) an offence is committed under section 157 or 158; or

(*b*) an act of misconduct is committed for which the agreement of the person committing it provides for a fine, and it is intended to enforce the fine—

(i) an entry of the offence or act shall be made in the official log book and signed by the master and also by an officer or one of the crew;

(ii) the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port if it is not at a port; or if it is at the time in port, before its departure from port, either be furnished with a copy of the entry or have the same read over distinctly and

audibly to him, and may thereupon make such reply thereto as he thinks fit;

(iii) a statement that a copy of the entry was so furnished or that the entry was so read over, and in either case the reply, if any, then made by the offender, shall likewise be entered and signed in the manner aforesaid; and

(iv) in any subsequent legal proceedings, the entries made under this section, shall, if practicable, be produced or proved, and if they are not the court hearing the case may in its discretion refuse to receive evidence on the offence or act of misconduct.

Relief and Repatriation

Repatriation of seaman

171. (1) Except as otherwise provided in this Act, it is an implied term of every agreement entered into for the employment of a seaman in a Trinidad and Tobago ship that, where the agreement terminates at a port other than the port of engagement, the seaman will be returned to a proper return port at the expense of the master or owner of the ship.

(2) The owner, master or agent of the ship shall make such arrangements as are necessary to defray all expenses incurred for the return of a seaman pursuant to subsection (1).

(3) The responsibility of the owner, master or agent under this section includes an obligation—

(*a*) to pay the cost of maintenance and medical treatment that is necessary for the seaman until his arrival at his proper return port; and

(*b*) to ensure that the seaman does not become a charge upon the state.

(4) Subsection (1) applies whether an agreement terminates—

(*a*) by effluxion of time;

(*b*) by an act of the parties;

(*c*) by shipwreck;

(*d*) by sale of the ship;

(*e*) by the inability of the seaman to proceed in the ship by reason of sickness or injury; or

(*f*) by any other cause.

Exception from liability

172. (1) A seaman who has been left behind or discharged from his ship as a result of his—

(*a*) desertion;

(*b*) imprisonment; or

(*c*) inability to proceed to his ship because of an illness or infirmity that was wilfully concealed at the time of his engagement,

is not entitled to be returned at the expense of the master or owner under section 171.

(2) The owner, master or agent of the ship from which a seaman mentioned in subsection (1) has been left behind or discharged, shall make all arrangements necessary to defray all expenses incurred for the return of the seaman to a proper return port as if the seaman were entitled thereto.

(3) An owner, master or agent may be reimbursed for any expenses incurred pursuant to subsection (2) out of any wages owing to the seaman at the time he left the ship or out of the proceeds from the sale of any of his effects left on board the ship, or where this is not sufficient, the owner, master or agent may be reimbursed by ordinary process of law.

(4) Notwithstanding subsection (1) or (3), the owner, master or agent shall ensure that the seaman does not become a charge upon the state.

Duty of Registrar

173. (1) Where a seaman is to be left behind or discharged from his ship at a port other than his port of engagement, the Registrar of Seamen or proper officer may demand from the owner, master or agent, whether principal or agent, a guarantee for the proper discharge of any obligations imposed by section 171 or 172.

(2) Where a guarantee required under this section is refused the Registrar of Seamen or proper officer may withhold his consent to the discharge of the seaman concerned.

Effect of workman's compensation

174. Where a seaman is eligible to receive and receives medical aid or periodical payments at the expense of his employer under the terms of any written law providing for compensation to injured or sick workers, the receipt thereof—

(*a*) removes any right of the seaman to receive medical treatment under section 171, to the extent that he receives that medical aid; and

(*b*) removes any right of the seaman to receive maintenance under section 171, to the extent and for so long as he receives the periodical payments.

Application to foreign vessels

175. Sections 171 to 174 apply in respect of a foreign vessel that engages a seaman or apprentice in Trinidad and Tobago; and "owner" in such a case includes any person appointed or nominated by the owner, or the charterer if the vessel is on demise charter, to act as his agent and who was so acting at the time the seaman or apprentice was engaged.

Wages and effects of seaman left behind

176. (1) Where a seaman belonging to a Trinidad and Tobago ship is left at a place other than a proper return port, the master of the ship shall, subject to this section and as soon as practicable, enter in the official log book a statement of the effects left on board by the seaman and an account of wages due to him at the time when he was left behind.

(2) On the termination of the voyage during which the seaman was left behind, the master shall furnish to the Registrar of Seamen or proper officer, within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, a delivery account and a retention account.

(3) The master shall, if required by the Registrar of Seamen or proper officer, furnish such vouchers as may be reasonably required to verify the delivery and retention accounts.

(4) The master of a ship shall deliver to the Registrar of Seamen or proper officer, if he will receive them, the effects of a seaman as shown in a delivery account and, subject to any reimbursement allowed under subsection (5), the amount due on account of wages as shown in that

account, and the Registrar or proper officer shall give to the master a receipt for any effects or amount so delivered.

(5) The master of a ship is entitled to retain out of the wages any sums shown in a retention account that appear to the Registrar of Seamen or proper officer to be owing or payable to the master of the ship; and for that purpose the Registrar or proper officer shall allow those sums to be retained by the master out of the amount due on account of wages shown in the delivery account and, so far as that amount is not sufficient, to be raised and paid to the master out of the effects.

(6) Before allowing any sum to be retained or to be raised and paid, the Registrar of Seamen or proper officer may require that evidence be provided by statutory declaration or otherwise that the sums are owing or payable to the master of the ship.

(7) The Registrar of Seamen or proper officer shall deliver the remainder of the wages and effects to such person at such time and in such manner as may be prescribed, and shall render such accounts in respect thereof as the Minister may direct.

(8) In this section—

(*a*) "delivery account" means an account of the effects and wages of a seaman left behind or owing at the time a seaman leaves or is discharged from the ship; and

(*b*) "retention account" means an account of any expenses caused to the master or owner of a ship by the absence of a seaman from the ship due to his desertion, neglect to join his ship, or conduct constituting an offence under section 157 or 158, including, in the case of a seaman who is not entitled to be repatriated at the expense of the master or owner of the ship any provision made for the return of the seaman to a proper return port.

Liability of master

177. The master of a Trinidad and Tobago ship is not liable for any loss of effects or for any damage to the effects of a seaman left behind or discharged at a port other than his proper return port, if the master proves to the Registrar of Seamen or proper officer that the loss or damage occurred without his neglect or consent after the seaman left his ship.

178. (1) The Government of Trinidad and Tobago is not liable with respect to anything done under section 176, except that, if after the wages or effects of a seaman have been dealt with under section 176 any legal proceedings are taken by the seaman against the owner, master or agent of the ship, or by the master or owner of the ship against the seaman, in respect of those wages or effects or involving the forfeiture of those wages, the Minister shall, if notice is given to him of the proceedings and a reasonable opportunity afforded him of appearing, comply with any order of the court made as respect the wages or effects so far as he can do so out of the wages and effects remitted to him in respect of the voyage of the ship. **Liability of Government**

(2) The Minister is entitled to appear and be heard in any proceedings referred to in subsection (1) or to be represented by any public officer in his Ministry or any other public officer.

(3) The Minister may, if and so far as he thinks fit, meet any claim by a seaman against the owner, master or agent of the ship in respect of any wages or effects dealt with under section 176 although legal proceedings are not actually taken in respect thereof, if the Minister has given notice to the master or owner of the ship and the master or owner of the ship has not given written notice of objection within ten days of the notice being given, and any expense incurred by the Minister under this subsection is recoverable by the state as a civil debt.

(4) For the purpose of this section, any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made are to be treated as proceedings taken or a claim made by the seaman.

179. (1) Any sums remitted under section 176 or arising from the sale of effects under that section, and not disposed of in accordance with that section, shall be retained by the state. **Payment to Government**

(2) The master of a ship who, without reasonable cause, contravenes subsection (1) or section 176 is guilty of an offence without prejudice to any other liability to which the ship might be subject.

Non-application of section 176

180. Section 176 does not apply in the case of an absent seaman where—

(*a*) the master of a ship satisfies the Registrar of Seamen or proper officer that none of the effects of the seaman have to his knowledge been left on board the ship and that he has paid all wages due to the seaman;

(*b*) the amount of wages earned by the seaman, after taking into account any deduction made in respect of allotments or advances for which provision is made by the crew agreement, appears from the agreement to be less than one hundred dollars;

(*c*) the master of the ship satisfies the Registrar or proper officer that the net amount due to the seaman on account of wages, after taking into account any deductions lawfully made in respect of allotments, advances or otherwise, is less than one hundred dollars; or

(*d*) the question of forfeiture of the wages and effects of the seaman has been dealt with in proceedings lawfully instituted before the termination of the voyage or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

Effects of seaman

181. (1) The effects of a seaman described in section 187 may be sold by the Registrar of Seamen or proper officer in such manner as he thinks fit when they are delivered to him unless the Minister directs to the contrary.

(2) Where the effects are not sold pursuant to subsection (1), they may be sold by the Minister as and when he thinks fit unless they are delivered to the seaman.

(3) For the purposes of section 176 "effects" includes the proceeds of any sale of the effects of a seaman.

Return from service

182. (1) Where during the currency of his agreement the service of a seaman belonging to a Trinidad and Tobago ship terminates otherwise than by the consent of the seaman, the master of the ship shall, in addition to—

(*a*) giving the seaman a certificate of discharge required by this Act; and

(*b*) paying to the seaman the wages to which he is entitled, make adequate provision in accordance with this Act for maintenance and return of the seaman to a proper return port; and the master shall record the details of these provisions in the official log book.

(2) Where a master fails without reasonable cause to comply with subsection (1), the expenses of maintenance and of the journey to the proper return port—

(*a*) if defrayed by the seaman, are recoverable as wages due to him; and

(*b*) if defrayed by the Registrar or proper officer or any other person, are a charge upon the ship to which the seaman belonged.

(3) A charge upon a ship under subsection (2)(*b*) may also be recovered—

(*a*) from the person who is the owner of the ship for the time being;

(*b*) if the ship has been lost, from the person who was the owner of the ship at the time of the loss;

(*c*) if the ship has been transferred to some person, from the owner for the time being; or

(*d*) from the person who was the owner of the ship at the time of the transfer,

at the suit of the Registrar of Seamen or proper officer or other persons defraying the expenses, or, if the expenses, have been defrayed out of public moneys, as a debt to the State, by ordinary process of law and in the manner in which wages are recoverable by a seaman.

Discharge on ownership change

183. (1) Where a Trinidad and Tobago ship is transferred or disposed of, any seaman belonging to that ship shall be discharged unless he consents in writing to complete the voyage of the ship if it is continued.

(2) Where a seaman is discharged under this section the provisions of this Part relating to the certificate of discharge and the return of the seaman to a proper return port apply as if his service had terminated otherwise than by his consent to be discharged during the currency of the agreement.

Certificate when seaman left

184. (1) The master of a Trinidad and Tobago ship shall not leave a seaman behind at any foreign port or place except when the seaman is discharged in accordance with this Act, unless the master has had the certificate of the Registrar of Seamen or proper officer endorsed on the crew agreement certifying the cause of the seaman being left behind; and, the cause is unfitness or inability to proceed to sea, desertion, disappearance or otherwise.

(2) The Registrar of Seamen or proper officer to whom an application is made for a certificate under this section may examine the grounds on which a seaman is to be left behind and, for that purpose, may, if he thinks fit, administer oaths and grant or refuse the certificate as he thinks just, but a certificate may not be unreasonably withheld.

Offence

185. (1) Where the master of the ship fails to comply with section 182, 183 or 184 he is, without limiting his liability under any other provision of this Act, guilty of an offence and is liable to a fine of five thousand dollars.

(2) In a prosecution for an offence under section 184, the onus of proving that the certificate was obtained or could not be obtained without reasonable delay to the ship or was unreasonably withheld is upon the master of the ship.

Account of wages

186. (1) Where the master of a Trinidad and Tobago ship leaves a seaman behind at any foreign port or place on the ground of his unfitness or inability to proceed to sea, the master shall deliver to the person signing the certificate required by section 184 a full and true account of the wages due to the seaman; and, if that person is the proper officer, the master shall deliver the account in duplicate.

(2) A master who fails without reasonable cause to deliver the account required under subsection (1) is guilty of an offence and is liable to a fine of five thousand dollars.

Payment of wages

187. (1) The master shall pay to the proper officer the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, if such officer will receive the wages.

(2) Where a payment is made under this section, the proper officer, if satisfied with the account, shall furnish a receipt for the payment.

(3) A payment under this section shall be made, whenever practicable, in cash, and where not so practicable, by bank draft.

(4) A master who fails without reasonable cause to pay wages as provided by this section, is guilty of an offence and is liable to a fine of one thousand dollars.

Application of wages

188. Where the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea are paid to and accepted by the Registrar of Seamen or proper officer, that officer shall deal with them in the following manner—

(*a*) where the seaman subsequently obtains employment at or leaves the port at which the payment has been made, the officer shall obtain out of the money any expenses such as the owner or master is by this Act required to defray, and pay the remainder to the seaman and deliver to him an account of the money received and expended on his behalf;

(*b*) where the seaman dies before his ship leaves the port, the officer will deal with the money as part of the property of a deceased seaman; and

(*c*) where the seaman is sent to a proper return port at the public expense under this Act, the officer shall account for the money to the Minister, and after retaining any expenses duly incurred in respect of the seaman except such expenses as the owner, master or agent of the ship is required by this Act to defray, the money shall be dealt with as wages of the seaman.

Relief of distressed seaman

189. (1) Where a seaman—

(*a*) is found in any place outside Trinidad and Tobago after having been shipwrecked from a Trinidad and Tobago ship; or

(*b*) by reason of having been discharged or left behind from a Trinidad and Tobago ship in any place outside Trinidad and Tobago is in distress in that place,

the Registrar of Seamen or proper officer may provide relief to that seaman in accordance with this Act.

(2) Relief is provided the seaman when provision is made—

(*a*) for the return of the seaman at the expense of the Government of Trinidad and Tobago to a proper return port and also for his necessary clothing and maintenance until his departure for such a port;

(*b*) in case of death, for burial expenses; and

(*c*) in addition in the case of a shipwrecked seaman, for the repayment of any expenses incurred in his conveyance to port after his shipwreck and his maintenance while being so conveyed.

(3) A seaman for whom relief is provided under subsection (1)(*a*) is included within the expression "distressed seaman" in this Act.

Repayment of relief and return

190. (1) Where any expenses are incurred by a consular officer on behalf of the Government of Trinidad and Tobago under section 189, or are incurred by the government of a foreign State and are repaid to such foreign State by the Government of Trinidad and Tobago, the Minister may pay to the consular officer or foreign government the amount of the expenses out of any moneys available for the purpose or out of any money appropriated for that purpose by Parliament.

(2) All money paid by the Minister under subsection (1), together with the wages, if any, due to a distressed seaman, is a charge upon the ship to which the seaman belonged, and is a debt due to the Government of Trinidad and Tobago—

(*a*) from the owner, master or agent of the ship at the time of the loss;

(*b*) where the ship has been transferred, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer; and

(*c*) where the ship is a foreign ship, also from the person, who engaged the seaman for service in the ship.

(3) A debt under this section, in addition to any fines and consular fees incurred, may be recovered by the

Minister on behalf of the Government of Trinidad and Tobago by ordinary process of law in the manner in which wages are recoverable by the seaman.

(4) In any proceedings for recovery of a debt under this section, the production of an official account of the expenses incurred in accordance with this Act, and proof of payment of the expenses by or on behalf of the Government of Trinidad and Tobago is *prima facie* proof that the expenses were incurred or repaid under this Act by or on behalf of that Government.

Forcing ashore

191. A person is guilty of an offence who, being the master or crew of a Trinidad and Tobago ship, wrongfully forces a seaman ashore and leaves him behind, or otherwise causes a seaman to be wrongfully left behind at any place.

Proper return port

192. For the purposes of this Part, a proper return port is either—

(*a*) the port at which a seaman was shipped or engaged;

(*b*) a port in the State to which he belonged; or

(*c*) in the case of a discharged seaman, some other port agreed to by the seaman at the time of his discharge.

Manner of return

193. (1) A seaman may be sent to a proper return port by any reasonable route.

(2) Provision may be made for the return of a seaman either by—

(*a*) providing him with suitable employment on board a ship that is proceeding to a proper return port and that is in need of men to make up its complement; or

(*b*) providing the seaman with a passage in any ship or aircraft or in other public transport and by providing for his maintenance during the journey.

(3) Where the master of a ship is required under this Part to provide for the return of a discharged seaman to a proper return port, the master may, instead of providing the seaman's passage or the expenses of his journey, deposit with a proper officer such sum as the proper officer considers sufficient to defray the expenses of the return of the seaman to a proper return port.

(4) Where a seaman is repatriated as a member of a crew, he is entitled to the appropriate remuneration for work done during the voyage.

Return of seaman

194. (1) When any question arises as to what return port a seaman is to be sent, or as to the route by which he should be sent, the question shall be decided by the Registrar of Seamen or proper officer.

(2) In deciding the question of a seaman's return port, the Registrar of Seamen or proper officer shall have regard both—

(*a*) to the convenience of the seaman and to the expense involved; and

(*b*) to the fact that a ship is in need of men to make up its complement and is about to proceed to a proper return port or to a port in the vicinity thereof, if such is the case.

(3) Nothing in this section relieves the owner from the obligation and expense of returning the seaman to his proper return port.

Assistance by Minister

195. (1) The Minister may, whenever he deems it necessary, spend money on the temporary relief in such manner as he thinks advisable, of shipwrecked, destitute or otherwise distressed seamen—

(*a*) not otherwise entitled to relief under this Act or under the laws of the State to which their ship belongs;

(*b*) who are citizens of Trinidad and Tobago employed on a foreign vessel and discharged or left behind in a foreign State.

(2) Any expenses incurred for shipwrecked, destitute or otherwise distressed seamen under this section, shall be repaid to the Minister by the owner, master or agent of the vessel to which the distressed seamen belonged and may be recovered by the Minister on behalf of the State in the same manner as expenses incurred outside Trinidad and Tobago for distressed seamen of Trinidad and Tobago ships are recoverable.

PART IX

Official Log Book and Ordinary Ship's Log

Official log book

196. (1) An official log book in prescribed form shall be kept in every Trinidad and Tobago ship of not less than two hundred gross tons, and every Trinidad and Tobago ship trading from and beyond the waters of Trinidad and Tobago.

(2) The Minister may make regulations prescribing—

(*a*) the form of official log books;

(*b*) the particulars to be entered in official log books;

(*c*) the persons by whom such entries are to be made, signed or witnessed; and

(*d*) the procedure to be followed in the making of such entries and in their amendment or cancellation.

(3) The official log book may, at the discretion of the master, be kept distinct from or combined with the ordinary ship's log, but in all cases the spaces in the official log book shall be duly filled with entries.

(4) Any entry required to be made in an official log book—

(*a*) shall be made as soon as possible after the occurrence to which it relates;

(*b*) if it is not made on the same day as the occurrence it shall be made and dated to show the dates of the occurrence and the entry respecting it;

(*c*) if it is made in respect of an occurrence happening before the arrival of the ship at her final port of discharge, it shall not be made more than twenty-four hours after that arrival.

(5) Every entry in the official log book shall be signed by the master and by an officer or some other member of the crew, and if it is an entry of illness, injury or death, it shall also be signed by the medical practitioner on board if any.

(6) Every entry made in an official log book in the manner provided by this Act is admissible in evidence to prove the facts stated therein.

Entries in official log book

197. The master of a ship for which an official log book is kept shall, subject to any regulations made under section 196, enter or cause to be entered in the official log book particulars of—

(*a*) every conviction by a court of a member of his crew and the punishment imposed;

(*b*) every offence committed by a member of his crew for which it is intended to prosecute or to make a forfeiture or to impose a fine, together with the statement concerning the furnishing of a copy, or reading over, of the entry and concerning the reply, if any, made to the charge, as required by this Act;

(*c*) every offence for which punishment is imposed on board, and the punishment imposed;

(*d*) the conduct, character and qualifications of each member of his crew or a statement that he declines to give an opinion on these particulars;

(*e*) every case of illness or injury happening to a member of the crew, with the nature thereof and the medical treatment given, if any;

(*f*) every refusal of a member of the crew to take antiscorbutics or medicines;

(*g*) every birth and death happening on board his ship;

(*h*) every marriage taking place on board, with the names and ages of the parties;

(*i*) the name of every seaman who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof;

(*j*) the wages due to any seaman who dies during the voyage, and the gross amount of all deductions to be made from those wages;

(*k*) the sale of the effects of any seaman who dies during the voyage, with a statement of each article sold and the sum received for it;

(*l*) every collision with any other ship and the circumstances in which it occurred;

(*m*) the date and the time of the display in the ship of a notice containing particulars of the ship's draught and freeboard; and

(*n*) any matter directed by this Act to be entered.

Copy of official log book

198. (1) The master or the owner of every Trinidad and Tobago ship for which an official log book is required to be kept, shall, within twenty-one days after the 30th June and the 31st December in each year or upon completion deliver the official log book for the preceding half-year to the Director.

(2) The owner shall retain the copy of the official log book for a period of seven years after delivery and shall produce it on demand made therefor by the Registrar or other proper officer.

(3) A master or owner of a ship who fails without reasonable cause to comply with this section is guilty of an offence.

Delivery of official log book to Director in case of transfer of ownership of a ship

199. (1) Where, by reason of transfer of ownership or change of employment of a ship, the official log book ceases to be required in respect of the ship, the master or owner of the ship shall, if the ship is then in a port of Trinidad and Tobago within one month, or if she is elsewhere, within six months after such cessation, deliver or transmit to the Director the official log book and the agreement with the crew duly made out to the time of the cessation.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Director the official log book duly made out to the time of the loss or abandonment.

(3) The owner or master of a ship who fails, without reasonable cause, to comply with this section is guilty of an offence.

Offences in respect of log book

200. (1) If an official log book is not kept in the manner required by this Act or if any entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master of the ship is guilty of an offence and, except as otherwise expressly provided in this Act in respect thereof, is liable to a fine of five hundred dollars.

(2) Any person who makes, procures to be made, or assists in making an entry in an official log book in respect of any occurrence happening previous to the arrival of the ship at its final port of discharge of the crew, more than twenty-four hours after that arrival, is guilty of an offence and is liable to a fine of five hundred dollars.

(3) Any person who wilfully destroys, mutilates or renders illegible an entry in an official log book, or wilfully makes, procures to be made or assists in making a false or fraudulent entry in, or omission from, an official log book is guilty of an offence.

Ordinary ship's log

201. (1) All Trinidad and Tobago ships shall carry on board an ordinary ship's log wherein shall be recorded the daily activities of the ship and such other particulars as may be prescribed.

(2) Where a ship is not required by this Act to carry an official log book, or where it is not practicable for a ship to produce the official log book, the ordinary log book of the ship shall be admissible in evidence.

Returns of crew of ship

202. (1) Every master of a Trinidad and Tobago ship of not less than two hundred gross register tons shall make out and sign a list of the crew of the ship in the prescribed form containing the following particulars:

(*a*) the number and date of the ship's register and its net register tonnage;

(*b*) the length and general nature of the voyage or employment;

(*c*) the names, ages and places of birth of all the crew, their ratings on board, their last ships or other employments and the dates and places of their last ships or other employments and the dates and places of their joining the ship;

(*d*) the names of any of the crew who have ceased to belong to the ship, with the times, places, causes and circumstances thereof;

(*e*) the names of any members of the crew who have been maimed or hurt, with the time, place, cause and circumstances thereof;

(*f*) the wages due at the time of death to any of the crew who have died;

(*g*) particulars of the property belonging to any of the crew who have died, with a statement of the manner in which the property has been dealt with, and the money for which any part of it has been sold; and

(*h*) details of any marriage that has taken place on board, with the date thereof and the names and ages of the parties.

(2) The list of the crew—

(*a*) in the case of ships trading exclusively within the waters of Trinidad and Tobago or between Caricom ports shall be delivered or transmitted by the master or owner to the Director not later than twenty-one days after the 30th day of June and the 31st day of December in each year; and

(*b*) in the case of ships other than those referred to in paragraph (*a*) shall be delivered or transmitted by the master to the owner of the ship who shall retain the list for a period of seven years after receipt and who shall produce the same on demand made therefor by the Director or other proper officer—

(i) within forty-eight hours after the arrival of the ship at its final port of destination in Trinidad and Tobago; or

(ii) upon the discharge of the crew, whichever first happens.

(3) Where a Trinidad and Tobago ship is lost or abandoned, the ship's master or owner shall, if practicable and as soon as possible, deliver to the Director the list of the crew duly made out to the time of the loss or abandonment.

(4) For the avoidance of doubt, "crew" in this section includes the master and apprentices.

Returns of births and deaths

203. (1) The master of a Trinidad and Tobago ship upon its arrival at a port or at such other time and place as the Director may with respect to any ship or class of ships

direct, shall deliver, in the prescribed form, a return of the facts recorded by the master in respect of a birth or death on board the ship—

(*a*) to the Director if the ship is in Trinidad and Tobago; or

(*b*) to a proper officer if the ship is elsewhere.

(2) When the return is made elsewhere than Trinidad and Tobago the proper officer shall send a certified copy of the return to the Director.

(3) The Director shall cause the information contained in the return or copy thereof to be sent to the authority having responsibility for the registration of births and deaths.

(4) The master of any ship who fails to comply with any requirement of this section is guilty of an offence and is liable to a fine of one thousand dollars.

PART X

SAFETY PRECAUTIONS AND NAVIGATIONAL SAFETY

Collision Regulations

204. (1) The Minister may make regulations, hereinafter referred to as "Collision Regulations"—

(*a*) for the prevention of collisions at sea;

(*b*) respecting the lights to be carried and exhibited;

(*c*) respecting the other signals to be carried and used; and

(*d*) respecting the steering and sailing rules to be observed by ships,

and in making such regulations he shall have regard to any international convention or treaty for the time being in force for the prevention of collisions at sea.

(2) All owners and masters of ships, and of seaplanes and other craft shall comply with the Collision Regulations and shall not carry or exhibit any lights or use any signals other than those required by the Collision Regulations.

(3) A master or owner who contravenes the Collision Regulations by wilful default is guilty of an offence and is liable to a fine of five thousand dollars and imprisonment for six months.

Presumption of fault

205. If any damage to property arises from failure to comply with the Collision Regulations, the damage is presumed to have been caused by the wilful default of the person in charge of the ship, seaplane or other craft at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the Collision Regulations necessary.

Inspection of ships to enforce compliance with Collision Regulations

206. A surveyor of ships or any other marine officer may inspect a ship of any nationality in a port of Trinidad and Tobago to determine whether the ship is properly provided with lights and shapes and the means of making sound signals as required by the Collision Regulations; and if the surveyor or other marine officer finds that the ship is not so provided, he shall specify the action required to rectify the deficiency and shall detain the ship until such deficiency is rectified to his satisfaction.

Duty of ship to assist in case of collision

207. (1) In every case of collision between two ships, the master or person in charge of each ship, if and so far as he can do so without danger to his own ship, crew and passengers, shall—

(*a*) render to the other ship, its master, crew and passengers, such assistance as may be practicable and necessary to save them from any danger caused by the collision, and shall stay by the other ship until he has ascertained that there is no further need for assistance; and

(*b*) give to the master or person in charge of the other ship the name of his own ship and the Port of Registry to which it belongs, and also the name of its previous port of call and the port to which it is bound.

(2) The master or person in charge of a ship who fails, without reasonable cause, to comply with this section, is guilty of an offence and, in addition, if he is an officer certificated or licensed under this Act, he shall be subject to an inquiry into his conduct as provided in section 375.

(3) The failure of the master or person in charge of a ship to comply with the provisions of this section shall not raise any presumption of law that the collision was caused by his wrongful act, neglect or default.

Record of boat drill or fire drill to be kept in official log book

208. (1) The master of every Trinidad and Tobago ship shall cause a statement to be entered in the official log book or ordinary ship's log, or if there is none, cause other record to be kept, of every occasion on which boat drill is practised on board the ship, or on which the appliances and equipment required by the rules for life-saving appliances to be carried are examined to see whether they are fit and ready for use, and of the result of any such examination, and where—

(*a*) in the case of a passenger ship, boat drill or fire drill is not practised on board the ship in any week;

(*b*) in the case of any other ship, boat drill or fire drill is not practised on board the ship in any two weeks;

(*c*) in the case of any ship, the said appliances and equipment are not examined in any such period as is prescribed,

the master shall cause a statement to be entered or other record to be kept as aforesaid, of the reasons why the drill was not practised or the appliances and equipment were not examined in that week or two-week period.

(2) The master of a ship who fails to comply with the requirements of this section is guilty of an offence.

Crew sufficient and efficient

209. Every Trinidad and Tobago ship shall be manned with a crew sufficient and efficient from the point of view of safety of life for the purpose of the intended voyage, and shall during such voyage be kept so manned.

Obligation to notify hazards of navigation

210. (1) The master of any Trinidad and Tobago ship upon encountering dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by any means of communication at his disposal and in accordance with the regulations to all ships in the vicinity or to such authorities ashore as may be prescribed.

(2) Every person in charge of a radio station in Trinidad and Tobago or on board any Trinidad and Tobago ship, shall, on receiving the signal prescribed in the regulations for indicating that a message is about to be sent

under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and if so required by regulations made under subsection (1) shall transmit the message in the prescribed manner.

(3) For the purposes of this section, a "tropical storm" means a hurricane, typhoon, cyclone or other storm of a similar nature, and a master of a ship shall be deemed to have encountered a tropical storm if he has reason to believe that there is such a storm in the vicinity.

(4) A transmission of messages in pursuance of this section shall be without charge.

Notices to mariners Navigational Warnings

211. (1) The Director shall take appropriate steps to advise the seafaring community and the public of any developing or existing situation which may adversely affect maritime safety.

(2) Such information shall take the form of Notices to Mariners and Navigational Warnings which may be issued and communicated by any means as the circumstances may warrant.

(3) The Director may require the assistance of any person in the communication of such information and a person who without reasonable cause refuses to render such assistance when so requested is guilty of an offence and is liable to a fine of one thousand dollars.

Master to proceed moderately in danger area

212. (1) The master of a Trinidad and Tobago ship, when ice is reported on or near his course, shall at night either proceed at a safe speed adapted to the prevailing circumstances or change his course so as to keep amply clear of the ice reported and of the area of danger.

(2) The master of a ship who fails to comply with this section, is guilty of an offence and is liable to a fine of one thousand dollars.

Obligation to assist vessels in distress

213. (1) The master of a Trinidad and Tobago ship at sea on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress shall proceed at maximum speed to the assistance of the persons in distress, informing them if possible, that he is doing so, but if he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to proceed to their assistance, he shall enter in the official log book the reason for failing to proceed to the assistance of the persons in distress.

(2) The master of any ship in distress may, after consultation so far as possible with the masters of the ships which answer his distress signal, requisition such one or more of the ships as he considers best able to render assistance and it shall be the duty of the master of a Trinidad and Tobago ship that is so requisitioned to comply with the requisition by continuing to proceed at maximum speed to the assistance of the persons in distress.

(3) The master or person in charge of a ship who fails, without reasonable cause, to comply with this section, is guilty of an offence and, in addition, if he is an officer certificated or licensed under this Act, he shall be subject to an inquiry into his conduct as provided in section 375.

(4) Compliance with the provisions of this section shall not affect the right of salvage.

Signals of distress

214. (1) The Minister may make regulations relating to signals of distress and urgency and the signals prescribed by the regulations shall be deemed to be signals of distress and urgency.

(2) Where a master of a ship uses or displays or causes or permits any person under his authority to use or display—

(*a*) any signal except in circumstances and for the purposes prescribed; and

(*b*) any signal that is liable to be mistaken for any prescribed signal,

he is guilty of an offence and, in addition to any penalty imposed upon him on conviction, he is liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency; and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

(3) Where the master who contravenes subsection (2) is an officer certificated or licensed under this Act, he shall be subject to an enquiry into his conduct as provided in section 375.

Report of accident and loss of ship

215. (1) Where any ship to which this section applies has been involved in any accident or incident whether or not occasioning loss of life or any serious injury to any person, or has received any material damage affecting its seaworthiness or its efficiency either in its hull or, in the case

of a ship propelled by mechanical power, in any part of its machinery, or has been in collision with another ship the master shall as soon as practicable after the happening of the accident or damage, transmit to the Director, a report of the accident or damage, and of the probable cause thereof, stating the name of the ship, its official number, its port of registry or the port to which it belongs and its location.

(2) If the managing owner, or in the event of there being no managing owner or no such owner resident in Trinidad and Tobago, the agent of any ship to which this section applies has reason to believe that the ship has sustained or caused any such accident or received any such damage as is mentioned in subsection (1), he shall satisfy himself that the accident or damage has been reported to the Director by the master; and, where any such managing owner or agent has reason to believe that the accident or damage has not been so reported, he shall as soon as possible, send to the Director notice in writing stating the name of the ship, its official number, and its Port of Registry or the port to which it belongs, and stating to the best of his knowledge and belief, the nature and extent of the accident or damage, the probable cause thereof and the location of the ship.

(3) This section applies to any ship to which any such accident or damage, as is mentioned in the foregoing provisions of this section, occurs or is believed to have occurred, in the waters of Trinidad and Tobago.

(4) The master or managing owner or agent who fails, without reasonable cause to comply with this section is guilty of an offence and is liable to a fine of one thousand dollars.

Apprehended loss of ship

216. (1) Where the managing owner or, in the event of there being no managing owner, or no such owner resident in Trinidad and Tobago, the agent of any ship to which this section applies has reason, owing to the non-appearance of the ship or to any other circumstance, to believe that the ship has been totally lost, he shall, as soon as possible, send to the Director notice in writing stating the name of the

ship, its official number, its Port of Registry or the port to which it belongs and stating also to the best of his knowledge and belief, the probable cause of the loss.

(2) This section applies to—

(*a*) Trinidad and Tobago ships; and

(*b*) other ships which are lost or are believed to have been lost in the waters of Trinidad and Tobago.

(3) A managing owner or agent who fails without reasonable cause to comply with this section within a reasonable time is guilty of an offence and is liable to a fine of one thousand dollars.

Navigational Aids

Interpretation

217. In this Part "navigational aids" and "aids" means all lighthouses, buoys, beacons, radio aids, or any other light, signal or mark established to aid marine navigation and includes all buildings, moorings, and other works associated therewith.

Establishment and management

218. (1) There shall be established in Trinidad and Tobago such navigational aids as are necessary to facilitate the safe navigation of ships within the waters of Trinidad and Tobago.

(2) Privately owned navigational aids shall be established and maintained in accordance with the provisions of this Act.

Minister's permission to establish navigational aids

219. (1) No navigational aid shall be established—

(*a*) without the prior written consent of the Minister, or any other person authorised by him for the purpose; and

(*b*) unless it conforms to such specifications as may be stipulated.

(2) No navigational aid shall be discontinued or have its lighting characteristics or any other distinguishing feature altered, without the prior written consent of the Minister or any other person authorised by him for the purpose.

(3) The Minister shall by Notice cause a list of navigational aids to be published and updated as necessary.

220. The Director shall exercise general supervision over all navigational aids and in particular shall— **Functions of the Director**

(*a*) be responsible for the establishment and maintenance of all navigational aids established by the Maritime Services Division and such other government owned navigational aids as may be under the control of that Division;

(*b*) ensure that all other navigational aids are established in compliance with the stipulated conditions and specifications and are maintained in proper working order; and

(*c*) bring to the attention of the public information on changes to or deficiencies in any navigational aid.

221. A person who— **Offence**

(*a*) contravenes section 219;

(*b*) wilfully or negligently damages, destroys or allows a ship to foul an aid;

(*c*) wilfully or negligently does anything which causes the view of an aid to be obstructed in such a manner as to lessen its efficiency;

(*d*) wilfully, negligently or without lawful authority does anything which interferes with an aid so as to hinder the effective use of the aid;

(*e*) trespasses on or without lawful excuse, is found in or on—

(i) an aid; or

(ii) any land upon which an aid is situated; and

(*f*) fails to notify the Director as soon as practicable after the aid is damaged, destroyed or fouled,

is guilty of an offence and, in addition to the expenses of making good any damage so occasioned, is liable to a fine of five thousand dollars.

222. Where a ship damages, destroys or fouls an aid, the ship may be detained until the cost of repairing or replacing the aid or rendering the aid effective again is paid. **Detention**

Power of the Director on failure to extinguish false or unauthorised lights, etc.

223. For the purpose of extinguishing false or unauthorised lights, the Director may enter the place where the fire or light is and forthwith extinguish the same without causing unnecessary damage, and recover the expense thereby incurred.

Penalty for failure to pay navigational aid dues

224. Where, without reasonable cause, the owner or master of a ship fails to pay the navigational aid dues, the owner and the master are each guilty of an offence and are each liable to a fine equivalent to four times the dues and in addition the ship may be detained.

Regulations

225. (1) The Minister may make regulations—

(*a*) stipulating the system of lighting and other characteristics, marks and features of navigational aids;

(*b*) for the levying, collecting and disposition of dues in respect of navigational aids;

(*c*) prescribing the penalties for any contravention of such regulations; and

(*d*) for the exemption of particular ships or classes of ships from the requirements relating to the payment of dues for navigational aids.

(2) In making regulations with respect to subsection (1)(*a*), the Minister shall have due regard to the IALA (International Association of Lighthouse Authorities) Harmonized Buoyage "System B", or any other international system of buoyage which may replace it.

PART XI

Application of the Convention for the Safety of Life at Sea

Interpretation

226. In this Part—

"certificate" means a certificate issued in accordance with the Safety Convention as defined therein;

"fishing vessel" means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

"short international voyage" means an international voyage—

(*a*) in the course of which a ship is not more than 200 nautical miles from a port or place in which the passengers and crew could be placed in safety; and

(*b*) which does not exceed 600 nautical miles in length between the last port of call in the country where the voyage begins and the final destination,

no account being taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the ship could reasonably have prevented or forestalled;

"Safety Convention" means the International Convention for the Safety of Life at Sea, 1974 and its Protocol of 1978, together with such amendments thereof or replacements therefor as the Minister may, by Order declare to be in effect in respect of Trinidad and Tobago;

"Safety Convention Certificate" means a certificate that is required to be issued to a Safety Convention ship that complies with the relevant provisions of the Safety Convention and includes a safety certificate, safety construction certificate, safety equipment certificate, safety radio-telephony certificate, safety radio telegraph certificate and any such certificate that is limited, modified or restricted by an exemption certificate;

"Safety Convention ship" means a ship to which the Safety Convention applies;

'Safety Convention State" means a state the government of which has accepted the safety Convention and which has not denounced that Convention;

"surveyor" includes any person or organisation, duly authorised by the Minister to act as surveyor for the purpose of surveying ships and issuing Safety Convention certificates.

States to which Safety Convention applies

227. The Minister may by Notice publish a list of states that have ratified, acceded to or denounced the Safety Convention.

Application of Safety Convention Regulations

228. The Regulations annexed to the safety Convention or any Regulations annexed to any other Convention which may be substituted for the Safety Convention and which have been accepted on behalf of Trinidad and Tobago shall, unless exempted by or under this Act, apply to Trinidad and Tobago ships and other ships while they are within the waters of Trinidad and Tobago.

Regulations to enforce the Safety Convention

229. The Minister may, in relation to any ship to which the Safety Convention applies, make regulations in order to give full effect to the Safety Convention and such regulations may include matters for which there are no express provisions in the Convention.

Breach of Safety Regulations

230. In the case of any ship, where—

(*a*) the ship is required by the Safety Convention or by the regulations relating thereto to be provided with appliances and it proceeds to sea without being so provided;

(*b*) any of the appliances with which the ship is so provided is lost or rendered unfit for service while at sea through the wilful fault or negligence of the owner or master;

(*c*) the owner or master wilfully neglects to replace or repair, any such appliance, lost or rendered unfit at the first opportunity;

(*d*) such appliances are not kept serviceable and ready for use at all times; or

(*e*) any provision of the regulations save such provisions as relate to the carriage of dangerous goods, is contravened or not complied with,

the owner and the master of the ship are guilty of an offence and are each liable to a fine of one thousand dollars.

Appointment of surveyors

231. (1) The Minister may, from time to time, appoint at such places as he deems advisable, persons as surveyors of ships competent to inspect—

(*a*) the boilers and machinery of ships;

(*b*) the equipment of ships, including ships' tackle, and apparel and appurtenances;

(*c*) the hulls and superstructures of ships;

(*d*) the life-saving, fire-fighting and other safety equipment of ships;

(*e*) the radio-telegraphy and radio-telephony installations of ships;

(*f*) the stowage and manner of loading of ships' cargoes and the stowage of dangerous goods in ships.

(2) A surveyor of ships may be appointed in several capacities to perform different functions.

(3) The survey and inspection of ships, so far as regards the enforcement of the regulations made under this Part, shall be carried out by the surveyors or, subject to such conditions as the Minister may impose, by any corporation or society for the survey and classification of ships authorised by the Minister.

Surveyor's powers of inspection

232. (1) A surveyor of ships may at all reasonable times inspect any ship for the purpose of ensuring that it is in compliance with the Safety Convention, the Load Line Convention, the Collision Regulations and the relevant regulations made under this Act.

(2) Where the surveyor finds that the said conventions or the regulations have not been complied with, he shall give written notice to the owner or master of the ship stating in what respect there is deficiency and what action in his opinion, is required to rectify such deficiency.

(3) Every notice so given shall be communicated in a manner directed by the Minister to the Customs and Excise Officer of any port at which the ship may seek a clearance and such clearance shall not be granted and the ship shall be detained.

(4) Where the surveyor considers such ship unsafe, or, where a passenger ship, unfit to carry passengers, or the machinery or equipment defective in any way so as to expose persons on board to serious danger, he shall detain that ship, and a surveyor may also detain any ship in respect of which any of the provisions of this Act have not been complied with, if in his opinion such detention is warranted in the circumstances.

(5) Where, under this section, a surveyor visits any ship he may ask the owner or his agent, the master or chief engineer, or any other person on board and in charge or appearing to be in charge, of the ship, any questions concerning the ship as he thinks fit and every such person shall fully and truthfully answer every such question.

(6) A surveyor may reasonably require of the owner or his agent the master or chief engineer or any other person on board or in charge, or appearing to be in charge of the ship that the machinery of the ship be activated or dismantled so that he may satisfy himself as to its condition and every person of whom such a request was made capable of so doing, shall comply with such requirement.

(7) A person who contravenes subsection (5) or (6) is guilty of an offence and is liable to a fine of one thousand dollars.

Surveyor's report for Director

233. A surveyor, where satisfied on inspection that he can with propriety do so, shall forward a report to the Director which shall contain a statement showing—

(*a*) that the hull and machinery are sufficient for the service;

(*b*) that the hull and machinery are constructed, arranged and fitted in accordance with any regulations made under this Part;

(*c*) that the equipment required under any regulations is on board and in good condition;

(*d*) that the master, mates and engineers are persons duly certificated as required under this Act and that the crew is sufficient and efficient;

(*e*) the class of voyage for which the ship is fit to ply and the time, if less than one year, for which the hull, equipment and machinery will be sufficient;

(*f*) if the ship is a passenger ship the number of passengers which it may carry; and

(*g*) the steam pressure that may be carried on the boilers.

234. A surveyor shall keep a record of the inspections he makes and certificates he issues in such form and with such particulars respecting them as the Director may direct, and shall furnish copies thereof and any other information pertaining to the duties of his office which the Director may require.

Record of inspections and certificates

235. Every Trinidad and Tobago passenger ship shall be subjected to the surveys specified below, namely—

(*a*) a survey before the ship is put into service;

(*b*) a periodic survey at intervals of not more than twelve months;

(*c*) additional surveys as required under the Act.

Survey of passenger ships

236. (1) The survey made before a passenger ship is put into service, shall include a complete inspection of the hull, machinery and equipment.

Initial survey

(2) The survey shall be such as to ensure that the general arrangement, material and scantlings of the hull, boilers and other pressure vessels, the main and auxiliary machinery, electrical installations, radio installations, radio installations in motor-life boats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders, and other equipment fully comply with the requirements of the Safety Convention and with any regulations made under section 229.

(3) The survey shall also be such as to ensure that the workmanship of all parts of the hull and machinery and equipment is satisfactory, and that the ship is provided with such lights and sound signals and distress signals as are required by the Safety Convention and the Collision Regulations.

237. (1) The periodic survey shall be such as to ensure that the hull, boiler and other pressure vessels, the main and auxiliary machinery, electrical installations, radio installations, radio installation in motor life boats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders, and other equipment are in a satisfactory condition and fit for the service for which they are intended and that they comply with the requirements of the Safety Convention and any regulations made under section 229.

Periodic surveys

(2) The lights and sound signals and the distress signals carried by the ship shall also be subject to the survey.

Additional surveys

238. (1) A survey, either general or partial, as the circumstances require, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment or whenever important repairs or replacements are made.

(2) The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or replacements are in all respects satisfactory and that the ship complies in all respects with the provisions of the Safety Convention and of the Collision Regulations and any regulations made under this Act.

Issue of Safety Certificate to passenger ships

239. (1) Where the Minister or such other person as he may authorize for the purpose, on receipt of the surveyor's report referred to in section 233, is satisfied that a Trinidad and Tobago ship is in compliance with—

(*a*) the requirements of the Safety Convention as regards construction, life-saving appliances, radio and direction finders; and

(*b*) such of the rules relating to safety of life at sea as are applicable to the ship and to such international voyages as it is to be engaged on, and that it is properly provided with the lights, shapes and means of making signals required by the Collision Regulations,

he shall on the application of the owner, issue the appropriate Safety Certificate, hereinafter referred to as "a Passenger Ship Safety Certificate" and an Inspection Certificate, in respect of that ship.

(2) A Passenger Ship Safety Certificate may together with any other Safety Certificate required under this Act be contained in one document.

Short Voyage Certificate

240. Where the voyages on which a ship is to be engaged are short international voyages and it complies only with such of the regulations as are applicable to those voyages, the Director shall issue a certificate, (hereinafter referred to as "a Short Voyage Certificate") showing that

the ship complies with the requirements of the Safety Convention applicable to such short international voyages.

Exemption Certificate and Qualified Certificate

241. Where the Minister or such other person as he may authorize for the purpose, on receipt of the surveyor's report in respect of any passenger ship as aforesaid is satisfied—

(*a*) that the ship is eligible for exemption, under this Act, from any of the requirements of the Regulations or of the Safety Convention applicable to the ship and to such international voyages on which it is to be engaged;

(*b*) that it complies with the remainder of those requirements and that it is properly provided with the lights, shapes and means of making sound signals required by the Collision Regulations,

he shall, on the application of the owner, issue in respect of the ship—

(i) an Exemption Certificate stating from which of the requirements of the Safety Convention the ship is exempt, and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trades and complying with the other conditions, if any, specified in the certificate; and

(ii) a certificate (hereinafter referred to as "a Qualified Safety Certificate") or a Qualified Short Voyage Certificate, as the case may be, showing that the ship complies with those requirements from which it is not exempt.

Validity of Short Voyage Certificates for passenger ships

242. The Minister or such other person as he may authorize for the purpose, may permit any passenger ship in respect of which there is in force a Short Voyage Certificate, or a Qualified Short Voyage Certificate, to proceed to sea on an international voyage from a port in Trinidad and Tobago, not exceeding twelve hundred nautical miles between that port and the final port of destination, and for the purposes of this section, such

Certificate shall be endorsed for the voyage on which the ship is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between those ports.

Passenger Safety Certificate to be carried on board

243. (1) Every passenger ship shall, before plying or proceeding to sea from any port in Trinidad and Tobago have on board a valid Passenger Ship Safety Certificate which shall show—

(*a*) the limits, if any, beyond which the ship is not fit to ply; and

(*b*) the number of passengers which the ship is fit to carry, distinguishing, if necessary, the number to be carried in each part of the ship, and any conditions and variations to which the number is subject.

(2) Where in the case of a foreign passenger ship, the Minister or such other person as he may authorise for the purpose, is satisfied upon the production of a Passenger Ship Safety Certificate that the provisions of this Act have been substantially complied with, the ship shall be deemed to have satisfied the requirements of subsection (1).

Penalty for carrying excess passengers

244. Where a passenger ship has on board a number of passengers which, having regard to the time, occasion and circumstances of the case, is greater than the number allowed by the Passenger Ship Safety Certificate, the owner or master of the ship shall, without prejudice to any other remedy or penalty under this Act, be liable to a fine of two hundred dollars for every excess passenger.

Surveys of life-saving appliances and other equipment of cargo ships

245. (1) The life-saving appliances and fire-fighting appliances of Trinidad and Tobago cargo ships shall be subject to survey before the ship is put into service and thereafter at intervals of not more than two years.

(2) The fire control plans in Trinidad and Tobago ships and the pilot ladders, lights and sound signals and distress signals in new and existing Trinidad and Tobago cargo ships shall be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the Safety Convention and, where applicable, the Collision Regulations.

Issue of Safety Equipment Certificate for cargo ships

246. Where the Minister or such person as he may authorize for the purpose is satisfied, on receipt of the surveyor's report in respect of a Trinidad and Tobago cargo ship, that the ship complies with the requirements of the Safety Convention as regards life-saving appliances and with such of the regulations relating to safety of life at sea as are applicable to the ship in regard to such life-saving appliances and to such voyages as it is to be engaged on, and, that it is properly provided with the lights, shapes and means of making sound signals required by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship—

(*a*) where it is not less than five hundred gross register tons and is to be engaged on international voyages, a certificate in the form prescribed by the Safety Convention;

(*b*) in any other case, a certificate showing that it complies with the said requirements,

and any such certificate is in this Act referred to as a "Safety Equipment Certificate".

Exemption Certificate and Qualified Safety Equipment Certificate

247. Where the Minister or such person as he may authorize for the purpose on receipt of the surveyor's report in respect of a cargo ship, is satisfied that the ship is exempt by this Act or from any of the requirements of such regulations or of the Safety Convention, applicable to the ship and to such voyages as it is to be engaged on, and that the ship complies with the remainder of those requirements and is properly provided with the lights, shapes and means of making sound signals required by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship—

(*a*) where it is not less than five hundred tons gross tonnage and is to be engaged on international voyages—

(i) an exemption certificate stating from which of the requirements of the Safety Convention the ship is exempt and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trade and complying with any other conditions, specified in the certificate; and

(ii) a certificate showing that the ship complies with those requirements from which it is not exempt;

(*b*) in any other case, a certificate showing that the ship complies with such of the requirements of the Safety Convention from which it is not exempt and to the voyages on which it is to be engaged,

and any certificate issued under paragraph (*a*)(ii) or (*b*) is in this Act referred to as a "Qualified Safety Equipment Certificate".

Surveys of radar and radio installations on cargo ships

248. The radio and radar installations of Trinidad and Tobago cargo ships and any radio-telegraph installations in a motor-life boat or portable radio apparatus for survival craft which is carried in compliance with any regulations made under section 229, shall be subject to survey before the ship is put into service and thereafter at intervals of not more than twelve months.

Issue of Radio Certificate

249. Where the Minister or such person as he may authorize for the purpose is satisfied on receipt of the surveyor's report in respect of a Trinidad and Tobago cargo ship that the ship complies with the requirements of the Safety Convention as regards radio-telegraphy, radio-telephony, and direction finders and with such of the regulations relating to safety of life at sea as are applicable to the ship in regard to such radio-telegraphy, radio-telephony and direction finders and to such international voyages, as it is to be engaged on, he shall, on the application of the owner, issue in respect of the ship—

(*a*) a certificate in the form prescribed by the Convention where the ship is of not less than three hundred gross tons and is to be engaged on international voyages;

(*b*) a certificate showing that it complies with the said requirements,

and any such certificate is in this Act referred to as a "Radio Certificate".

Exemption Certificate and Qualified Radio Certificate

250. Where the Minister or such person as he may authorize for the purpose, on receipt of the surveyor's report in respect of a cargo ship, is satisfied that the ship is ligible for exemption under this Act, from any of the

requirements of those of the regulations or of the Safety Convention applicable to the ship as regards radio-telegraphy, radio-telephony and direction finders and to such voyages as it is to be engaged on, and that the ship complies with the remainder of those requirements and is properly provided with the lights, shapes and means of making sound signals required by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship—

(*a*) where it is not less than five hundred gross register tons and is to be engaged on international voyages—

(i) an exemption certificate stating which of the requirements of the Safety Convention the ship is exempt from and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trade and complying with the other conditions, specified in the certificate, and

(ii) a certificate showing that the ship complies with those requirements from which it is not exempt;

(*b*) in any other case, a certificate showing that the ship complies with such of the requirements of the Safety Convention from which it is not exempt and the voyages on which it is to be engaged,

and any certificate issued under paragraph (*a*)(ii) or paragraph (*b*) of this section is in this Act referred to as a "Qualified Radio Certificate".

Radio Exemption Certificate

251. Where any Trinidad and Tobago ship is wholly exempted by the Minister or such other person authorised by him for the purpose from the requirements of the regulations relating to the Safety Convention as regards radio-telegraphy, radio-telephony and direction finders there shall be issued upon application by the owner, an exemption certificate, hereinafter referred to as a "Radio Exemption Certificate" specifying the voyages and trades for and conditions on which, the ship is so exempt.

Surveys of hull, machinery and equipment of cargo ships

252. (1) The hull, machinery and equipment other than items in respect of which Cargo Ship Safety Equipment Certificates, Cargo Ship Safety Radio Telegraphy Certificates or Cargo Ship Radio-telephony Certificates are issued of a Trinidad and Tobago cargo ship shall be surveyed before being put into service and thereafter in such a manner and at such intervals as may be prescribed under this Part.

Cargo Ship Construction and Survey Regulations

253. (1) The Minister may make regulations (in this Act referred to as "Cargo Ship Construction and Survey Regulations") prescribing requirements for the hull, equipment and machinery of ships to which this section applies and requiring any Trinidad and Tobago ship to be surveyed to such an extent, in such a manner and at such intervals as may be prescribed.

(2) The said regulations shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention relating to the hull, equipment and machinery of such ships.

(3) This section applies to—

(*a*) Trinidad and Tobago ships of not less than five hundred gross tons;

(*b*) Trinidad and Tobago ships of such lower tonnage and of such description as the Minister may specify; and

(*c*) foreign ships while they are within the waters of Trinidad and Tobago and while they are not exempted under this Act,

but does not apply to passenger ships, troopships, pleasure crafts, fishing vessels and ships not propelled by mechanical means.

Issue of Cargo Ship Safety Construction Certificate

254. (1) Where the Minister or such person as he may authorise for the purpose is satisfied, on receipt of the surveyor's report in respect of a Trinidad and Tobago cargo ship to which section 253 applies, that the ship complies with the Cargo Ship Construction and Survey Regulations applicable to the ship and such voyages as it is to be engaged on, he shall, on the application of the the owner, issue in respect of the ship—

(*a*) a certificate in the form prescribed by the Convention where it is not less that five

hundred gross tons and is to be engaged on international voyages, and

(*b*) in any other case a certificate showing that it concurs with the said regulations,

and any such certificate is in this Act referred to as a "Cargo Ship Safety Construction Certificate".

Exemption certificate and Qualified Cargo Ship Safety Construction Certificate

255. Where the Minister or such person as he may authorise for the purpose, on receipt of the surveyor's report in respect of a cargo ship, is satisfied that the ship is eligible for exemption under this Act from any of the requirements of those of the regulations applicable to the ship and to such voyages as it is to be engaged on, and that it complies with the remainder of these requirements, he shall, on the application of the owner, issue in respect of the ship—

(*a*) where it is of not less than five hundred gross tons and is to be engaged on international voyages—

(i) an exemption certificate stating from which of the requirements of the Safety Convention, the ship is exempt and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trades and complying with the other conditions specified in the certificate; and

(ii) a certificate showing that the ship complies with those requirements from which it is not exempt;

(*b*) in any other case, a certificate showing that the ship complies with such of the requirements of the Cargo Ship Construction and Survey Regulations from which it is not exempt and to the voyages on which it is to be engaged, and any certificate issued under paragraph (*a*)(ii) or (*b*), is in this Act referred to as a "Qualified Cargo Ship Safety Construction Certificate".

Validity period of Cargo Ship Safety Construction Certificate

256. (1) A certificate issued under section 254 and a certificate issued under section 255 other than an exemption certificate, shall remain in force for five years or such

shorter period as may be specified in it, but without prejudice to the power of the Minister to cancel it, and an exemption certificate issued under this section shall remain in force for the same period as the corresponding qualified certificate.

(2) The Minister may, by Order, extend the period for which a certificate under this subsection is issued to a period not exceeding six years.

(3) Without prejudice to the power of extension conferred under this Act, where a certificate under this section is in force in respect of a ship and the certificate was issued for a shorter period that is allowed under this section, the Minister or any person authorised by him for the purpose may, if satisfied, on receipt of declarations of survey in respect of the ship that is proper to do so, grant an extension of the certificate for a period not exceeding one year and not exceeding, together with the period for which it has been previously extended under this subsection, the longest period for which it could have been issued under this Act.

Appeals against withholding of certificates or detention of ship

257. Where following the survey of a ship, the owner feels aggrieved by the withholding of any certificate required to be carried on board the ship under this Act, or by his ship being detained in accordance with section 232, he may appeal to the Court of Survey established under section 390.

Duration of certificates

258. (1) A Passenger Ship Safety Certificate, a Radio Certificate or an exemption certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radio-telegraphy, radio-telephony and direction finders shall be in force for one year and a Safety Equipment Certificate, shall be in force for two years from the date of its issue or for such shorter period as may be specified in the certificate; save that no such certificate shall remain in force after notice is given by the Minister to the owner, master or agent of the ship, in respect of which it has been issued that the Minister has cancelled the certificate.

(2) An exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radio-telegraphy, radio-telephony and direction finders, shall be in force for the same period as the corresponding qualified certificate.

(3) Any certificate issued by the Minister under this Act, and any Passenger Ship Safety Certificate, whether or not combined in one document with any other safety certificate, shall be admissible in evidence.

Extension of validity of certificates

259. (1) Where a Trinidad and Tobago ship is not in a port of Trinidad and Tobago on the date of expiry of any certificate issued to that ship under this Act, the Minister or any such person as he may authorise for the purpose, may extend the validity of that certificate in the first instance by a period not exceeding one month from its initial date of expiry up to a maximum of three months in the aggregate.

(2) The extension referred to in subsection (1) shall be granted only for the purpose of enabling the ship to proceed to a port of Trinidad and Tobago or a port where it is to be surveyed for the purpose of renewal of such certificate, and then only where it appears proper and reasonable to grant the extension.

Validity of qualified certificates

260. A qualified certificate shall not be deemed to be in force in respect of a ship unless there is in force in respect of the ship the corresponding exemption certificates; and an exemption certificate shall be of no effect unless it is, by its terms, applicable to the voyage on which the ship is about to proceed.

Penalty for non-compliance with conditions of exemption certificates

261. Where an exemption certificate, issued in respect of any Trinidad and Tobago ship specifies conditions on which the certificate is issued and any of those conditions is not complied with, the owner or the master of the ship is guilty of an offence and is liable to a fine of five thousand dollars.

Posting of certificates

262. (1) All certificates or certified copies thereof issued under this Act, except exemption certificates or certified copies thereof, shall be posted in a prominent and accessible place in the ship for the information of all persons on board; and the certificates or copies thereof shall be kept so posted while they are in force and the ship is in use.

(2) The owner or master of a ship who fails without reasonable cause to comply with this section is guilty of an offence and is liable to a fine of five hundred dollars.

Survey of ship in respect of which an accepted Safety Certificate is issued

263. A surveyor of ships or any other marine officer may board any ship for the purpose of verifying—

(*a*) that there is in force in respect of a foreign Safety Convention ship, a valid Safety Convention Certificate;

(*b*) that the condition of the hull, equipment and machinery of any such Safety Convention ship corresponds substantially with the particulars shown in such a certificate;

(*c*) that the number, grades and qualifications of radio officers or operators on board correspond with those shown in the certificate; except where the certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radio-telegraphy and radio-telephony; or

(*d*) that any conditions subject to which such a certificate, being the equivalent of an exemption certificate, is issued, are complied with.

Production of Safety Convention Certificate

264. (1) The master of every foreign Safety Convention ship, shall produce to the appropriate authorities from whom a clearance for the ship is demanded in respect of an international voyage from a port in Trinidad and Tobago, valid Safety Convention Certificates that are the equivalent of the Safety Convention Certificates issued by the Minister that would be required to be in force in respect of the ship if it was a Trinidad and Tobago ship, and a clearance shall not be granted, and the ship may be detained until those certificates are so produced.

(2) The production of a valid Safety Convention Certificate being the equivalent of—

(*a*) a qualified certificate; or

(*b*) an exemption certificate, other than a certificate stating that the ship is wholly exempt from the provisions of the Safety Convention,

shall not avail for the purpose of section 265 unless there is also produced the corresponding exemption certificate or qualified certificate as the case may be.

Miscellaneous privileges of ships holding Safety Convention Certificates

265. (1) Where a valid Safety Convention Certificate is produced in respect of a foreign Safety Convention ship, it shall be accepted and the ship shall be exempted from

surveys or inspections under section 263, unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of the certificate or that the ship and its equipment are not in compliance with regulations made under this Act respecting the maintenance of conditions of ships and their equipment after survey.

(2) Where a certificate is not acceptable due to the circumstances referred to in subsection (1), or if a certificate has expired or ceased to be valid, the ship shall not be granted clearance and shall be detained until it can proceed to sea or to the appropriate repair yard without causing danger to the ship or persons on board, and the following persons shall be notified in writing of the circumstances, namely—

(*a*) the local Consul of the ship's flag state or, in his absence, the nearest diplomatic representative of the ship's flag state;

(*b*) nominated surveyors or recognized organizations responsible for the issue of the certificates referred to in subsection (1).

(3) Where any ship referred to in subsection (2) is unduly detained or delayed, it shall be entitled to compensation for any loss or damage suffered as a direct result of such undue detention or delay.

Prohibition on proceeding to sea without appropriate certificate

266. (1) No Trinidad and Tobago ship shall proceed to sea on an international voyage from a port in Trinidad and Tobago unless there is in force in respect of the ship—

(*a*) where it is a passenger ship a Passenger Ship Safety Certificate, or a Short Voyage Safety Certificate, or a Qualified Short Voyage Safety Certificate which, subject to the provisions of this section relating to Short Voyage Certificates, is applicable to the voyage on which the ship is about to proceed and to the trade in which it is for the time being engaged;

(*b*) where it is not a passenger ship—

(i) a Cargo Ship Safety Construction Certificate or a Qualified Cargo Ship Safety Construction Certificate;

(ii) a Safety Equipment Certificate or a Qualified Safety Equipment Certificate; and

(iii) a Radio Certificate, or a Qualified Radio Certificate, or an Exemption Radio Certificate.

(2) Notwithstanding the provision in subsection (1) a Trinidad and Tobago ship that is not a passenger ship may proceed to sea if there is in force in respect of that ship, such certificates as would be required if it were a passenger ship, namely, the certificates referred to in paragraph (*a*) of subsection (1).

Detention of ship for lack of production of certificates

267. The master of every Trinidad and Tobago ship shall produce to the appropriate authorities from whom a clearance for the ship is demanded for an international voyage the certificates required by this Part to be in force when the ship proceeds to sea and a clearance shall not be granted, and the ship may be detained, until the certificates are so produced.

Ship's stability

268. (1) Every Trinidad and Tobago passenger ship, regardless of size and every Trinidad and Tobago cargo ship having a length of twenty-four metres and upwards shall carry on board such information about the ship's stability as may be prescribed.

(2) The information, a copy of which shall be sent to the Minister, shall be based on the determination of the ship's stability by means of an inclining test of the ship but the Minister may allow the information to be based on a similar determination of the stability of a sister ship.

(3) Where any ship proceeds or attempts to proceed to sea without having on board the information as required by subsections (1) and (2), the owner or master is guilty of an offence and is liable to a fine of five thousand dollars.

Penalty for forgery of certificate of declaration

269. Any person who—

(*a*) knowingly and wilfully makes, or assists in making, or procures to be made a false or fraudulent survey report under this Part; or

(*b*) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering any such report or certificate,

or anything contained in or any signature to any such report or certificate,

is guilty of an offence.

Notice of alterations affecting the efficiency or seaworthiness of the ship

270. (1) The owner or master of a passenger ship in respect of which a Passenger Ship Safety Certificate issued under this Act is in force shall, as soon as possible after any alteration is made in the ship's hull, equipment or machinery affecting the efficiency thereof or the seaworthiness of the ship, give written notice to the Director containing full particulars of the alteration.

(2) The owner or master of a ship, other than a passenger ship in respect of which any certificate issued under this Act is in force shall, as soon as possible, after any alteration is made in the appliances or equipment required by the regulations for safety of life at sea, the Safety Convention or the Collision Regulations to be carried by the ship, being an alteration affecting the efficiency or completeness of those appliances or equipment, give written notice to the Director containing full particulars of the alteration.

(3) Where notice of any alteration is not given as required by this section, the owner or master of the ship is guilty of an offence and is liable to a fine of one thousand dollars.

Renewal of survey of ship ordered by the Director at any time

271. (1) Where the Director has reason to believe that since the making of the last survey report in respect of any ship—

(*a*) any alteration has been made as is mentioned in section 270;

(*b*) the hull, equipment or machinery of a passenger ship have sustained any damage or are otherwise insufficient; or

(*c*) the appliances or equipment of a ship, other than a passenger ship, have sustained any damage or are otherwise insufficient,

the Director may require the ship to be again surveyed to such extent as he thinks fit, and if such requirement is not complied with, may cancel any certificate issued in respect of the ship under this Act.

(2) For the purpose of this section "alteration" in relation to anything, includes the renewal or replacement of any part of it.

Application of this Part to foreign ships—exemption from compliance with this Part

272. (1) The Minister may direct that this Part or any of the provisions thereof shall apply to any foreign ship or class of ship while within the waters of Trinidad and Tobago.

(2) Notwithstanding anything in this Part, the Minister may relieve any foreign ship or the owner of any such ship from compliance with any of the provisions of this Part or regulations made thereunder relating to inspection, in any specific case of emergency where the Minister may deem it necessary or advisable in the public interest, to such extent and in such manner and upon such terms as he may consider proper in the circumstances; but the Minister shall not relieve any ship or the owner thereof from compliance with any such provision to such manner as would permit any ship to proceed to sea or to make any voyage in an unseaworthy condition.

Issue of accepted Safety Convention Certificates by the Minister in respect of foreign registered ships

273. (1) The Minister may, at the request of the Government of a State to which the Safety Convention applies, cause a ship to be surveyed, and if satisfied that the requirements of the said Convention are complied with, shall issue certificates to the ship in accordance with the Safety Convention.

(2) Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the country in which the ship is or will be registered, and it shall have the same force and receive the same recognition as a certificate issued under this Part.

Issue of certificates by other Governments

274. The Minister may request the Government of a State to which the Safety Convention applies or any organisation authorised to act in that behalf by the Minister to issue in respect of a Trinidad and Tobago ship any certificate the issue of which is required under this Act; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Minister and not by the Government of that state.

Exceptions

275. The Safety Convention and the regulations made thereunder, unless it is otherwise provided by those regulations, shall not apply to—

(*a*) ships of war or troopships;

(*b*) cargo ships of less than five hundred gross register tons;

(*c*) ships not propelled by mechanical means;

(*d*) wooden ships of primitive build;

(*e*) pleasure craft not engaged in trade;

(*f*) fishing vessels;

(*g*) such coastal trade ships as the Minister may prescribe;

(*h*) licensed Trinidad and Tobago Ships.

Regulations for safety requirements and issue of local safety certificates

276. The Minister may make regulations prescribing safety requirements and providing for the survey and issue of local safety certificates in respect of any ship or class of ship to which the Safety Convention does not apply.

PART XII

Load Lines

Interpretation

277. For the purposes of this Part—

"Convention Country" means a state, the Government of which is a party to the Load Line Convention and which has not denounced that Convention;

"existing ship" means a ship which is not a new ship;

"fishing vessel" means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

"Load Line Convention" means the International Convention on Load Lines 1966 and any amendments thereto which the Minister may, by Order declare to be in effect for Trinidad and Tobago;

"load line convention ship" means an international load line ship belonging to a country to which the Load Line Convention applies;

"Load Line Regulations" means the regulations made by the Minister to give effect to the Load Line Convention;

"load line ship" means—

(*a*) an international load line ship, that is to say, an existing ship of not less than one hundred and fifty gross

tons or a new ship of twenty-four metres or more in length which carries cargo or passengers on international voyages; and

(*b*) a local load line ship, that is to say, a ship, other than an international load line ship, which carries cargo or passengers;

"new ship" means a ship whose keel is laid or which is at a similar stage of construction on or after—

(*a*) in the case of a ship registered in or flying the flag of a state other than Trinidad and Tobago which is a Convention state, the date from which it is declared that the Government of that state has ratified or acceded to the Load Line Convention, or that it is a state to which that Convention applies;

(*b*) in the case of any other ship, the date of the coming into force of this Act.

Exceptions

278. This Part shall not apply to—

(*a*) ships of war;

(*b*) pleasure craft not engaged in trade;

(*c*) fishing vessels.

States to which Load Line Convention applies

279. The Minister may from time to time by Notice publish a list of states that have ratified acceded to or denounced the Load Line Convention.

Minister to make Load Line Regulations to give effect to the Load Line Convention

280. The Minister may make such regulations hereinafter referred to as the "Load Line Regulations" as appear to him to be necessary for the purpose of giving effect to the Load Line Convention, and without prejudice to the generality of the foregoing, such Regulations may also prescribe load line requirements and provide for the issue of local Load Line Certificates in respect of ships to which the Load Line Convention does not apply.

Certificates which can be issued under the Load Line Convention

281. (1) An International Load Line Certificate may be issued to every ship which has been surveyed and marked in accordance with the Load Line Convention.

(2) An International Load Line Exemption Certificate may be issued to any ship to which an exemption has been granted in accordance with the Load Line Convention.

(3) The certificates mentioned in this section shall be issued by the Minister or by any person or organization duly authorised by him, and in every case the Minister shall assume full responsibility for the certificates.

Issue of Load line Certificates

282. (1) Where a Trinidad and Tobago ship has been surveyed and marked in accordance with the Load Line Regulations, the appropriate certificate shall be issued to the owner of the ship, on his application.

(2) For the purposes of this section the appropriate certificate—

(*a*) in the case of an existing ship of not less than one hundred and fifty gross tons, and in the case of a new ship of twenty-four metres or more in length is to be called an "International Load Line Certificate (1966)"; and

(*b*) in the case of any other ship, is to be called a "Trinidad and Tobago Local Load Line Certificate".

Certificates issued by other Governments

283. (1) The Minister may request the Government of a state which is a party to the Load Line Convention to issue an International Load Line Certificate in respect of a Trinidad and Tobago ship, and a certificate so issued and containing a statement that it was so issued shall have effect for the purposes of this Part as if it had been issued by the Minister.

(2) Where a valid Load Line Certificate issued in pursuance of subsection (1) is produced in respect of a ship, that ship shall, for the purposes of this Part, be deemed to have been surveyed under the Load Line Regulations and, if the deck line and load lines correspond with the marks specified in the certificate, the ship shall be deemed to be marked as required by this Part.

Certificates issued by the Government of Trinidad and Tobago at the request of other Governments

284. The Minister may, at the request of the Government of a state to which the Load Line Convention applies, issue an International Load Line Certificate in respect of a ship of that state, if he is satisfied that, as in the case of a

Trinidad and Tobago ship, he can properly issue the certificate; and where a certificate is issued at such a request, it shall contain a statement to the effect that it has been so issued.

Validity of foreign certificates

285. (1) With a view to determining the validity in Trinidad and Tobago of certificates purporting to have been issued in accordance with the Load Line Convention in respect of foreign ships, the Minister may make such regulations as appear to him to be necessary.

(2) For the purposes of the provisions of this Part relating to foreign ships the expression "a valid Load Line Certificate" means a certificate complying with such of those regulations made under subsection (1) as are applicable in the circumstances.

Power to make exemption orders

286. (1) Where in the opinion of the Minister the sheltered nature and conditions of international voyages between ports in Trinidad and Tobago and ports in neighbouring states make it unreasonable or impracticable to apply the provisions of this Act to ships plying on such a voyage, and the Minister is satisfied that the Governments of the other states concur in that opinion, the Minister may, by Order, specifying those ports, direct that ships plying on such voyages be exempt from the provisions of this Part.

(2) The Minister may, by Order, direct that ships under twenty-four metres in length engaged solely in the coasting trade, or any class of such ships specified in the Order be exempt from the provisions of this Part.

(3) Any Order under this section may be made subject to such conditions as the Minister thinks fit; and where any such Order is made subject to conditions, the exemption granted by the Order shall not have effect in relation to a ship unless the ship complies with those conditions.

Further powers to exempt the ship

287. (1) On the application of the owner of a Trinidad and Tobago ship to which this Part applies and the ship is either an existing ship of not less than one hundred and fifty gross tons or a new ship of not less than twenty-four metres in length, the Minister may exempt the ship if in his opinion the ship embodies features of a novel kind such that, if the ship had to comply with all the requirements of this Part, the development of those features and their incorporation in the ship might be seriously impeded.

(2) On the application of the owner of a Trinidad and Tobago ship to which this Part applies, and which is either—

(*a*) an existing ship of less than one hundred and fifty gross tons or a new ship of less than twenty-four metres in length, or

(*b*) a ship, not falling within paragraph (*a*), which does not ply on international voyages,

the Minister may exempt the ship.

(3) Without prejudice to subsection (2), where a Trinidad and Tobago ship to which this Part applies is either an existing ship of not less that one hundred and fifty gross tons or a new ship of not less than twenty-four metres in length, does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Minister, on the application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.

(4) Any exemption granted under this section may be granted subject to such conditions as the Minister thinks fit; and where any such exemption is granted subject to conditions, the exemption shall not have effect unless those conditions are complied with.

Extent of exemption

288. In this Part, any reference to exempting a ship is a reference to exempting the ship either—

(*a*) from all the provisions of this Part and of the Load Line Regulations; or

(*b*) from such of those provisions as are specified in the instrument granting the exemption.

Issue of exemption certificates

289. (1) Where the Minister exempts a ship under section 286 or 287 the Director shall issue the appropriate certificate to the owner of the ship.

(2) For the purposes of this section, the appropriate certificate—

(*a*) where the exemption is granted under subsection (1) or (3) of section 287 is to be called an "International Load Line Exemption Certificate"; and

(*b*) where the exemption is granted under subsection (2) of that section is to be called a "Trinidad and Tobago Local Load Line Exemption Certificate".

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

Duration and determination of exemptions, etc.

290. (1) The Load Line Regulations shall make provision for determining the period during which any exemption granted under section 286 or 287 or any certificate issued under section 289 is to remain in force including—

(*a*) provision enabling the period for which any such exemption or certificate is originally granted or issued to be extended within such limits and in such circumstances as may be prescribed by the Regulations; and

(*b*) provision for terminating any such exemption and for cancelling any such certificate in such circumstances as may be prescribed.

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

(*a*) periodical inspections of the ship in accordance with the Load Line Regulations; and

(*b*) any extension of the period for which the certificate was issued as may be prescribed by the Regulations.

Effect of Load Line Certificates

291. Where a valid Load Line Certificate issued under this Part is produced in respect of the ship to which the certificate relates—

(*a*) the ship shall be deemed to have been surveyed in accordance with the Load Line Regulations; and

(*b*) where lines are marked on the ship according in number and description to the deck line and load lines as required by the Load Line Regulations, and the positions of those lines so marked correspond to the positions of the deck line and load lines as specified in the certificate, the ship shall be deemed to be marked as required by those Regulations.

Duration, renewal and cancellation of Load Line Certificate

292. (1) Every Load Line Certificate issued by or under the authority of the Minister shall, unless it is renewed in accordance with the provisions of subsection (2), expire at the end of such period as specified therein but not exceeding five years from the date of its issue.

(2) Any such load line certificate may, after a survey that is not less effective than the survey required by the Load Line Regulations before the issue of the certificate, be renewed from time to time by the Director or by any person authorised by him to issue a load line certificate for such period not exceeding five years on any occasion as the Director or other authorised person renewing the certificate thinks fit.

(3) The owner of every ship in respect of which any such certificate remains in force, shall cause the ship to be surveyed in the prescribed manner at least once in every period of twelve months after the issue of the certificate for the purpose of ascertaining whether the certificate should remain in force, having regard to subsection (2), and if the ship is not so surveyed, the Minister shall cancel the certificate, but may, if he thinks fit extend the said period by a maximum of three months.

Ships not to proceed to sea without Load Line Certificate

293. (1) Subject to any exemption granted by or under this Part, no Trinidad and Tobago ship being an international load line ship shall proceed to sea on an international voyage unless there is in force in respect of such ship an International Load Line Certificate.

(2) No Trinidad and Tobago ship, being a local load line ship shall proceed to sea unless there is in force in respect of such ship a Local Load Line Certificate.

(3) The master of every Trinidad and Tobago load line ship shall produce to the customs officer from whom a clearance for the ship is demanded the certificate that is required by this section to be in force when the ship proceeds to sea; and a clearance shall not be granted and the ship shall be detained until that certificate is so produced.

Deck cargo

294. (1) The Minister may make regulations, in this section referred to as "the Deck Cargo Regulations", prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a load line ship.

(2) Where notice of any alteration is not given as required by subsection (1) the owner and the master are guilty of an offence and each is liable to a fine of five thousand dollars.

(3) The Director may exercise with respect to any such ship his powers specified in subsection (4) where he has reason to believe that—

(*a*) material alterations have taken place in the hull or superstructure of the ship which affect the load line marks; or

(*b*) fittings and appliances for the protection of openings, guard rails, the freeing ports or the means of access to the crews' quarters have not been maintained on the ship in as effective a condition as they were when the certificate was issued.

(4) In any such case the Director may—

(*a*) cancel the Load Line Certificate; or

(*b*) require the owner to have that ship surveyed again to such an extent as the Director thinks fit; and, if that requirement is not complied with he may cancel the Load Line Certificate.

(5) Where a load line certificate has expired or has been cancelled, the Director may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs and the ship may be detained and if the owner or master fails without reasonable cause to comply with such requirement he is guilty of an offence and liable to a fine of one thousand dollars.

Submersion of load lines

297. (1) No ship shall be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being permitted under the Load Line Regulations to be loaded.

(2) Where any ship is loaded in contravention of this section, the owner or master of the ship is guilty of an offence and is liable to a fine of one thousand dollars and to such additional fine, as specified in subsection (3), as the court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been increased by reason of the submersion.

(3) The said additional fine shall not exceed one thousand dollars for every centimetre or part thereof by which the appropriate load line on each side of the ship was submerged or would have been submerged if the ship had been in salt water and without any list.

(4) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a valid defence that the contravention was due solely to deviation or delay caused by stress of weather or any other cause of *force majeur* which neither the master, the owner, nor the charterer, if any, could have prevented or forestalled.

(5) Without prejudice to any proceedings under this section, any ship which is loaded in contravention of this section may be detained until it ceases to be so loaded.

Alteration or defacement of marks

298. (1) The owner or master of a Trinidad and Tobago load line ship who fails without reasonable cause to keep the ship marked in accordance with this Part is guilty of an offence and is liable to a fine of one thousand dollars.

(2) Any person who conceals, removes, alters, defaces or obliterates or permits any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any ship in accordance with this Part, except with the authority of a person entitled under the Load Line Regulations to authorise the alteration of the mark is guilty of an offence and is liable to a fine of five thousand dollars.

Ships not to proceed to sea unless complying with Load Line Regulations

299. (1) No Trinidad and Tobago load line ship shall proceed to sea unless—

(*a*) the ship has been surveyed in accordance with the Load Line Regulations either by a surveyor of ships or by any organisation authorised to act in that behalf by the Minister or at his request by the Government of any Convention state;

(*b*) the ship complies with the conditions for the assignment of load lines prescribed in the Load Line Regulations;

(*c*) the ship is marked on each side with a mark (hereinafter referred to as a "deck-line") indicating the position of the uppermost deck and with marks (hereinafter referred to

as "load lines",) indicating the several maximum depths to which the ship is permitted to load in various circumstances prescribed by the Load Line Regulations; and

(*d*) the deck-line and load lines are of the descriptions and in the positions required by the Load Line Regulations.

(2) Where the ship proceeds or attempts to proceed to sea in contravention of this section the master or owner thereof is liable to a fine of one thousand dollars and the ship may be detained until it has been so surveyed and marked.

Production of certificates to Customs

300. The master of every load line convention ship shall, upon request, produce a valid Load Line Certificate to the Customs and Excise Officer from whom a clearance for the ship from a port in Trinidad and Tobago is demanded and a clearance shall not be granted and the ship may be detained until the certificate is produced.

Production of Load Line Certificate for foreign ships

301. Unless a valid Load Line Certificate is produced in respect of a foreign ship, the provisions of section 299 shall apply to that ship proceeding or attempting to proceed to sea from a port in Trinidad and Tobago as they apply to a Trinidad and Tobago ship.

Applicability of rules as to submersion of load lines to foreign ships

302. The provisions of section 297 shall apply to foreign ships while they are in the waters of Trinidad and Tobago as they apply to Trinidad and Tobago ships, subject to the following—

(*a*) no load line convention ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of that section, except after an inspection by a surveyor as provided for in this Part;

(*b*) the expression "the appropriate load line" means—

(i) in the case where a valid load line convention certificate in respect of the ship is produced on such an inspection as aforesaid, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being permitted under the Load Line Convention to be loaded;

(ii) in the case where a valid load line convention certificate is not so produced, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being permitted in accordance with the Load Line Regulations to be loaded.

Publication and display of Load Line Certificate and entry into log book of particulars of load lines

303. (1) Where a Load Line Certificate has been issued under this Part in respect of a Trinidad and Tobago load line ship—

(*a*) the owner of the ship shall forthwith upon receipt of the certificate, cause it to be framed and displayed in some conspicuous place on board the ship, and the certificate shall be kept so framed and displayed and shall be legible so long as the certificate remains in force and the ship is in use; and

(*b*) the master of the ship before making any other entry in any official log book, shall enter therein the particulars as to the markings of the deck-line and load line specified in the certificate.

(2) Before any Trinidad and Tobago load line ship proceeds to sea, the master thereof shall—

(*a*) enter in the official log book the draught and freeboard relating to the depth to which the ship is for the time being loaded, the density of the water in which the ship is floating and all other particulars relating thereto in the form as set out in the official log book;

(*b*) cause a notice in the prescribed form to be displayed in some conspicuous place on board the ship and the notice shall remain displayed and shall be legible while the ship is at sea.

(3) The master or owner of any Trinidad and Tobago load line ship who fails to comply with the provisions of this section is guilty of an offence and is liable to a fine of one thousand dollars.

Inspection of ships

304. (1) A surveyor of ships or other marine officer may board any ship when such ship is within the waters of Trinidad and Tobago and may demand the production of any Load Line Certificate for the time being in force in respect of that ship.

(2) Where a valid Load Line Certificate is produced to the surveyor his powers of inspecting the ship with respect to load lines shall be limited to ensuring—

(*a*) that the ship is not loaded beyond the limits allowed by the certificate;

(*b*) that the markings of the load line on the ship correspond with those specified in the certificate;

(*c*) that no material alterations have taken place in the hull or superstructure of the ship which affect the markings of the load lines;

(*d*) that the fittings and appliances for the protection of openings, guard rails, freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were when the certificate was issued.

(3) Where a valid Load Line Certificate is not produced to the surveyor, he shall have the same power of inspecting the ship as provided for in section 295 as if the ship were a Trinidad and Tobago load line ship.

Contravention of Load Line Regulations and detention of ship

305. (1) Where it is found upon an inspection referred to in section 304 that a ship is loaded in contravention of section 297, the ship may be detained and proceedings may be taken, against the master or owner thereof under section 297.

(2) Where the load lines on the ship are not marked as specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(3) Where on an inspection a ship is found to have been so materially altered in respect of the matters referred to in section 304(2)(*c*) or (*d*) that it is manifestly unfit to proceed to sea without danger to human life, the ship shall be detained; but where the ship has been so detained the Director shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human ife.

PART XIII

Carriage of Bulk Cargoes

Minister may make regulations

306. The Minister may make regulations relating to—

(*a*) the safe carriage and stowage of bulk cargoes having due regard to the Code of Safety Practice for Bulk Cargoes issued by the International Maritime Organization and amendments thereto or replacements thereof;

(*b*) the safe carriage and stowage of grain in compliance with the International Convention for the Safety of Life at Sea, 1974 and amendments thereto or replacements thereof as they come into force for Trinidad and Tobago.

Grain cargoes

307. (1) Where grain is loaded on board any Trinidad and Tobago ship, or is loaded at any port in Trinidad and Tobago on any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and, if such precautions are not taken, the owner or the master or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, is guilty of an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(2) Where any ship, loaded with grain outside Trinidad and Tobago without necessary and reasonable precautions having been taken to prevent the grain from shifting, enters any port in Trinidad and Tobago so laden, the owner or master is guilty of an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(3) No offence is committed under subsection (2) where the ship would not have entered any such port but for stress of weather or any other cause or *force majeur*, neither the master, the owner nor the charterer if any, could have prevented or forestalled.

(4) Any person authorised by the Director to ensure the observance of the provisions of this section may inspect the grain, and the mode in which it is stowed and shall have all the powers of a surveyor of ships under this Act.

Offence

308. Any person who contravenes this Part is guilty of an offence and is liable to a fine of five thousand dollars.

PART XIV

Dangerous Goods

309. (1) The Minister may by regulations establish which goods, articles or materials to be carried in a ship are dangerous goods in accordance with the International Convention for the Safety of Life at Sea, 1974 relating to the carriage of dangerous goods and to amendments thereto or replacements thereof or with any other Convention which may be accepted by Trinidad and Tobago, and such regulations shall have regard to the International Maritime Dangerous Goods (IMDG) Code of the International Maritime Organization. **Regulations as to dangerous goods**

(2) Without restricting the generality of the foregoing, the Minister may by regulations prescribe—

(*a*) the method of packing and stowing such goods;

(*b*) the quantity of such goods which may be carried in any ship;

(*c*) the place or places within a ship in which they may be carried;

(*d*) the marking that is to be placed on any package or container in which goods may be placed for shipment;

(*e*) the precautions that shall be taken with respect to the carriage of such goods and the powers of inspection to determine compliance with the provisions of the regulations.

310. (1) No person shall send by or carry in a Trinidad and Tobago ship, except in accordance with regulations made pursuant to section 309, any dangerous goods, save that this section shall not apply to ship's distress signals or to the carriage of military stores under conditions authorised by the Minister. **Carriage of dangerous goods**

(2) No person except the owner or master shall send by or carry in a Trinidad and Tobago ship any dangerous goods without first distinctly marking their nature on the outside of the outermost package containing the same, in accordance with such regulations as the Minister may make and without first giving written notice of the nature of such goods and of the name and address of the sender thereof to the master or owner of the ship.

(3) This section shall apply to all foreign ships while loading at any place in Trinidad and Tobago as they apply to Trinidad and Tobago ships.

Offence

311. A person who contravenes this Part is guilty of an offence and is liable to a fine of ten thousand dollars and the ship shall be deemed, for the purposes of this Act, to be unsafe by reason of improper loading.

Disposing of dangerous goods

312. (1) The master or owner of any ship may refuse to take on board any package or parcel that he suspects might contain any dangerous goods; and may require the package to be opened to ascertain its nature.

(2) When any dangerous goods, or any goods that, in the opinion of the master or owner of the ship, are dangerous goods, have been sent on board any ship without the marking or the written notice described in section 310, the master or owner of the ship may cause the goods, together with any package or container thereof, to be thrown overboard; and neither the master nor the owner of the ship is subject to civil or criminal liability in any court in respect of such action.

Forfeiture of dangerous goods

313. (1) Where any dangerous goods have been sent by or carried in any ship in a manner that would constitute an offence under this Part, a court having admiralty jurisdiction may order the goods, and any packaging or container thereof, to be forfeited.

(2) A court may exercise the powers conferred by subsection (1) notwithstanding—

(*a*) that the owner of the goods concerned has not committed any offence in respect of the goods, or is not before the court, or has had no notice of the proceedings; and

(*b*) that there is no evidence to show to whom the goods belong;

but the court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

PART XV

Seaworthiness of Ships

Sending unseaworthy ship to sea

314. (1) Any person who sends or is a party to sending a Trinidad and Tobago ship to sea in such an unseaworthy state that the life of any person is likely to be endangered thereby, is guilty of an offence, unless he proves either—

(*a*) that he used all reasonable means to ensure that the ship was sent to sea in a seaworthy state; or

(*b*) that sending the ship to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable.

(2) The master of a Trinidad and Tobago ship who knowingly takes a ship to sea in such an unseaworthy state that the life of any person is likely to be endangered thereby is guilty of an offence, unless he proves that taking the ship to sea in such an unseaworthy state was under the circumstances reasonable and justifiable.

Duty to ensure seaworthiness

315. (1) Notwithstanding any agreement to the contrary it is an implied term of every contract whether express or implied, relating to service on board a ship that—

(*a*) the owner of the ship;

(*b*) the master; and

(*c*) every agent charged with the loading of the ship or with the preparation of the ship for sea, or the sending of the ship to sea;

are bound to use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep the ship in a seaworthy condition throughout the voyage.

(2) Nothing in this section makes the owner of a ship liable by reason of the ship being sent to sea in an unseaworthy state when, owing to special circumstances, the sending of the ship to sea in that state was reasonable and justifiable.

Detention of unseaworthy ship

316. (1) Where, whether on a complaint or representation made to him or otherwise, the Director or a surveyor has reason to believe that any Trinidad and Tobago ship, or any foreign ship at a port in Trinidad and Tobago, is an

unseaworthy ship, he shall, if the complaint or representation is made in sufficient time before the sailing of the ship, ascertain whether or not the ship ought to be detained.

(2) Where the Director or surveyor is satisfied that the ship is an unseaworthy ship, he may—

(*a*) in the case of any ship, cause the ship to be detained; and

(*b*) in the case of a Trinidad and Tobago ship, cause its Certificate of Registry to be suspended, until he is satisfied that the ship is fit to proceed to sea.

(3) Where the ship is detained pursuant to subsection (2), the Director may adopt any measures or means he thinks suitable or necessary to prevent the ship from sailing while it is an unseaworthy ship.

(4) Where a foreign ship has been detained under this section, a consular officer for the state to which the ship belongs shall be informed forthwith.

(5) Where a ship has been dealt with under this section, the ship may be inspected or surveyed by a surveyor or other marine officer to investigate any defects or deficiencies believed to exist.

(6) The owner or master of a ship or a consular officer referred to in subsection (4) may require that a person of his choice accompany any person making an inspection or survey under this section.

(7) The surveyor or any other marine officer acting under this section, shall as soon as practicable after action is completed in connection therewith, forward a full report thereof to the Director together with copies of any reports made upon inspection or survey.

(8) Any complaint in respect of the seaworthiness of a ship shall be in writing, stating the name and address of the complainant, and a copy of the complaint, including the name and address of the complainant, shall be given to the owner or master of the ship if action is taken under this section.

(9) In this Part "unseaworthy ship" means a ship that is by reason of the defective condition of its hull, equipment or machinery, or by reason of undermanning, overload or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which the ship is intended.

Liability for costs, damages

317. (1) Where a ship is detained under this Act, and the ship was, at the time of detention, an unseaworthy ship within the meaning of this Part, the owner of the ship is liable to pay to the Minister any costs of and incidental to the detention and survey of the ship; and those costs are without prejudice to any other remedy, recoverable in the same manner as salvage.

(2) Where it is proved that there was no reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the detention of an unseaworthy ship, the Minister is liable to pay to the owner of the ship—

(*a*) the owner's costs of and incidental to the detention and survey of the ship; and

(*b*) compensation for any loss or damage sustained by the owner by reason of the detention or survey.

Complainant liability

318. Where a ship is detained in consequence of a frivolous or vexatious complaint and the circumstances are such that the Minister becomes liable under this Part to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Minister all such costs and compensation as the Minister incurs or is liable to pay in respect of the detention and survey of the ship.

Security for costs

319. (1) Where a complaint is made to the Minister, the Director or a surveyor, that a Trinidad and Tobago ship is unseaworthy, the Minister, or Director may, if he thinks fit, require that security to his satisfaction be given by the complainant for the costs and compensation that the complainant may become liable to pay under section 318.

(2) The security may not be required when the complaint—

(*a*) is made by one-fourth, being not less than three, of the seamen belonging to the ship; and

(*b*) is not frivolous or vexatious in the opinion of the Minister.

PART XVI

Wrecks and Salvage

Power of Principal Receiver of Wreck and designation of receivers

320. (1) The Principal Receiver of Wreck shall exercise general direction and supervision over all matters relating to receivers, wrecks and salvage.

(2) There may be designated by the Minister any person to be a receiver of wreck in any specified area and to perform the duties of a receiver under this Part.

Fees of receiver of wreck

321. (1) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also such fees as may be prescribed in respect of such other matters as may be prescribed, and the receiver shall not be entitled to any other remuneration.

(2) A receiver shall, in addition to all other rights and remedies for the recovery of the expenses and fees referred to in subsection (1), have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him and may, if the property in respect of which any such expenses and fees are due is not under arrest in any court, seize or detain the property until his expenses and fees are paid, or until security is given therefor to his satisfaction.

(3) All fees received by a receiver in respect of any services performed by him shall be accounted for to the state and shall be applied in defraying any expenses duly incurred in carrying this Part into effect and, subject to such application, shall be paid to the Comptroller of Accounts.

Vessels in receiver of wreck

322. (1) Where any vessel is wrecked, stranded or in distress in the waters or on the shores of Trinidad and Tobago, the receiver nearest to the area in which the wreck is situated shall, forthwith proceed there, and upon his arrival shall take charge of all persons present and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the shipwrecked persons and of the cargo and apparel of the vessel.

(2) The receiver shall not interfere with the master or the crew of the vessel in respect of the management of the vessel, unless he is requested to do so by the master.

Power of receiver of wreck

323. (1) A receiver may, with a view to the preservation of shipwrecked persons, or of a vessel, cargo or apparel—

(*a*) require such persons as he thinks necessary to assist him;

(*b*) require the master or other person having the charge of any vessel near at hand, to give such assistance with his men or vessel, as he is able to;

(*c*) require the use of any available machinery, vehicle or equipment.

(2) A receiver may cause to be apprehended and kept in custody until he can be conveniently taken before a magistrate to be dealt with in accordance with the law, any person who plunders, creates disorder or obstructs the preservation of a vessel wrecked, stranded or in distress in the waters or on the shores of Trinidad and Tobago and may use reasonable force for the suppression of such plundering, disorder or obstruction and may require the assistance of persons in the vicinity.

Power to pass over adjoining lands

324. (1) When a vessel is wrecked, stranded or in distress, any person may for the purpose of rendering assistance to the vessel, its cargo or apparel, or of saving the life of any person—

(*a*) pass and repass, with or without vehicles, machinery or equipment, over any adjoining lands unless there is some public road equally convenient; and

(*b*) deposit on those lands any cargo or other articles recovered from the vessel;

without being impeded or hindered or being subject to liability for trespass by the owner or occupier, but such person may not cause any more damage to the adjoining lands than is reasonably necessary for the purpose of rendering that assistance.

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights conferred by subsection (1) is a charge on the vessel, cargo or articles in respect of or by which the damage is caused, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as salvage under this Part.

(3) An owner or occupier of land who—

(*a*) impedes or hinders any person in the exercise of the rights conferred by subsection (1);

(*b*) impedes or hinders the deposit of any cargo or other article recovered from the vessel on any land; or

(*c*) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit,

is guilty of an offence and is liable to a fine of one thousand dollars.

Immunity of receiver

325. Where during any time a receiver or a person acting under his orders is engaged in the execution of the duties imposed on the receiver by this Part, some other person resists the receiver and a person is killed, maimed or hurt by reason of that resistance, no action, suit or prosecution against the receiver or person acting under his orders is maintainable by or on behalf of the person killed, maimed or hurt, unless the receiver or person acting under his orders used more force than was reasonably necessary in the circumstances.

Obstruction of receiver

326. Every person who—

(*a*) without reasonable cause fails to comply with any lawful request or order of a receiver; or

(*b*) wilfully impedes or obstructs a receiver or any person acting under his orders in the execution of his duty,

is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for six months.

Duties of persons finding wreck

327. (1) Where any person finds or takes possession of any wreck within Trinidad and Tobago or brings within Trinidad and Tobago any wreck found outside Trinidad and Tobago he shall, where he is the owner thereof, give notice to the receiver of the area stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised, or where he is not the owner thereof, as soon as possible, deliver the same to the receiver of the area.

(2) The Minister may dispense with a delivery required under subsection (1) in the case of any wreck upon such condition as he thinks fit.

(3) A person who fails without reasonable cause to comply with this section is guilty of an offence and is liable to a fine of five thousand dollars and shall, in addition, if he is not the owner, forfeit any claim to salvage and is liable to pay to the owner of the wreck, if it is claimed, or to the state, if it is unclaimed, double the value thereof to be recoverable in the same manner as a fine imposed under this Act.

Notice of wreck

328. Where a receiver takes possession of any wreck, he shall within forty-eight hours cause to be displayed at such public place as the Director may deem appropriate nearest to the place where the wreck was found or seized by, or delivered to him, and otherwise publish in such manner as he may deem fit, a description of the wreck and of any marks by which it is distinguished, and send a copy of such description to the Principal Receiver.

Claims of owners to wreck

329. (1) The owner of any wreck in the possession of the receiver or the agent of the owner shall—

(*a*) upon establishing his claim to the wreck to the satisfaction of the receiver within six months after the time at which the wreck came into the possession of the receiver; and

(*b*) upon paying the customs duty, if any, and the salvage fees and expenses due,

be entitled to have the wreck or the proceeds thereof delivered up to him.

(2) Where any articles belonging to or forming part of a foreign ship which has been wrecked in the waters or on the shores of Trinidad and Tobago or, belonging to and forming part of the cargo of any such ship, are found on or near the shores or are brought within any port in Trinidad and Tobago, the consular officer of the state to which the ship or, in the case of cargo, to which the owner of the cargo may have belonged shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner so far as the custody and disposal of the articles or of the ship is concerned under like circumstances.

Sale of wreck in certain cases

330. (1) The Principal Receiver may at any time sell any wreck in the custody of a receiver where—

(*a*) in his opinion, it is under the value of five thousand dollars;

(*b*) in his opinion it is damaged to such an extent or is of so perishable a nature that it is not worth while to retain;

(*c*) in his opinion it is not of sufficient value to pay for storage; or

(*d*) it has not been removed within a time, specified by the Receiver.

(2) The proceeds of any sale made under subsection (1) shall, after defraying the expenses thereof, be held by the Principal Receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

Unclaimed wreck

331. The State is entitled to all unclaimed wreck within any part of Trinidad and Tobago or found or taken possession of outside Trinidad and Tobago and brought within Trinidad and Tobago except in any place where the State has granted to any person the right to any such wreck.

Sale of unclaimed wreck

332. Where no owner establishes a claim to any wreck in the possession of a receiver within six months after it came into his possession, the Principal Receiver may sell the wreck and shall pay the proceeds of the sale to the Comptroller of Accounts after—

(*a*) deducting therefrom the expenses of the sale and any other expenses incurred by him; and

(*b*) paying therefrom to the salvors such amount of salvage as the Minister in each case determines.

Discharge of receiver

333. Upon delivery of the wreck by a receiver, or payment of the proceeds of sale of the wreck by the Principal Receiver under this Part, he shall be discharged from all liability in respect thereof but such delivery shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck or concerning the title to the land on which the wreck was found.

Removal of wreck being a hindrance to navigation

334. (1) Subject to any written law relating to ports or harbours where any vessel is sunk, stranded or abandoned in a port or harbour or its approaches in such manner as in the opinion of the competent authority is or is likely to become an obstruction or danger to navigation, that authority may—

(*a*) take possession of and raise, remove or destroy the whole or any part of the vessel;

(*b*) light or buoy any such vessel or part thereof until it is raised, removed or destroyed; and

(*c*) subject to subsections (2) and (3), sell in such manner as the authority thinks fit, any vessel or part thereof so raised or removed, and also any other property recovered in the exercise of its powers under this section and out of the proceeds of the sale, reimburse itself for the expenses incurred by it in relation thereto under this section and shall hold any surplus of the said proceeds on deposit for payment to the persons thereafter establishing a right thereto; but the deposit shall be paid to the Comptroller of Accounts unless the person entitled to the proceeds or any part thereof makes his claim within one year after the sale of the vessel.

(2) A sale shall not, except in the case of property which is of a perishable nature or which would deteriorate in value by delay, be made under this section until at least seven days' notice of the intended sale has been given in the *Gazette*.

(3) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the Principal Receiver of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing such agreement, by some person to be named for the purpose by the Principal Receiver and the sum paid as the value of any property under this subsection shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

(4) Where the proceeds of any sale referred to in this section are less than the costs incurred by the authority under subsection (1), the authority may recover the difference from the owner of the vessel as a debt due to the authority.

(5) In this section, "competent authority" or "authority" means the Director, the Principal Receiver and such other body or person as provided by any written law.

Breaking up and removing wreck

335. (1) Where any person being the owner of any vessel or any wrecked, submerged, sunken or stranded vessel, or the duly authorised agent or servant of such

owner is desirous of breaking up such vessel prior to removal thereof from Trinidad and Tobago, such person shall, before commencing salvage or breaking up operations, obtain the written permission of the Principal Receiver.

(2) The Principal Receiver in granting permission under subsection (1) may in his discretion—

(*a*) stipulate such conditions as he considers necessary to minimise the risks, or effects of any pollution; and

(*b*) require security in such reasonable amount as he may consider necessary to ensure the safe and effective removal of such vessel or any portion thereof.

(3) Any person who without the previous written permission of the Principal Receiver does or causes to be done any salvage or breaking up operation of any vessel or any wrecked, submerged, sunken or stranded vessel lying within Trinidad and Tobago is guilty of an offence and is liable to a fine of five thousand dollars and to six months imprisonment.

Extent of power of removal

336. The provisions of this Part relating to the removal of wrecks shall apply to every article or thing being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel.

Offences related to wreck

337. Any person who takes into any foreign port and there sells any vessel, whether stranded, derelict or otherwise in distress, found in Trinidad and Tobago or any part of the cargo or apparel thereof or anything belonging thereto, or any wreck found in Trinidad and Tobago is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for six months.

Unauthorised boarding of wreck

338. (1) A person shall not, without the leave of the owner or master, board any vessel which is wrecked, stranded or in distress unless that person is authorised by a receiver, and where a person contravenes this section he is guilty of an offence and is liable to a fine of one thousand dollars and may be removed by force.

(2) Where a person refuses to allow any person duly authorised by a receiver to board any wreck he is guilty of an offence and is liable to a fine of one thousand dollars.

339. (1) A person shall not— Interfering with wreck

(*a*) impede or hinder the salving of any vessel stranded or in danger of being stranded or otherwise in distress within Trinidad and Tobago or of any part of the cargo or apparel thereof or of any wreck;

(*b*) conceal any wreck or deface or obliterate any marks thereon; or

(*c*) wrongfully remove any part of a vessel stranded or in danger of being stranded or otherwise in distress within Trinidad and Tobago or any part of the cargo or apparel thereof, or any wreck.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable to a fine of one thousand dollars.

340. (1) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof, or that any wreck is being otherwise improperly dealt with, he may apply to a magistrate for a search warrant and the magistrate may grant such a warrant and the receiver, by virtue thereof, may enter any house or other place wherever situated and also any vessel and search for, seize and detain any such wreck found there. Summary procedure for concealment of wreck

(2) Where any such seizure or detention of wreck is made in consequence of information given by any person to a receiver, the informer is entitled, by way of salvage, to such sum not exceeding in any case one hundred dollars as the receiver may allow.

341. (1) Where a ship is wrecked, stranded or in distress within Trinidad and Tobago any cargo or other articles belonging to the ship which are washed ashore or otherwise lost or taken from the ship shall be delivered to a receiver. Taking wreck at the time of casualty

(2) Any person, whether or not the owner of any cargo or article, referred to in subsection (1) who—

(*a*) conceals or keeps possession of any such cargo or article; or

(*b*) refuses to deliver any such cargo or article to a receiver or any person authorised by the receiver to demand such cargo or article,

is guilty of an offence and is liable to a fine of one thousand dollars.

(3) A receiver or any person authorised by the receiver to demand the delivery to him of any cargo or article referred to in subsection (1) may take such cargo or article by force from any person refusing to deliver it to him.

Salvage payable for saving life

342. (1) Where services are rendered wholly or in part within Trinidad and Tobago in saving life from any aircraft, vessel, or wreck, or elsewhere in saving life from any Trinidad and Tobago vessel or aircraft, there shall be payable to the salvor by the owner of such aircraft, vessel or wreck a reasonable amount of salvage, including expenses properly incurred, to be determined in cases of dispute, in the manner hereinafter mentioned.

(2) Salvage payable in respect of the preservation of life shall be payable in priority to all other claims for salvage.

Salvage of vessel, cargo or wreck

343. Where a vessel is wrecked, stranded or in distress within Trinidad and Tobago and services are rendered—

(*a*) by a person in assisting the vessel or saving the cargo or apparel of the vessel or any part thereof; or

(*b*) by a person, other than a receiver, in saving any wreck,

there shall be payable to such person by the owner of the vessel, cargo, apparel or wreck a reasonable amount of salvage, to be determined in case of dispute in the manner set out in this Part.

Exclusion of remuneration

344. Nothing in section 342 or 343 shall entitle a person to remuneration—

(*a*) in respect of services rendered contrary to an express and reasonable prohibition of such services by the master of the vessel to which such services are rendered;

(*b*) in respect of services rendered by a tug to or for the vessel which it is towing or the cargo thereof, except where such services are so exceptional as to fall outside the scope of the contract of towage;

(*c*) where he has caused the distress giving rise to the salvage, either intentionally or through negligence; or

(*d*) where and to such extent as it appears that he has concealed or unlawfully disposed of any property salvaged.

Determination of salvage disputes

345. (1) A dispute as to the amount of salvage, whether of life or property and whether the services for which it is claimed have been rendered within or without Trinidad and Tobago, arising between the salvor and the owner of any vessel, cargo, apparel or wreck shall, if not settled by agreement, arbitration or otherwise, in the following cases—

(*a*) where the parties to the dispute consent;

(*b*) where the amount claimed does not exceed five thousand dollars;

(*c*) where the value of the property saved does not exceed five thousand dollars,

be referred to and determined by the magistrate's court having jurisdiction at or near the place where the wreck was found, or in the case of services rendered, at or near the port in Trinidad and Tobago into which the vessel is first brought after the occurrence by reason whereof the claim of salvage arose.

(2) Subject to subsection (1), any dispute as to salvage shall be determined by the High Court but if the claimant does not recover in that Court more than five thousand dollars, he shall not be entitled to recover any costs, charges or expenses incurred by him in the pursuance of his claim, unless that Court certified that the case was a fit one to be tried otherwise than in the manner provided by subsection (1).

(3) A dispute relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

(4) The Court or arbitrators to whom a dispute as to salvage is referred for determination may for the purpose of determining any such dispute call to their assistance as an assessor, any person knowledgable in maritime affairs and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum as may be prescribed.

Rescission of salvage agreements

346. Every agreement relating to salvage entered into urgently and under threat of danger may, at the request of either party thereto, be annulled or modified by the High Court where the High Court considers that the terms and conditions of such agreement are not reasonable.

Valuation of property

347. (1) Where any dispute as to salvage arises, the Principal Receiver may, on the application of either party, appoint a valuer to value that property and shall give copies of the valuation to both parties.

(2) A copy of the valuation purporting to be signed by the valuer and certified as a true copy by the Principal Receiver shall be admissible as evidence in any subsequent proceedings.

(3) There shall be paid in respect of the valuation by the person applying for the same such fee as may be prescribed.

Detention of property liable to salvage

348. (1) Where salvage is due to any person under this Act, the Principal Receiver shall—

(*a*) where the salvage is due in respect of services rendered in assisting any vessel or in saving life therefrom or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(*b*) where the salvage is due in respect of the saving of any wreck and the wreck is not sold as unclaimed under this Act, detain the wreck.

(2) Subject to provisions hereinafter mentioned, the Principal Receiver shall detain the vessel and the cargo and apparel, or the wreck (hereinafter referred to as "detained property"), until payment is made for salvage or process is issued for the arrest or detention thereof by a court of competent jurisdiction.

(3) A Principal Receiver may release any detained property where security is given to his satisfaction save that where the claim for salvage exceeds five thousand dollars the court shall be satisfied as to the adequacy of the security.

(4) Any security given for salvage under this section in an amount exceeding five thousand dollars may be enforced by the High Court in the same manner as if bail had been given in that Court.

Sale of detained property

349. (1) The Principal Receiver may sell any detained property where the persons liable to pay the salvage in respect of which the property is detained are aware of the detention in the following cases, namely—

(*a*) where the amount is not disputed and payment of the amount due is not made within twenty days after the amount is due;

(*b*) where the amount is disputed, but no appeal lies from the decision of the first court to which the dispute is referred and payment is not made within twenty days after the decision of the first court; or

(*c*) where the amount is disputed and an appeal lies from the decision of the first court to which the dispute is referred to some other court and within sixty days of the decision of the first court, neither payment of the sum due is made nor proceedings are commenced for the purpose of the appeal.

(2) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the Principal Receiver in payment of the expenses, fees and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

Apportionment of salvage in relation to foreign vessel

350. Where any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew and other persons in the service of any foreign vessel, the amount shall be apportioned by the court or person making the apportionment in accordance with the law of the country to which the vessel belongs.

Apportionment of salvage by receiver

351. (1) Where the aggregate amount of salvage payable in respect of salvage rendered in Trinidad and Tobago has been finally determined and does not exceed five thousand dollars but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay such amount may apply to the Principal Receiver to pay such amount to him.

(2) The Principal Receiver may, where he thinks fit, receive the amount referred to in subsection (1), and shall grant to the person paying the amount a certificate of the amount paid and of the service in respect of which it is paid.

(3) A certificate granted under subsection (2) in respect of any amount shall be a full discharge and indemnity to the person by whom the amount is paid and to his vessel, cargo, apparel and effects, against the claims of all persons in respect of the services mentioned in the certificate.

(4) The Principal Receiver shall with due despatch distribute any amount received by him under this section among the persons entitled thereto on such evidence and in such shares and proportions as he thinks fit and may retain any money which appears to him to be payable to any person who is absent.

(5) A distribution of any amount made by the Principal Receiver under this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

Apportionment by the High Court

352. Whenever the aggregate amount of salvage payable has been finally ascertained and any delay or dispute arises as to the apportionment thereof, the High Court—

(*a*) may cause such amount to be apportioned among the persons entitled thereto in such manner as the Court considers just, and may for that purpose, if it considers fit, appoint any person to carry out that apportionment;

(*b*) may compel any person in whose hands or under whose control the amount may be to distribute such amount or to bring it into the Court to be dealt with as the Court directs; and

(*c*) may for the purpose aforesaid issue such orders as it considers fit.

Salvage services rendered by State

353. (1) Where salvage services are rendered by or on behalf of the State or with the aid of State property, the Principal Receiver shall be entitled to claim salvage on behalf of the State in respect of those services to the same

extent as any other salvor and shall have the same rights and remedies in respect of those services as any other salvor.

(2) No claim shall be made for a receiver's fee or expenses if salvage is claimed on behalf of the State other than fees or expenses which may be included in such salvage claim.

(3) Any portion of a salvage award made to the State and due to a receiver or any other State employee shall be for that person's own benefit.

Time limit for salvage proceedings

354. No action shall be instituted in respect of any salvage services unless proceedings therein are commenced within two years after the date when the salvage services were rendered; but the court may extend any such period to such extent and on such conditions as it considers fit.

Provisions as to duties on wrecked goods

355. (1) All wreck being foreign goods brought or coming into Trinidad and Tobago shall be subject to the same duties as those to which such goods would be subject if they were imported into Trinidad and Tobago.

(2) If any question arises as to the origin of any goods referred to in subsection (1), they shall be deemed to be the product of such country as the Comptroller of Customs and Excise may on investigation determine.

(3) The Comptroller of Customs and Excise shall permit all goods, wares or merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to the port at which they were shipped, but shall take security for the due protection of the Consolidated Fund in respect of these goods.

PART XVII

Passenger Ships

Power of the Minister to make regulations respecting passenger ships

356. (1) The Minister may make regulations—

(*a*) respecting accommodation, facilities and provisions on board passenger ships which carry passengers from a port in Trinidad and Tobago;

(*b*) requiring the preparation and furnishing of particulars as to all passengers to or from a port in Trinidad and Tobago;

(*c*) regulating the number of passengers which a ship may carry from a port in Trinidad and Tobago whether or not the ship is a passenger ship; and

(*d*) prescribing the terms and conditions upon which ships may carry passengers between ports in Trinidad and Tobago.

(2) In making regulations pursuant to subsection (1), the Minister shall have due regard to the International Convention on the Carriage of Passengers and their Baggage by Sea 1974.

(3) The Minister may waive or vary the Regulations referred to in subsection (1) in respect of their application to licensed Trinidad and Tobago passenger ships operating solely within the waters of Trinidad and Tobago.

Offences in connection with passenger ships

357. (1) Any person on board or attempting to board a passenger ship in Trinidad and Tobago is guilty of an offence who—

(*a*) on account of being drunk and disorderly is, either refused admission to a passenger ship or where he is already on board, is requested by the owner or any person in his employ to leave the ship, and after having the amount of any fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship, or where he is already on board, does not leave the ship;

(*b*) after warning by the master or other officer of the ship, molests or continues to molest any passenger;

(*c*) on account of the ship being full, is either refused admission to a passenger ship, or where he is already on board, is requested by the owner or any person in his employ to leave the ship, and after having the amount of any fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship, or where he is already on board, does not leave the ship;

(*d*) travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment thereof;

(*e*) having paid his fare for a certain distance, knowingly and wilfully proceeds in the ship beyond that distance without first paying the additional fare for the additional distance, intending to avoid payment thereof;

(*f*) on arriving in a ship at a point to which he has paid his fare, knowingly refuses or neglects to leave the ship;

(*g*) fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipts showing the payment of his fare as is usually given to persons travelling by and paying their fare for the ship; or

(*h*) wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the ship, or to obstruct, impede or molest the crew or any of them in the navigation or management of the ship or otherwise in the execution of their duty on or about the ship.

(2) A person who is guilty of an offence under this section is liable to a fine of five hundred dollars and to imprisonment for fourteen days.

PART XVIII

Limitation and Division of Liability

Interpretation

358. (1) For the purpose of this Part—

"ship" includes every description of lighter, barge or like vessel, however propelled and any structure launched and intended for use in navigation as a ship or as a part of a ship; and

"unit of account" means a unit of value referred to in section 2 of Article XXI of the Articles of Agreement of the International Monetary Fund being the First Schedule of the International Financial Organisation Act. **Chap. 70:01**

(2) The value of the Trinidad and Tobago dollar in terms of the special drawing right shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions.

Limitation of liability of shipowners

359. (1) Where any of the following events occur without the actual fault or privity of the owner of a ship, whether or not it is a Trinidad and Tobago ship, namely—

(*a*) where any loss of life or personal injury is caused to any person on board that ship;

(*b*) where any damage or loss is caused to any goods, merchandise or other things whatsoever on board that ship;

(*c*) where any loss of life or personal injury is caused to any person not on board that ship through—

(i) the act or omission of any person, whether on board that ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers; or

(ii) any other act or omission of any person on board that ship; or

(*d*) where any loss or damage is caused to any property other than property described in paragraph (*b*) or any rights are infringed through—

(i) the act or omission of any person, whether on board that ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers; or

(ii) any other act or omission of any person on board that ship,

such owner shall not be liable for damage beyond the amounts specified in subsection (2).

(2) The amounts referred to in subsection (1) are—

(*a*) in respect of loss of life or personal injury, either alone or together with any loss or damage to property or any infringement of any rights mentioned in paragraphs (*b*) and (*d*) of subsection (1), an aggregate amount equivalent to 210 units of account for each ton of that ship's tonnage; and

(*b*) in respect of any loss or damage to property or any infringement of any rights mentioned in the said paragraphs (*b*) and (*d*) of subsection (1), an aggregate amount equivalent to 70 units of account for each ton of that ship's tonnage.

(3) The limits on the liability of an owner of a ship set by this section shall apply in respect of each distinct occasion on which any of the events mentioned in paragraphs (*a*) to (*d*) of subsection (1) occur without that owner's actual fault or privity and without regard to any liability incurred by that owner in respect of that ship on any other occasion.

(4) This section shall not apply to limit the liability of an owner of a ship in respect of any loss of life or personal injury caused to or any loss of or damage to property or any infringement of any right of a person who is employed on board or in connection with a ship under a contract of service if that contract is governed by the law of any state other than Trinidad and Tobago and that law does not set any limit to that liability or sets a limit exceeding that set by this section.

Power of the court to consolidate claims

360. Where any liability alleged to have been incurred by the owner of a ship in respect of any occurrence is limited by section 359 and several claims are made or anticipated in respect of that liability, the court may, on the application of that owner, determine the amount of his liability and distribute that amount rateably among the several claimants; and in addition the court may stay any proceedings pending in any other court in relation to the same matter and may as it thinks just proceed in such manner and subject to rules of court—

(*a*) enabling interested persons to become parties to the proceedings;

(*b*) excluding any claimants who do not apply to be joined in the proceedings within a certain time;

(*c*) requiring security from the owner; and

(*d*) requiring the payment of any costs.

Extension of limitation or liability

361. (1) The persons whose liability in connection with a ship is limited by section 359 shall include any charterer and any person interested in, or in possession of the ship, in particular, any manager or operator of the ship.

(2) In relation to a claim arising from the act or omission of any person in his capacity as master or member of the crew or, otherwise than in that capacity, in the course of his employment as a servant of the owners or of any person mentioned in subsection (1)—

(*a*) the persons whose liability is limited by section 359 shall also include the master, a member of the crew or a servant, and, in a case where the master or member of the crew is the servant of a person whose liability would not be limited otherwise than by virtue of this paragraph, the person whose servant he is; and

(*b*) the liability of the master, member of the crew or servant himself is limited to the like extent notwithstanding his actual fault or privity in that capacity.

Limitation of liability of port authorities and owners of docks

362. (1) Where, without the actual fault or privity of the owners of any dock or canal or any harbour or port authority, any loss or damage is caused to any vessel or vessels or to any goods, merchandise or other things whatsoever on board any vessel or vessels, such owners shall not be liable to damage beyond any aggregate amount equivalent to 70 units of account for each ton of the tonnage of the largest Trinidad and Tobago ship that, at the time of such loss or damage occurring, is or within a period of five years previous thereto has been within the area over which such dock or canal owner or port or harbour authority performs any duty or exercises any power.

(2) For the purpose of this section, a ship shall not be deemed to have been within the area over which a port or harbour authority performs any duty or exercises any power by reason only that it has been built or fitted out within such area or that it has taken shelter within or passed through such area on a voyage between two places both situated outside that area or that it has loaded or unloaded mail or passengers within that area.

(3) The limitation of liability under this section shall relate to the whole of any loss and damage which may arise upon any one distinct occasion, although such loss or damage may be sustained by more than one person, and shall apply whether the liability arises at common law or under any written law, and notwithstanding anything contained in any written law.

(4) For the purposes of this section, the expression "owner of a dock or canal" includes any person or authority having the control and management of any dock or canal and any ship repairer using the same, as the case may be.

(5) Nothing in this section shall impose any liability in respect of any loss or damage on any such owners or authority in any case where no such liability would have existed if this Act had not been enacted.

Ships less than 300 tons

363. For the purposes of sections 359 and 360, the tonnage of any ship that is less than three hundred tons shall be deemed to be three hundred tons.

Calculation of tonnage

364. (1) For the purposes of this Part the tonnage of a ship shall be its gross tonnage.

(2) The measurement of such tonnage in the case of a foreign ship shall be according to section 24.

(3) In the case of any foreign ship which is incapable of being measured under the provisions of this Act, the Minister shall, on receiving from or by direction of the court hearing a case in which the tonnage of the ship is in question, such evidence concerning the dimensions of the ship as it is found practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of such ship if it had been duly measured according to the provisions of this Act and the tonnage so stated in such certificate shall for the purposes of this Part be deemed to be the tonnage of the ship.

Release of ship on security

365. (1) Where a ship or other property is arrested in connection with a claim which appears to the High Court to be founded on a liability to which a limit is set by section 359 or security is given to prevent an arrest or obtain release from such an arrest, the High Court may, and in the circumstances mentioned in subsection (4) shall, order the release of the ship, property or security if the conditions specified in subsection (3) are satisfied.

(2) Where such release is ordered, the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the High Court.

(3) The conditions referred to in subsection (1) are—

(*a*) that security, which in the opinion of the Court is satisfactory (in this section referred to as "the guarantee"), has previously been given whether in Trinidad and Tobago or elsewhere in respect of the said liability or any other liability incurred on the same occasion and the High Court is satisfied that if the claim is established the amount for which the guarantee was given or such part thereof as corresponds to the claim would be actually available to the claimant; and

(*b*) that either the guarantee is for an amount not less than the said limit, or further security is given which together with the guarantee is for an amount not less than that limit.

(4) The circumstances mentioned in subsection (1) shall be that the guarantee was given in a port which, in relation to the claim, is the relevant port.

(5) For the purposes of this section—

(*a*) a guarantee given in more than one state shall be deemed to have been given in the state in which it was last given;

(*b*) any question as to whether the amount of any guarantee is, either by itself or together with any other amount, not less than any limit set under the provisions of this Part shall be decided as at the time when the guarantee is given;

(*c*) where only part of the amount for which a guarantee was given will be available to a claimant, that part shall not be taken to correspond to his claim if any other part might be available to a claimant, in respect of a liability to which no limit is set as mentioned in subsection (1).

(6) In this section "relevant port" means—

(*a*) in relation to any claim, the port where the event giving rise to the claim occurred, or if that event did not occur in a port, the first port of call after the event occurred; and

(*b*) in relation to a claim for loss of life or personal injury or damage to cargo, the port of disembarkation or discharge.

Rules as to division of liability

366. (1) Where by the fault of two or more ships damage or loss is caused to one or more of those ships, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each ship was at fault.

(2) Where having regard to all the circumstances of the case it is not possible to establish different degrees of fault, the liability shall be apportioned equally.

(3) Nothing in this section shall operate so as to render any ship liable for any loss or damage to which its fault has not contributed.

(4) Nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or any law or as affecting the right of any person to limit his liability in the manner provided by law.

(5) For the purpose of this section the expression "freight" includes passage money and hire, and reference to damage or loss caused by the fault of a ship shall be construed as including references to any salvage or other expenses consequent upon that fault recoverable at law by way of damages.

Joint and several liability

367. (1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships shall be joint and several.

(2) Nothing in this section shall be construed as depriving any person of any right of defence on which independently of this section he might have relied in any action brought against him by the person injured or any person or persons entitled to sue in respect of such loss of life or shall affect the right of any person to limit his liability in cases to which this action relates in the manner provided by law.

Right of contribution

368. (1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and any other ship or ships, and a proportion of the damage is recovered against the owners of one of the ships that exceeds the proportion in which it was at fault, they may recover by way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which these ships were respectively at fault; but no amount shall be so recovered that could not by reason of any statutory or contractual limitation of or exemption from liability, or could not for any other reason have been recovered in the first instance as damages by the persons entitled to sue therefor.

(2) In addition to any other remedy provided by law, the persons entitled to any such contribution as aforesaid shall have, for the purpose of recovering the same, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

Extended meaning of owners

369. Sections 366 to 368 inclusive apply to—

(*a*) owners;

(*b*) persons who, though not actual owners, are responsible for the fault of the vessel;

(*c*) persons responsible for the navigation and management of a vessel pursuant to a demise charter.

PART XIX

Inquiries

Investigations of shipping casualties

370. (1) Where any of the following casualties occur, that is to say—

(*a*) the loss or presumed loss, stranding, grounding, abandonment of, or damage to, a ship;

(*b*) a loss of life caused by fire on board, or by any accident to, a ship or ship's boat, or by any accident occurring on board a ship or ship's boat; or

(*c*) any damage caused by a ship,

and, at the time it occurs, the ship was a Trinidad and Tobago ship or the ship or ship's boat was in the waters of Trinidad and Tobago, the Minister may cause a preliminary

inquiry into the casualty to be held by a person appointed for the purpose by the Minister.

(2) Whether or not a preliminary inquiry into the casualty has been held under subsection (1), the Minister may cause a formal investigation to be held by a Wreck Commissioner appointed under section 372.

Preliminary inquiry

371. (1) For the purposes of a preliminary inquiry under section 370, the person holding the inquiry has all the following powers, namely—

(*a*) he may go on board any ship and may inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which this Act applies, not unnecessarily detaining or delaying it from proceeding on any voyage;

(*b*) he may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;

(*c*) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to make;

(*d*) he may require and enforce the production of all books, papers or documents which he considers important for such purpose;

(*e*) he may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(2) Upon conclusion of a preliminary inquiry, the person holding it shall send to the Minister a report containing a full statement of the case and of that person's opinion thereon accompanied by such report of, or extracts from, the evidence, and such observations, as he thinks fit.

Formal investigation

372. (1) The Minister may appoint—

(*a*) a person appearing to him to be suitably qualified, by the holding of, or by having held, judicial office, or by experience as a legal practitioner;

(*b*) a senior public officer; or

(*c*) a senior officer of the Defence Force,

to be a wreck commissioner to hold one or more formal investigations.

(2) The Wreck Commissioner holding a formal investigation—

(*a*) shall conduct it with the assistance of one or more assessors with nautical, engineering or other special skills or knowledge; and

(*b*) shall conduct it in accordance with any regulations made under section 406.

(3) Notwithstanding subsection (1), where any question concerning the cancellation or suspension of an officer's certificate or licence is likely to arise there shall be at least two assessors with appropriate qualifications and experience in the merchant shipping service assisting the Wreck Commissioner.

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(4) Sections 8, 9, 10, 11, 12(2) and 12(3) of the Commissions of Enquiry Act apply to a formal investigation as if the investigation were an inquiry under this Act in relation to which the Wreck Commissioner were the Chairman.

(5) The Wreck Commissioner may make such order with regard to the costs of a formal investigation as he thinks just; and any such costs may be recovered by the Minister from the person ordered to pay them.

(6) At the conclusion of a formal investigation the Wreck Commissioner shall send to the Minister a full report on the investigation, together with the evidence taken.

Expenses of witnesses

373. Every witness summoned to give evidence in a preliminary inquiry under section 371 or a formal investigation under section 372 shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any Court of Record; and in case of any dispute as to the amount of such expenses, the same shall be referred by the person presiding over the preliminary inquiry or the formal investigation, as the case may be, to the Registrar of the Supreme Court or a Master of the High Court, who, on a request made of him for that purpose under the hand of the said person presiding over the pre-

liminary inquiry or the formal investigation, as the case may be, shall ascertain and certify the proper amount of such expenses.

Effect on certificates or licences

374. (1) When, as a result of a formal investigation, the Wreck Commissioner—

(*a*) is satisfied that any master, mate or engineer—

(i) is unfit to discharge his duties whether by reason of incompetence or misconduct or for any other reason;

(ii) has been seriously negligent in the discharge of his duties; or

(iii) has failed to give any assistance or information required by section 207; and

(*b*) in a case coming under paragraph (*a*)(i) or (ii), is further satisfied that that circumstance caused or contributed to a casualty,

the Wreck Commissioner may cancel or suspend any certificate or licence issued under section 87 or section 89 to the officer concerned or censure him.

(2) Where a certificate or licence is cancelled or suspended pursuant to subsection (1), the officer concerned shall forthwith deliver such certificate or licence to the Wreck Commissioner or the Director.

(3) Notwithstanding subsection (1), a Wreck Commissioner may not cancel or suspend a certificate or licence unless at least one-half of the number of assessors concur, and each assessor who does not concur shall state in writing his dissent and his reasons therefor.

(4) A copy of the report made to the Minister under subsection (6) of section 372 shall be furnished by the Wreck Commissioner to any officer whose certificate or licence is cancelled or suspended, or who is censured.

Inquiry into fitness or conduct

375. (1) Where it appears to the Minister that any master, mate or engineer who holds a certificate or licence under section 87 or section 89—

(*a*) is unfit to discharge his duties, whether by reason of incompetence or misconduct or for any other reason;

(*b*) has been seriously negligent in the discharge of his duties; or

(*c*) has failed to give any assistance or information required by section 207 or 213, or contravened section 214,

the Minister may cause an inquiry to be held by any person qualified under section 372 to be appointed as a Wreck Commissioner and, where the Minister does so, he may, where he thinks fit, suspend the certificate or licence pending the outcome of the inquiry and require the officer concerned to deliver it to the Director.

(2) Section 372 applies to an inquiry under this section as if the inquiry were a formal investigation and as if the person holding the inquiry were a Wreck Commissioner.

(3) A person holding an inquiry under this section may, where satisfied of any of the matters mentioned in paragraphs (*a*) to (*c*) of subsection (1), censure the officer or, where at least one-half of the number of assessors concur therein, cancel or suspend any certificate or licence issued to the officer under section 87 or section 89.

(4) When a certificate or licence is suspended under this section, the officer concerned shall, unless he has delivered it to the Director under subsection (1), deliver it forthwith to the person holding the inquiry or to the Director.

(5) A copy of the report made to the Minister under section 372(6) shall be furnished by the person holding the inquiry to the master, mate or engineer whose fitness or conduct is inquired into.

Rehearing and appeal

376. (1) Where an inquiry or formal investigation has been held under this Part, the Minister may, in his discretion order the whole or any part of the case to be reheard.

(2) It is the duty of the Minister to order a case or part thereof to be reheard—

(*a*) where new and important evidence that could not be produced at the inquiry or investigation has been discovered; or

(*b*) where it appears to the Minister that there are other grounds for suspecting that a miscarriage of justice might have occurred.

(3) A rehearing under this section—

(*a*) may be held by the person or wreck commissioner who held the first inquiry or formal investigation, or by another person qualified to hold the inquiry or investigation, as the Minister may direct;

(*b*) shall be conducted in accordance with regulations made under section 406,

and subject to such regulations, the provisions of this Part that applied to the original inquiry or investigation under section 370 apply to the rehearing.

Appeals to High Court

377. Where, as a result of a formal investigation under section 372 or an inquiry under section 373—

(*a*) the certificate or licence of any person has been cancelled or suspended, or

(*b*) any person has been found to be at fault,

then, where no order is made under subsection (1) or (2) of section 389 a person described in paragraph (*a*) or (*b*) of this section or any other person who, having an interest in the investigation or inquiry, has appeared at the hearing thereof and is affected by the decision of finding, may appeal to the High Court.

Delivery of certificates, etc.

378. (1) A person who fails to deliver a certificate or licence as required by or under sections 374 and 375 is guilty of an offence and is liable to a fine of one thousand dollars.

(2) Where a certificate or licence is delivered to any person other than the Director in pursuance of section 374 or 375 that person shall, as soon as possible, forward it to the Director for retention.

(3) Where a certificate or licence issued under section 89(2) is suspended or cancelled under this Part, the Director shall send a copy of the report on the case and of the evidence to the Government of the state by which the certificate of the officer concerned was issued.

Power of Minister

379. (1) Where a certificate or licence has been suspended or cancelled under section 374 or 375, the Minister may, where he is of the opinion that the justice of the case so requires—

(*a*) re-issue the certificate or licence or, as the case may be, reduce the period of suspension; or

(*b*) grant a new certificate or licence of the same or a lower grade in place of that cancelled or suspended.

PART XX

JURISDICTION

Jurisdiction

380. (1) For the purpose of conferring jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen, either in the place where the same was actually committed or arose, or in any place where the offender or person complained against may be.

(2) Where, in any proceedings under this Act, a question arises as to whether or not any ship or person is governed by this Act, such ship or person shall be deemed to be governed by this Act unless the contrary is proved.

Jurisdiction over ship lying or passing off the coast

381. (1) A court which has jurisdiction in any part of the coast of Trinidad and Tobago shall have jurisdiction over any ship lying or passing off that coast, or being in any bay, channel, lake, river or other navigable water near such coast and over all persons on board that ship or for the time being belonging thereto, in the same manner as if the ship or persons were within the limits of the original jurisdiction; save that such jurisdiction shall only be exercised in conformity with any International Convention to which for the time being Trinidad and Tobago is a party.

(2) The jurisdiction conferred by subsection (1) shall be in addition to and not in derogation of any jurisdiction or power conferred by any other law.

Jurisdiction as to offences on board ships

382. Notwithstanding anything contained in any other law, where any person on board any Trinidad and Tobago ship does any act or makes any omission which would be an offence if done or made in Trinidad and Tobago, that person is, regardless of the position of the ship at the time of the act or omission, guilty of that offence and may be tried by any court having jurisdiction in Trinidad and Tobago.

383. (1) No court in Trinidad and Tobago shall entertain an action *in personam* to enforce a claim to which this section applies unless— **Jurisdiction in collision and other cases**

(*a*) the defendant has his habitual residence or a place of business within Trinidad and Tobago;

(*b*) the cause of action arose within the waters of Trinidad and Tobago or within the limits of a harbour or port of Trinidad and Tobago; or

(*c*) an action arising out of the same incident or series of incidents is proceeding in the court, or has been heard and determined in the court.

(2) In this section—

"harbour" means a harbour established under the Harbours Act; **Chap. 50:06**

"port" means a statutory port of Trinidad and Tobago and includes any navigable channel leading into such port so declared by the Minister to be an approach thereto.

(3) No court in Trinidad and Tobago shall entertain an action *in personam* to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside Trinidad and Tobago against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(4) Subsections (1) to (3) inclusive shall apply to counterclaims, not being counterclaims in proceedings arising out of the same incident or series of incidents, as they apply to actions *in personam*, and a reference to the plaintiff is a reference to the plaintiff on the counterclaim and a reference to the defendant is a reference to the defendant to the counterclaim.

(5) Subsections (1) to (4) inclusive shall not apply to any action or counterclaim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.

(6) Subject to subsection (3) where a court has jurisdiction for the purposes of this Act, the jurisdiction shall extend to entertain an action *in personam* to enforce a claim to which this section applies whenever any of the conditions specified in subsection (1) is satisfied; and the rules of court relating to the service of process outside the

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jurisdiction shall make such provision as may appear to the Rules Committee established under the Supreme Court of Judicature Act to be appropriate having regard to the provisions of this subsection.

(7) Nothing in this section shall—

(*a*) prevent an action or counterclaim which is brought under this section from being transferred to some other court of competent jurisdiction; or

(*b*) affect proceedings in respect of any cause of action arising before the coming into operation of this section.

(8) The claims to which this section applies are claims for damage, loss of life or personal injury arising out of a collision between ships, or out of the carrying out of or omission to carry out a manoeuvre or out of non-compliance with the Collision Rules.

(9) For the avoidance of doubt, it is hereby declared that this section shall apply in relation to the jurisdiction of any court not being admiralty jurisdiction, as well as in relation to its admiralty jurisdiction, if any.

Actions *in rem*

384. In any case in which an action may be brought *in rem* against any ship (other than actions arising from claims to the possession or ownership of a ship or to the ownership of any share therein, or any claim in respect of a mortgage or charge on a ship or any share therein), where the person who would be liable on the claim in an action *in personam* was, when the cause of action arose, the owner or charterer of, or in possession or in control of the ship, the admiralty jurisdiction of the High Court may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action *in rem* against—

(*a*) that ship, if at the time when the action is brought it is beneficially owned as respects all the shares therein by that person; or

(*b*) any other ship which, at the time when the action is brought, is beneficially owned as aforesaid,

but in determining whether a person would be liable on a claim in an action *in personam* it shall be assumed that he has his habitual residence or a place of business within Trinidad and Tobago.

Jurisdiction as to unsatisfied mortgages

385. Where the registration of a ship is considered to be closed on account of a transfer to persons not qualified to own a Trinidad and Tobago ship, any unsatisfied mortgage may, where the ship comes within the jurisdiction of any court in Trinidad and Tobago which has such jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a court to the effect of that judgment.

PART XXI

Detention of and Distress on Ship for Damage Caused

Inquiry into death on board

386. (1) Where a death occurs on board a Trinidad and Tobago ship, the master shall report the death to the authorities at the first port of arrival and shall submit to the Minister a statement and log extract signed by the master.

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

(3) The Director or person appointed under subsection (1) has, for the purpose of the inquiry, all the powers of a person making a preliminary inquiry under section 371.

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

Detention of ship

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

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

(3) Where a ship so proceeding to sea takes any detaining officer to sea when he is aboard the ship in the course of his duty, the owner and master of the ship are liable to pay all the expenses of, and incidental to the detaining officer being so taken to sea and are further liable to a fine of one thousand dollars, and one hundred dollars for every day until the officer returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, whichever is the greater; and the expenses ordered to be paid may be recovered in like manner as the fine.

(4) Where a ship is to be detained under this Act a customs officer shall not clear that ship outwards, and where under this Act a ship may be detained, a customs officer may refuse to clear that ship outwards.

(5) Where a foreign ship is detained under this Act a copy of the notice or order for detention shall be served on the consular officer of the state to which the ship belongs if one is present at the port of detention.

(6) A person who is guilty of an offence under subsection (2) is liable to a fine of ten thousand dollars.

Seizure and sale

388. (1) Where the owner of a ship has been convicted of an offence under this Act and a fine has been imposed, if the fine is not paid forthwith, the ship may be seized and after reasonable notice, sold by any customs officer or any person authorised for that purpose in writing by the Minister, and such officer or person may, by bill of sale, give to the purchaser a valid title to the ship, free from any mortgage or other claim thereon which at the time of the sale may be in existence.

(2) Any surplus money remaining from the proceeds of sale after paying the amounts of fines payable under section 387 together with the costs of the seizure and sale

shall be disposed of in accordance with rules of Admiralty Law.

Distress on ship

389. Where any court has power to make an order under this Act directing payment to be made of any seaman's wages, fines or other sums of money, then, if the party so directed to pay the same is the owner or master of a ship, and the same is not paid at the time or in the manner prescribed in the order, the court which made the order may, in addition to any other powers it may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, the tackle, furniture and apparel.

PART XXII

Court of Survey

Constitution of Court of Survey

390. (1) A Court of Survey for a port shall consist of a Judge of the High Court nominated for the matter by the Chief Justice, sitting with two assessors.

(2) The assessors shall be persons of nautical, engineering or other special skill and experience, one of whom shall be appointed by the Minister or, in the case of a foreign ship by the consular officer at or near the port, and the other shall be appointed by the Judge of the Court.

Jurisdiction of Court of Survey

391. (1) The Court of Survey shall have the power and the duty to entertain such matters as are referred to it under section 257.

(2) The following provisions shall have effect in relation to a Court of Survey concerning any ship—

(*a*) the matter shall be heard in open Court;

(*b*) the Judge, each assessor, and any person appointed by the Judge may survey the ship and may go on board the ship and inspect the ship and every part thereof and the machinery, equipment and cargo, and may require the unloading and removal of any cargo, ballast or tackle, and shall for such purposes have all the powers of a surveyor under this Act;

(*c*) the Court may order the ship to be surveyed and may appoint any competent person or persons to survey the ship and report thereon to the Court;

(*d*) the Judge shall have the same power as the Director to order the ship to be released; and

(*e*) the owner and the master of the ship, and any person appointed by the owner or master, may attend any inspection or survey made under this section.

(3) The Court may make such orders with respect to the costs of any inquiry or investigation under this Act and the recovery thereof as it may think fit.

(4) The Judge of the Court shall sign and transmit to the Minister a report of the matter; and each assessor shall either sign the report or transmit a separate report signed by him to the Minister setting out the reasons for his dissent.

(5) Any person who wilfully impedes the Judge of the Court of Survey, or any assessor or other person, in the execution of any survey under this section, or fails to comply with any order made by him is guilty of an offence and is liable to a fine of five thousand dollars.

Expert witnesses

392. The Judge of the Court may at any time during a hearing permit or summon an expert witness to give an expert opinion based on his special knowledge, skill, experience or training in respect of construction or design or of a scientific difficulty or important principle.

Power to make rules

393. The Rules Committee established by the Supreme Court of Judicature Act may make rules to carry into effect the provisions of this Act with respect to a Court of Survey and, without prejudice to the generality of the foregoing, those rules shall, in particular, make provision for—

(*a*) conferring a right of appeal against decisions of the Court of Survey and for security for costs;

(*b*) the remuneration of officers of the Court in respect of matters within the jurisdiction of the Court and the fees to be charged.

PART XXIII

Legal Proceedings

Prosecution of offences and penalties Chap. 4:20

394. (1) Except as otherwise expressly provided, in this Act proceedings in respect of offences under this Act shall be prosecuted under the Summary Courts Act.

(2) A person who commits an offence under this Act, for which no specific penalty is provided, is liable to a fine of one thousand dollars and to imprisonment for six months.

(3) Where an offence under this Act is a continuing one, and no penalty is provided in respect of the continuance thereof elsewhere than in this section, every person who commits that offence, in addition to any other liability, is liable to a fine of one hundred dollars for every day or part thereof during which the offence continues.

Limitation of time as to summary proceedings

395. (1) Neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceedings instituted in any magistrate's court—

(*a*) unless such proceedings are commenced within six months after the commission of the offence or after the cause of the complaint arises, as the case may be; or

(*b*) where both, or either of, the parties to the proceedings happen or happens during that time to be out of Trinidad and Tobago, unless the proceedings are commenced, in the case of—

(i) a conviction, within two months; and

(ii) an order, within two months after they both first happen to arrive, or to be at one time, in Trinidad and Tobago.

(2) No other written law for the time being in force which limits the time within which proceedings may be instituted in any magistrate's court shall affect any proceedings under this Act.

Compounding of offences

396. (1) Notwithstanding any other provisions of this Act, the Director may compound any offence under this Act, by accepting from the person reasonably suspected of having committed such offences, a fine not exceeding twenty thousand dollars.

(2) On payment of any sum of money under subsection (1)—

(*a*) the person reasonably suspected of having committed the offence in respect of which the payment has been made shall, if in custody, be discharged;

(*b*) any ship detained in respect of such offence shall be released; and

(*c*) no further proceedings shall be taken against such person or ship in respect of such offence.

Limitation of actions in civil proceedings

397. (1) Subject to this section, no action shall be maintainable to enforce any claim or lien against a ship or its owners in respect of any damage or loss to another ship, its cargo or freight, or to any property on board, or in respect of damages for loss of life or personal injuries suffered by any person on board the ship, caused by the fault of the first-mentioned ship, irrespective of whether such ship be wholly or partly in fault, or in respect of any salvage services, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered.

(2) No action shall be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of damages for loss of life or personal injuries, unless the proceedings are commenced within one year from the date of payment.

(3) Any court of competent jurisdiction, may, in accordance with the rules of court, extend any such conditions as the court thinks fit and if satisfied that during that period there has not been a reasonable opportunity of arresting the defendant ship within the jurisdiction of the court, or within the territorial sea of the state to which the ship of the plaintiff belongs or in which the plaintiff resides or has his principal place of business, extend the period to the extent necessary to give a reasonable opportunity.

(4) Nothing in this section shall affect any written law relating to compensation for workmen.

Depositions in cases in which witnesses cannot be produced

398. (1) Subject to this section, where in the course of any proceedings instituted under this Act before any court or person authorised to receive evidence, the testimony of

any witness is required in relation to the subject matter of the proceedings, and the witness cannot be found in Trinidad and Tobago, any deposition that the witness has previously made on oath in relation to the same subject matter before any court or consular officer elsewhere shall be admissible in evidence.

(2) No deposition shall be admissible in criminal proceedings unless the deposition was taken in the presence of the person accused or his legal adviser and is authenticated by the seal of the court or the signature of the consular officer before whom it was made, and the court or consular officer shall certify, if it is so, that the accused or his legal adviser was present when the deposition was taken.

(3) A deposition admissible for the purposes of this section shall be deemed to be duly authenticated by the seal of the court or the signature of the consular officer before whom it was made, and the court or consular officer shall certify, if it is so, that the accused or his legal adviser was present when the deposition was taken.

(4) It shall not be necessary in any case to prove the seal or official signature or official character of the person appearing to have signed any such deposition; and in criminal proceedings, a certificate purporting to have been signed by the judge, magistrate or consular officer before whom the deposition was taken shall, unless the contrary is proved, be sufficient evidence of the fact that the accused or his legal adviser was present in the matter certified.

(5) Nothing in this section shall affect any case in which depositions taken in any proceedings are rendered admissible in evidence by any other written law.

Evidence and service of documents

399. Notwithstanding anything in any other written law, where any document is required by this Act to be executed in the presence of, or to be attested by, any witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling any of the attesting witnesses.

Admissibility of documents in evidence

400. (1) Where a document is under this Act declared to be admissible in evidence, the document shall, on its production from the proper custody, be admissible in evidence in any court or before any person having proper

authority to receive evidence, and, unless admission is refused on any other ground, shall be evidence of the matters stated therein under this Act or by any officer in pursuance of his duties as such officer.

(2) A copy of any such document or extract therefrom shall also be admissible in evidence if it is proved to be a copy or extract made from or compared with the original, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted and that officer shall furnish such certified copy or extract to any person applying for it at a reasonable time upon payment of the prescribed fee for the same.

(3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he is guilty of an offence.

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

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

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

is guilty of an offence triable on indictment and is liable to imprisonment for seven years.

(5) Where a document described in subsection (4) has been admitted in evidence, the court or the person who admitted it may on request direct that it be impounded and kept in the custody of some officer of the court or other person for such period or subject to such conditions as the court or person thinks fit.

Service of documents

401. (1) Where, for the purpose of this Act, a document is to be served on any person, that document may be served—

(*a*) in any case, by delivering a copy thereof personally to the person on whom the document is to be served, or by leaving the same at his last known place of abode;

(*b*) where the document is to be served on the master, if any, of a ship, or on a person belonging to a ship, by leaving the same for

him on board the ship with the person being, or appearing to be, in command or charge of the ship;

(*c*) where the document is to be served on the master of a ship, or where there is no master, and the ship is within Trinidad and Tobago, on the managing owner of the ship, or where there is no managing owner, on some agent of the owner residing in Trinidad and Tobago, or where no such agent is known or can be found, by affixing a copy thereof in some conspicuous place on board the ship where it may be seen by persons who enter the ship.

(2) Where any person obstructs the service on the master of a ship of any document under the provisions of this Act that person is guilty of an offence and is liable to a fine of five hundred dollars and, if the owner or master of the ship is party or privy to the obstruction, he is also guilty of an offence and is liable to a fine of one thousand dollars.

PART XXIV

Administration of the Act

Power of the Minister to administer the Act

402. The Minister in addition to any other power conferred on him by any other provisions of this Act shall be responsible for the administration and implementation of this Act.

Office of the Director of Maritime Services

403. (1) There shall be established a Division of Maritime Services.

(2) The Division of Maritime Services shall include the following public offices the holders of which shall be marine officers—

(*a*) Director of Maritime Services, who shall exercise general supervision over all matters to which this Act relates;

(*b*) Registrar of Ships;

(*c*) Registrar of Seamen;

(*d*) Surveyors; and

(*e*) Principal Receiver of Wreck.

(3) The Director may be the Principal Receiver of Wreck.

(4) Any act done by, or to or before any officer in the Director's office in pursuance of any powers conferred upon or delegated to him by the Director shall have the same effect as if done by, to, or before, the Director, as the case may be.

Delegation of powers

404. (1) The Minister may, by Notice, delegate to the Director or any other officer or officers of the Division of Maritime Services or any person appointed, nominated or authorised to perform any functions under this Act, any of his powers or duties and any power or duty lawfully exercised or performed by the officer to whom it has been delegated under this subsection, shall be deemed to have been exercised as fully and effectively as if it had been exercised by the Minister.

(2) Nothing in this section shall be construed as authorising the delegation of any power to make any order or regulation for the purposes of this Act.

Protection of public officers

405. No suit shall be maintained against any public officer or other person appointed, nominated or authorised to perform any functions under this Act in respect of anything done or omitted to be done by him in good faith in the exercise or performance of any power, authority or duty conferred or imposed on him under this Act.

Power of Minister to make regulations

406. The Minister may make regulations generally for the administration of this Act, and in particular, for the following purposes—

(*a*) the enforcement of any international convention relating to this Act and all maritime matters;

(*b*) the carriage of passengers and cargo by ship;

(*c*) the training and qualification of officers, seamen and fishermen;

(*d*) certificates of competency and licences;

(*e*) the manning and survey of all ships including fishing vessels;

(*f*) the operation of maritime training schools;

(*g*) pleasure craft, droghers, lighters and other craft;

(*h*) the exemption of vessels from the provisions of this Act;

(*i*) the safety of navigation, load lines and the appointment, duties and powers of surveyors of ships;

(*j*) licensed Trinidad and Tobago ships;

(*k*) ships operating solely within the waters of Trinidad and Tobago;

(*l*) fees, stamp duties and all other payments required under this Act;

(*m*) the holding of all inquiries and investigation;

(*n*) lighthouses, buoys and beacons;

(*o*) prescribing sanctions and penalties by way of fines not exceeding one thousand dollars for the contravention of any regulation;

(*p*) the categories and classes of Trinidad and Tobago ships by reference to their tonnage capacity, the nature of their cargo and the trade or voyage in which they are engaged including geographical limits;

(*q*) prescribing anything that under this Act is to be prescribed.

Consolidated Fund

407. All fees, fines and other sums payable under this Act shall be paid into the Consolidated Fund.

Amendment of Schedule

408. The Minister may by Order amend the Schedule.

Application

409. (1) Sections 410 and 411 apply in respect of international conventions, including amendments thereto and replacements thereof and other international instruments.

(2) The Minister shall from time to time by Notice publish the international conventions including amendments thereto and replacements thereof and other international instruments which apply to Trinidad and Tobago, the reservations if any, entered thereon by Trinidad and Tobago as well as those international conventions, including amendments thereto and replacements thereof and other international instruments which cease to apply to Trinidad and Tobago.

(3) The Director shall keep in his office a copy of—

(*a*) all the instruments referred to in subsection (2) that have application in Trinidad and Tobago;

(*b*) all regulations and notices made pursuant to this Act,

and copies shall be made available for inspection or, upon payment of a prescribed fee, for the taking of copies thereof by members of the public, seafarers or persons concerned with or having an interest in ships or merchant shipping.

Conventions to prevail

410. Where an international convention or other international instrument applies to Trinidad and Tobago and a provision of that convention or instrument and a provision of this Act conflict in any manner, the provision of the convention or instrument shall prevail unless the Minister otherwise provides.

Contravention of international conventions

411. Where, in respect of any Trinidad and Tobago ship, there is any contravention of a requirement of any international convention or other international instrument which applies to Trinidad and Tobago, the Director may suspend the Certificate of Registry of the ship until the contravention is rectified.

PART XXV

Final and Transitional Provisions

Exemption of Trinidad and Tobago Government ships from the application of this Act

412. (1) Except as otherwise provided in this Act, nothing in this Act shall apply—

(*a*) to Trinidad and Tobago Government ships operated for non-commercial purposes;

(*b*) to ships or aircraft of the Defence Force.

(2) The Minister may make regulations prescribing the manner and extent to which the provisions of this Act apply to Trinidad and Tobago Government ships operated for non-commercial purposes.

Repeal

Chap. 50:01
Act No. 48 of 1977

413. (1) The Merchant Shipping Act, 1894 of the United Kingdom as in force on 31st August, 1962, the Merchant Shipping Act and the Pleasure Boats Act shall cease to have effect in their application to Trinidad and Tobago.

(2) Subject to the provisions of this section the jurisdiction vested in the High Court in admiralty matters relating to shipping howsoever derived, and rules of practice relating thereto at the date of the commencement of this Act shall continue in force together with any jurisdiction granted by this Act and all written laws and rules legal and equitable in force before the commencement of this Act shall continue in force except as far as they are inconsistent with the express provisions of this Act.

(3) All written laws in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, remain in force as if made under this Act with such adaptations, qualifications and modifications as may be necessary for the purpose.

Commencement

414. This Act or any Part thereof shall come into force on a day or days to be fixed by Proclamation.

SCHEDULE

REPUBLIC OF TRINIDAD AND TOBAGO

[Section 52(2)]

FORM A

BILL OF SALE

Official Number	Name of Ship	Number, Date and Port of Registry

Whether a Sailing, Steam or Motor Ship	Horse Power of Engines		
	Feet	Tenths	Metres
Length from fore part of stem, to the aft side of the head of the stern post			
Main breadth to outside of plating			
Depth in hold from tonnage deck to ceiling amidships			

NUMBER OF TONS

Gross		Net	

and as described in more detail in the Survey report and the Register Book.

(*a*) .....the undersigned (*b*) .....

or

We (*c*).....having our principal place of business at.....

.....

in consideration of the sum of.....paid to (*d*).....

by (*e*).....the receipt whereof is hereby acknowledged, transfer,

.....shares in the Ship above particularly described, and

in its boats, equipment, and appurtenances, to the said.....

Further (*a*).....the said.....for (*f*).....

heirs or successors convenant with the said.....and (*g*).....assigns,

that (*a*).....have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from

incumbrances (*h*).....

In witness whereof (*a*).....have hereunto subscribed (*i*).....

.....name .....

and affixed (*i*).....seal this.....day of.....

One thousand nine hundred and.....

Executed by the above-named.....

or

the common seal of the.....was affixed hereto in the presence of (*j*)

(*a*) Insert as appropriate "I" or "we".

(*b*) Insert full name and address, with the description of the transferor or transferors.

(*c*) Here insert title in full of the Company.

(*d*) Insert as appropriate "me" or "us".

(*e*) Insert full name and address of transferee or transferees with their description in the case of individuals, and adding "as Joint Owners" where such is the case.

(*f*) Insert as appropriate "myself and my" or "ourselves and our".

(*g*) Insert as appropriate "his", "their", or "its".

(*h*) If there be any subsisting Mortgage, add "save as appears by the Registry of the said ship".

(*i*) Insert as appropriate "my" or "our".

(*j*) Name, address, and description of witness (two in the case of a Company).

NOTE—A purchaser of a Registered Trinidad and Tobago ship does not obtain a complete title until the Bill of Sale has been recorded at the Port of Registry of the ship, and neglect of this precaution may entail serious consequences.

NOTE—Registered owners or mortgagors are reminded of the importance of keeping the Registrar of Ships informed of any change of residence on their part.

FORM B

[Section 59(1)]

MORTGAGE (TO SECURE PRINCIPAL SUM AND INTEREST)

Official Number	Name of Ship	Number, Date and Port of Registry

Whether a Sailing, Steam or Motor Ship	Horse Power of Engines		
	Feet	Tenths	Metres
Length from fore part of stem, to the aft side of the head of the stern post			
Main breadth to outside of plating			
Depth in hold from tonnage deck to ceiling amidships			

NUMBER OF TONS

Gross		Net	

and as described in more detail in the Certificate of Survey and the Register Book,

SCHEDULE—*Continued*

(*a*) ..... the undersigned (*b*)..... in consideration of ..... this day lent to (*c*) ..... by (*d*) ..... do hereby for (*e*) ..... and (*f*) ..... heirs, covenant with the said ..... firstly. That (*a*) ..... or (*f*) ..... heirs, executors or administrators, will pay to the said ..... the said sum of ..... together with interest thereon at the rate of ..... per cent per annum on the (*g*) ..... day of ..... next; and secondly, that if the said principal sum is not paid on the said day (*a*) ..... or (*f*) ..... heirs, executors, or administrators, will, during such time at the same or any part thereof remains unpaid, pay to the said ..... interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of ..... per cent per annum, by equal half-yearly payments on the ..... day of ..... and ..... day of ....in every year; and for better securing to the said ..... the repayment in manner aforesaid of the said principal sum and interest (*a*) ..... hereby mortgage to the said ..... shares, of which (*h*) ..... the Owner ..... in the ship above particularly described, and in its boats, equipment and appurtenances. Lastly, (*a*) ..... for (*e*) ..... and (*f*) ..... heirs, covenant with the said ..... and ..... assigns that (*a*) ..... have power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances (*i*) .....

In witness whereof (*a*) ..... have hereto subscribed (*f*) ..... name ..... and affixed (*f*) ..... seal ..... this ..... day of ..... One thousand nine hundred and .....

Executed by the above-named .....

.....

.....

in the presence of (*j*)

.....

.....

(*a*) "I" or 'we" (*b*) Here insert full name and address with description of the mortgagor or mortgagors, (*c*) "me" or "us". (*d*) Here insert full name and address of mortgagee or mortgagees with their description in the case of individuals, and adding "as Joint Mortgagees" where such is the case (*e*) "myself" or "ourselves" (*f*) "my" or "our". (*g*) Insert the day fixed for payment of principal as above. (*h*) "I am" or "we are". (*i*) If any prior incumbrance add, "save as appears by the registry of the said ship". (*j*) Name, address and description of witness.

NOTE—The prompt registration of a Mortgage Deed at the Port of Registry of the ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*

NOTE—Registered Owners or Mortgagees are reminded of the importance of keeping the Registrar of Ships informed of any change of residence on their part.

Priced

FORM C

[Section 59(1)]

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC.)

Official Number	Name of Ship	Number, Date and Port of Registry

Whether a Sailing, Steam or Motor Ship	Horse Power of Engines

	Feet	Tenths	Metres
Length from fore part of stem, to the aft side of the head of the stern post			
Main breadth to outside of plating			
Depth in hold from tonnage deck to ceiling amidships			

NUMBER OF TONS

Gross		Net	

and as described in more detail in the Certificate of Survey and the Register Book.

Whereas (*a*) .....

.....

.....

.....

Now (*b*) .....the undersigned.....

in consideration of the premises for (*c*) .....and

(*d*) .....heirs, covenant with the said

.....and (*e*) .....

assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid. And for

the purpose of better securing to the said .....

.....the payment of such sums as last aforesaid,

(*b*).....do hereby mortgage to the said.....

.....shares, of which (*f*).....

the owner.....in the ship above particularly described, and in its boats, equipment and appurtenances.

Lastly, (*b*) .....for (*c*) .....and

(*d*) .....heirs, covenant with the said.....

.....and (*e*) .....

assigns that (*b*).....have power to mortgage in manner aforesaid the above-mentioned shares, and that the same are

free from incumbrances (*g*) .....

In witness whereof (*b*).....have hereto

subscribed (*d*) .....name .....

and affixed (*d*).....seal.....this

.....day of .....One thousand nine

hundred and .....

Executed by the above-named .....

.....

.....

in the presence of*

.....

.....

(*a*) Here state by way of recital that there is an account current between the Mortgagor (giving his address and description and if Joint Owners are concerned describing them as such) and the Mortgagee (giving his address and description. If the Mortgagee is a body corporate the full title and address must be given and if Joint Mortgagees are concerned they must be so described), and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained and the manner and time of payment (*b*) "I" or "we", (*c*) "myself" or "ourselves", (*d*) "my" or "our", (*e*) "his" or "their", (*f*) "I am" or "we are", (*g*) If any prior incumbrance add, "save as appears by the Registry of the said ship". *Name, address and description of witness.

NOTE—The prompt registration of a Mortgage Deed at the Port of Registry of the ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, not from the date of the instrument.

NOTE—Registered Owners or Mortgagees are reminded of the importance of keeping the Registrar of Ships informed of any change of residence on their part.

FORM D

[Section 64(1)]

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC.) (INDIVIDUALS OR JOINT OWNERS)

TRANSFER OF MORTGAGE—BY INDIVIDUAL OR JOINT OWNERS

(*a*) "I" or "we"

(*b*) "me" or "us"

(*c*) "him" "them" or "it"

(*d*) "my" or "our"

(*a*) ..... the within-mentioned .....

in consideration of ..... this day paid to (*b*) .....

..... by ..... hereby transfer

to (*c*) ..... the benefit of the within-written

security. In witness whereof (*a*) ..... have hereunto

subscribed (*d*) ..... name .....

and affixed .... (*d*) .....

seal ..... this ..... day of ..... One

thousand nine hundred and .....

Executed by the above-named .....

.....

(*e*) Name, address and description of witness

in the presence of (*e*)

FORM E

[Section 64(1)]

TRANSFER OF MORTGAGE—BY CORPORATION

The within-mentioned .....

in consideration of .....

this day paid to it by .....

.....

hereby transfer to (c) ..... the benefit of the within-written security.

(c) "him" "them" or "it"

In witness whereof we have hereunto affixed our common seal this .....

day of ..... One thousand nine hundred and .....

The Common Seal of the .....

.....

was affixed in the presence of*

.....

.....

.....

*Signatures and description of witnesses, i.e, Directors, Secretary, etc.

Passed in the Senate this 3rd day of November, 1987.

N. COX
Acting Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate that is to say by the votes of twenty-five (25) Senators.

N. COX
Acting Clerk of the Senate

Passed in the House of Representatives this 6th day of November, 1987.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of twenty-nine (29) members of the House.

J. E. CARTER
Clerk of the House

GOVERNMENT PRINTERY, TRINIDAD, TRINIDAD AND TOBAGO—1987