

LEGAL NOTICE No. 157

REPUBLIC OF TRINIDAD AND TOBAGO

THE SHIPPING ACT, 1987

REGULATIONS

MADE BY THE MINISTER OF WORKS, INFRASTRUCTURE AND DECENTRALIZATION
UNDER SECTION 225(1) OF THE SHIPPING ACT

THE SHIPPING (NAVIGATIONAL AIDS DUES) REGULATIONS, 1989

1. These Regulations may be cited as the Shipping (Navigational Aids Citation Dues) Regulations, 1989.

2. (a) Navigational aids dues shall be levied in accordance with the scale of payments set out in Part I of the Schedule; and
(b) the rules set out in Part II of the Schedule.

Navigational
aids dues
Schedule
Parts I
and II

3. Navigational aids dues shall not be levied in the cases listed in Part III of the Schedule.

Schedule
Part III

SCHEDULE

PART I

[Regulation 2(1)]

SCALE OF PAYMENTS

1. Caricom-trade ships—
 - Full rate \$1.50 per ten tons per voyage
 - Reduced rate (visiting cruise ships) ... \$0.30 per ten tons per voyage
2. Foreign-going ships—
 - Full rate \$3.00 per ten tons per voyage
 - Reduced rate (visiting cruise ships) ... \$0.75 per ten tons per voyage
3. In the place of payments per voyage, the following payments for—
 - (a) pleasure craft, which the Director of Maritime Services is satisfied are ordinarily kept or used outside the waters of Trinidad and Tobago, a payment of \$30.00 per visit for every period of thirty days or less comprised in such visit;
 - (b) ships licensed under the Act (with the exception of pleasure craft and fishing vessels) or the Motor Launches Act, an annual payment of \$200.00;
 - (c) ships (other than fishing vessels) registered under the Act trading solely within the waters of Trinidad and Tobago, an annual payment of \$60.00 per ten tons;
 - (d) foreign registered ships trading solely within the waters of Trinidad and Tobago, an annual payment of \$120.00 per ten tons;
 - (e) foreign fishing vessels of ten metres in length, a payment of \$1,000.00 per vessel for each year;
 - (f) foreign fishing vessels of length in excess of ten metres, an additional payment of \$100.00 for each metre of length in excess of ten metres.

Chap. 50:08

PART II

[Regulation 2(2)]

RULES

1. A ship shall not be required to pay any navigational aids dues, where in any year—
 - (a) the ship is a Caricom-trade ship for more than fourteen voyages;
 - (b) the ship is a foreign-going ship for more than seven voyages;
 - (c) the ship makes voyages during the year both as a Caricom-trade ship and as a foreign-going ship, for more than fourteen voyages, each voyage made as a foreign-going ship being counted as two voyages.
2. In any year—
 - (a) no ship shall be required to pay more than \$21.00 per ten tons; and
 - (b) no fishing vessel shall be required to pay more than the amount referred to in paragraph 3(e) of the scale of payments set out in Part I (hereinafter referred to as "the scale").
3. (1) A ship shall not pay dues both as a Caricom-trade ship and as a foreign-going ship in respect of a single voyage.
(2) A Caricom-trade ship whose last port of call prior to arrival in Trinidad and Tobago, or whose next port of call after departure from Trinidad and Tobago, is not a port in a Caricom Member State, shall be deemed to be a foreign-going ship.
4. The voyage of a Caricom-trade ship shall be reckoned from port to port, but a Caricom-trade ship shall not be required to pay dues for more than three voyages in a month.
5. The voyage of a foreign-going ship trading outwards shall be reckoned from the first port of lading, in Trinidad and Tobago of cargo which is destined for a port in a non-Caricom State.
6. The voyage of a foreign-going ship trading inwards shall be reckoned from her last port of lading in a non-Caricom State to the last port in Trinidad and Tobago at which cargo laden in the non-Caricom State is discharged.
7. Subject to rule 8, dues payable in accordance with the scale shall be paid at the office of the Division of Maritime Services, or at such other place as may be approved by the Director of Maritime Services.
8. The annual payments payable in accordance with the scale shall be paid at the commencement of the year in respect of which they are made save that a new vessel which is put into service after June 30th of any year shall only be required to pay 50 per cent of the annual payment for that particular year.
9. Every such payment as is referred to in paragraph 3(a) of the scale, shall be paid at the commencement of the period in respect of which it is made. However, a vessel shall not be required to make payments in respect of more than seven visits per year.
10. In this Schedule—
 - (a) a ship's tonnage shall be registered tonnage reckoned in accordance with the Shipping (Tonnage) Regulations, 1988 except that where such tonnage is less than one thousand tons it shall be deemed to be one thousand tons, and where it is more than twenty thousand tons it shall be deemed to be twenty thousand tons;
 - (b) in calculating any payment of navigational aids dues where the vessel's tonnage is not a multiple of ten tons, any excess not exceeding five tons shall be rounded down, and any excess over five tons shall be rounded up, to the nearest such multiple;
 - (c) "length" in relation to a vessel has the meaning assigned to it in the Shipping (Tonnage) Regulations, 1988;
 - (d) in calculating any payment of navigational aids dues, where a vessel's length is not a multiple of one metre, any excess not exceeding half a metre shall be rounded down, and any excess over half a metre shall be rounded up, to the nearest such multiple;

- (e) a ship shall be treated as a visiting cruise ship if it makes a call at one or more ports in Trinidad and Tobago, for the purpose of disembarking passengers for a visit ashore and for subsequent re-embarkation (whether or not at the same port) and at no time during that cruise does the ship—
 - (i) embark or disembark more than 50 per cent of the total number of passengers which it is authorised to carry;
 - (ii) load or discharge any cargo or mails, at any such port;
- (f) "Caricom-trade ship" means a ship which is registered in a Caricom Member State and which trades principally between ports in Caricom Member States; and
- (g) "foreign-going ship" means a ship which is not a Caricom-trade ship.

11. Where navigational aids dues are not paid the outstanding amount remains a charge against the ship and the ship may be detained until full payment is made by the owner or master of the ship.

PART III

[Regulation 2(3)]

EXEMPTIONS

There shall be exempted from dues under this Schedule—

- (a) ships (including naval and research vessels) belonging to the Government of Trinidad and Tobago or to a foreign Government, unless carrying cargo or passengers for freight or fares, or engaged in any other type of commercial activity;
- (b) ships putting in for bunkers, stores, or provisions for their own use on board;
- (c) ships putting in as a result of stress of weather or damage or for the purpose of repairing, if they do not discharge or load cargo other than cargo which is discharged with a view to such repairs and afterwards reshipped;
- (d) dredgers and hoppers for the time being employed solely in dredging channels or deepening water for or on behalf of a harbour authority or a conservancy authority, within the area in which that authority has jurisdiction, or in disposing within or without such area, otherwise than by way of sale or exchange, of the spoil from such operations;
- (e) sailing yachts or other craft which are not registered or licensed in Trinidad and Tobago, and which, as determined to the satisfaction of the Director of Maritime Services, come into the waters of Trinidad and Tobago with the sole object of taking part in racing regattas, so long as such vessels are coming into, remaining in, or leaving such waters solely in connection with such object;
- (f) Trinidad and Tobago licensed ships (including pleasure craft) and fishing vessels in respect of any year ending 31st December during the whole of which they are laid up;
- (g) tugs and other utility craft owned by a harbour or port authority when employed by that authority within the area in which that authority has jurisdiction;
- (h) pleasure craft exempted from being licensed under section 40(2) of the Act; and
- (i) such other ships as the Minister may specifically or generally exempt in writing.

Made this 7th day of September, 1989.

C. CHARLES

*Minister of Works, Infrastructure and
Decentralization*