

LEGAL NOTICE NO. 144

REPUBLIC OF TRINIDAD AND TOBAGO

THE SHIPPING ACT, 1987

REGULATIONS

MADE BY THE MINISTER OF WORKS AND TRANSPORT UNDER SECTION 142
OF THE SHIPPING ACT, 1987

THE SHIPPING (PROVISIONS AND WATER) REGULATIONS, 1993

- Citation** 1. These Regulations may be cited as the Shipping (Provisions and Water) Regulations, 1993.
- Interpretation** 2. In these Regulations—
 “owner” includes a demise or bareboat charterer and a managing owner;
 “fishing vessel” means a vessel used or intended to be used for catching fish for gain;
 “length” in relation to a ship means the greater of the following distances:
 (a) the distance between the foreside of the stem and the axis of the rudder stock; or
 (b) a distance measured from the foreside of the stem, being ninety-six per cent of the distance between that point and the aft side of the stern,
 the said points and measurements being taken respectively at and along a waterline at eighty-five per cent of the least moulded depth of the ship, the waterline, being taken to be parallel to the designed waterline in the case of a ship having a rake of keel;
 “offshore installation” means any installation which is maintained, or intended to be established, for underwater exploitation or exploration;
 “submersible craft” means any description of manned mobile submersible craft which is designed to maintain some or all of its occupants at or near atmospheric pressure.
- Application** 3. (1) Subject to subregulation (2)—
 (a) these Regulations, other than regulation 9, apply to seagoing Trinidad and Tobago ships; and
 (b) regulations 1, 2, 3, 9 and 10 apply to non-Trinidad and Tobago sea-going ships, except fishing vessels, when in a port in Trinidad and Tobago.
 (2) These Regulations do not apply to—
 (a) ships under twenty-four metres in length;
 (b) pleasure craft;
 (c) submersible craft;
 (d) offshore installations whilst on or within five hundred metres of their working stations.
 (3) The Minister may grant exemptions from all or any of these Regulations as specified in the exemption for classes of cases or individual cases on such terms, if any, as specified.

(4) The Minister may, on giving reasonable notice, alter or cancel any exemption granted under subregulation (3).

4. The owner and master of every ship shall ensure that provisions and water are provided on their ship which—

- (a) are suitable in respect of quantity, nutritive value, quality and variety having regard to the size of the crew and the character and nature of the voyage;
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any provision or water unpalatable; and
- (c) are otherwise fit for human consumption.

Duty to provide adequate provisions and water

5. The master or a person authorised by him, together with a member of the crew employed in catering on the ship, shall inspect the provisions and water, at least once a week, for the purpose of checking whether the provisions and water comply with regulation 4(a) to (c) and the results of such inspections shall be recorded in the Official Log Book of the ship.

Duty to inspect provisions and water

6. (1) An owner who contravenes regulation 4 is guilty of an offence and liable to a fine of one thousand dollars.

Offences and penalties

(2) A master who contravenes regulation 4 or 5 is guilty of an offence and liable to a fine of one thousand dollars.

(3) It shall be a defence for a person charged in respect of a contravention of any of these Regulations, including a person charged under regulation 7, to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

7. Subject to regulation 6(3), where an offence under any of these Regulations is committed, or would have been committed by a person due to the act or default of another person, that other person is guilty of an offence and may be charged with and convicted of the offence, whether or not proceedings are taken against the first-mentioned person.

Offences caused by act or default

8. A person duly authorised by the Minister may inspect any ship to which these Regulations apply and where he is satisfied that there has been a failure to comply with these Regulations the ship may be detained until the health and safety of all employees and other persons aboard ship are secured, but the ship shall not in the exercise of these powers be detained or delayed unreasonably.

Inspection and detention of a Trinidad and Tobago ship

9. (1) A person duly authorised by the Minister may inspect any ship which is not a Trinidad and Tobago ship when the ship is in a Trinidad and Tobago port, and where he is satisfied that the ship does not conform to the standards required of Trinidad and Tobago ships by these Regulations, he may—

Inspection, detention and other measures in respect of foreign ships

- (a) send a report to the government of the country in which the ship is registered, and a copy thereof to the Director General of the International Labour Office; and
- (b) where conditions on board are clearly hazardous to safety or health—
 - (i) take such measures as are necessary to rectify those conditions; or
 - (ii) detain the ship,

save that the measures specified in paragraphs (a) and (b) may be taken only when the ship has called at a Trinidad and Tobago port in the normal course of business or for operational reasons.

(2) Where the person duly authorised takes either of the measures specified in subregulation (1)(b), he shall forthwith notify the nearest maritime, consular or diplomatic representative of the State whose flag the ship is entitled to fly.

(3) The person duly authorised shall not, in exercise of his powers under this Regulation, detain or delay the ship unreasonably.

Compensation
and enforce-
ment of
detention

10. Sections 317(2) and 387(2) to (4) of the Act, shall have effect in relation to a ship detained under these Regulations subject to the following modifications:

(a) in section 317(2) by deleting the words:

(i) “, by reason of the condition of the ship or the act or default of the owner,”;

(ii) “and survey”;

(iii) “or survey”;

(iv) “of an unseaworthy ship” and substituting the words “a ship”; and

(b) in section 387(2) to (4) by deleting the words “this Act” wherever they occur and substituting the words “the Shipping (Provisions and Water) Regulations, 1993”.

Made this 6th day of September, 1993.

C. IMBERT
Minister of Works and Transport