

LEGAL NOTICE No. 238

REPUBLIC OF TRINIDAD AND TOBAGO

THE SHIPPING ACT, 1987

REGULATIONS

MADE BY THE MINISTER OF WORKS AND TRANSPORT UNDER
SECTIONS 356 AND 406 OF THE SHIPPING ACT, 1987

THE SHIPPING (PASSENGER FERRY) REGULATIONS, 1994

Citation 1. These Regulations may be cited as the Shipping (Passenger Ferry) Regulations, 1994.

PART I

GENERAL

Application 2. These Regulations apply to vessels which are used for the carriage of passengers for reward on scheduled routes between ports in Trinidad and Tobago.

Interpretation 3. In these Regulations—

“Act” means the Shipping Act, 1987;

“authorised person” means—

- (a) the Director of Maritime Services;
- (b) a surveyor appointed as such under the Shipping Act;
- (c) any person authorised in writing by the Minister either generally or in relation to a particular case or class of cases.

“the Director” has the same meaning assigned to that word in section 2 of the Act;

“Maritime Services Division” means the Division of Maritime Services established under section 403 of the Act;

“master” has the same meaning assigned to that word in section 2 of the Act;

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

“operator” in relation to a passenger ferry means the person for the time being having the management of the passenger ferry;

- “passenger” has the same meaning as in section 2 of the Act;
- “passenger ferry” means a passenger vessel employed on scheduled voyages between ports in Trinidad and Tobago;
- “passenger ship” has the same meaning as in section 2 of the Act;
- “terminal” means an area which is designed, equipped, set apart or commonly used for affording facilities for the arrival or departure of passengers on a passenger ferry.

PART 2

CERTIFICATION

4. A passenger ferry shall not be used unless there is in force Safety Certificate and insurance to be in force respect thereof—
- (a) a Passenger Ship Safety Certificate recognised under section 243 of the Act;
 - (b) a Load Line Certificate; and
 - (c) a certificate providing evidence of financial responsibility against the risks of damage to third parties.

PART 3

DUTIES OF OPERATOR AND CAPTAIN

5. (1) A passenger ferry shall not be used for reward or in Operating permits connection with a trade or business, otherwise than under and in accordance with a permit (hereinafter referred to as an “operating permit”) granted to the operator of the passenger ferry under subregulation (2) and operating permits shall be granted with a view of securing the safe operation of the ferry.

(2) The Minister may grant or renew to any person applying therefor an operating permit for the operation of a passenger ferry of the types and in relation to the areas of operation specified in the operating permit for the purposes so specified.

(3) The operating permit may be granted subject to such conditions as the Minister thinks fit to impose with a view to securing the safe operation of passenger ferries and shall remain in force for such time as may be specified in the operating permit or until suspended or revoked by the Minister and may be renewed from time to time by the Minister for such further period as he thinks fit.

(4) The Minister may vary an operating permit on application by the holder.

(5) The conditions to which the operating permit may be subject may include, without prejudice to the generality of the foregoing subregulation, conditions in respect of the following matters:

- (a) crew complement and qualifications;

- (b) type of ferry;
- (c) area of operation;
- (d) restrictions with regard to working hours and rest periods of crew;
- (e) safety arrangements at terminal areas;
- (f) the weather conditions in which the ferry may operate;
- (g) day or night operation;
- (h) life-saving equipment and procedures;
- (i) other equipment and procedures necessary for safety of operation;
- (j) radio and radar;
- (k) the keeping of records; and
- (l) medical equipment to be carried.

Duties of operator

6. (1) The operator of a passenger ferry shall not permit the vessels to be used without first—

- (a) ensuring that a minimum number of the crew corresponding to the complement necessary for the journey are adequately trained for their duties for that voyage; and
- (b) ensuring that the safety equipment required to be carried is in working order.

(2) Without prejudice to his other duties under these Regulations an operator shall at all times take all reasonable precautions at terminal areas so as to ensure the safety of persons and property in the ferry and at the terminal.

(3) An operator shall not permit any vessel to be used where he has reason to believe or suspect it is in an unsafe condition.

Duties of master

7. The master, before the departure of the vessel—

- (a) shall take reasonable steps to ensure—
 - (i) that the craft is properly loaded and any cargo adequately secured in the craft; and
 - (ii) that the craft is in a fit state and that safety equipment required to be carried is in a fit condition and ready to be used; and
- (b) shall satisfy himself that the journey can safely be made, taking into account the latest information available to him as to the weather.

Operational records

8. (1) The master of every passenger ferry shall ensure that records are kept of the following matters relating to any voyage of the ferry:

- (a) weather conditions, such as wind, sea condition and visibility experienced;

- (b) any accidents or unusual occurrences on the journey; and
- (c) a summary of all communications relating to distress, urgency and safety traffic.

- (2) The operator of every passenger ferry shall keep records of—
- (a) crew emergency and distress drills, including the names of persons present; and
 - (b) the names of all crew aboard the ferry on any journey.

(3) The master or operator, as the case may be, shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person the records referred to in subregulations (1) and (2) respectively.

(4) The records referred to in subregulations (1) and (2) shall be preserved by the operator for at least twelve months after any journey or drill to which they refer.

(5) The records referred to in subregulation (1) shall be delivered to the operator of the passenger ferry to which the records relate by the master at the time he ceases to be the master, or when the operator requires their delivery.

(6) A person required to preserve any record by reason of his being the operator of a passenger ferry shall, where he ceases to be the operator of the ferry continue to preserve the record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the record shall fall upon his personal representative.

9. A passenger ferry shall carry, when in use, first-aid equipment of ^{Medical} good quality, sufficient in quantity having regard to the number of ^{equipment} persons on board.

10. (1) A passenger ferry shall, when in operation, carry the ^{Documents to} following documents or true copies thereof: ^{be carried}

- (a) its passenger ship safety certificate;
- (b) its certificate of registration or license; and
- (c) its load line certificate.

(2) The passenger ship safety certificate, load line certificate or true copies thereof shall be posted in some conspicuous place in the vessel.

PART 4

SUPPLEMENTARY PROVISIONS

11. The Director and any authorised person shall have the right of ^{Right of} access at all reasonable times to any terminals and any place where a ^{access to} passenger ferry is located for the purpose of inspecting any vessel or ^{terminals}

any document which they have power to demand under these Regulations and for the purpose of detaining any vessel under the provisions of these Regulations.

Safety of
passengers
and property

12. A person shall not wilfully or negligently—

- (a) act in a manner likely to endanger a passenger ferry, or any person therein;
- (b) go or attempt to go on a journey on a passenger ferry without the consent of the master or other person authorised to give it.

Duty to obey
master

13. Every person in a passenger ferry shall obey all lawful commands which the master may give for the purpose of securing the safety of the vessel and of persons or property carried therein, or the safety, efficiency or regularity of navigation.

Power to
prevent
operating

14. (1) Where it appears to the Director or an authorised person that any ferry is intended or likely to be operated—

- (a) in such circumstances that any provision of regulation 5 would be contravened in relation to the journey;
- (b) in such circumstances that the journey would be in contravention of any other provision of these Regulations and be a cause of danger to any person or property whether or not in the ferry; or
- (c) while in a condition unfit for operation whether or not the journey would otherwise be in contravention of any provision of these Regulations,

the Director or the authorised person may direct the operator or the master of the vessel that he is not to permit the vessel to make the particular journey or any other journey of such description as may be specified in the direction and the Director or the authorised person may take such steps as are necessary to detain the ferry.

(2) The Minister or the Director may revoke a direction made under subregulation (1).

(3) For the purposes of subregulation (1) the Director or any authorised person may enter upon and inspect any passenger ferry.

Revocation,
etc., of
certificates,
etc.

15. (1) The Minister may, if he thinks fit, provisionally suspend any certificate, licence, approval, permission, exemption or other document issued, granted or having effect under the Act and these Regulations pending inquiry into or investigation of the case.

(2) Without prejudice to regulation 5(2) the Minister may, on sufficient grounds being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this regulation shall surrender it to the Minister within a reasonable time after being required to do so by him.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document has been granted or issued, or which has effect under these Regulations shall render the document invalid during the continuance of the breach.

16. A person shall not wilfully obstruct or impede any authorised person acting in the exercise of his powers or the performance of his duties under these Regulations. ^{Obstruction of persons}

17. Any person who fails to comply with any direction given to him by the Director or by any authorised person under these Regulations shall be deemed to have committed an offence. ^{Enforcement of directions}

18. The Minister may exempt from any of the provisions of these Regulations any passenger ferry or persons or classes of passenger ferry or persons, either absolutely or subject to such conditions as he thinks fit. ^{Exemption}

19. (1) Where any provision of these Regulations is contravened in relation to a passenger ferry, the operator of that ferry and the master thereof, shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed, for the purposes of subregulations (3) to (5), to have committed an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention. ^{Penalties}

(2) Where it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of these Regulations was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be an offence.

(3) A person who contravenes any provision of these Regulations not being a provision referred to in subregulation (4) or (5), is guilty of an offence and is liable to a fine of two hundred and fifty dollars.

(4) A person who contravenes any provision of regulations 8, 10 and 15 is guilty of an offence and is liable to a fine of five hundred dollars.

(5) A person who contravenes any provision of regulations 4 to 7, 9, 12, 13 and 14 is guilty of an offence and is liable to a fine of one thousand dollars.

Made this 23rd day of December, 1994.

C. IMBERT

Minister of Works and Transport