BARBADOS

The Official Gazette Part A 5th May, 2025

Statutory Instrument

S.I. 2025 No. 24

MERCHANT SHIPPING (SEWAGE AND GARBAGE POLLUTION PREVENTION) REGULATIONS, 2025

Arrangement of Regulations

PART I

PRELIMINARY

1. Citation

2. Definitions

3. Meaning of “from nearest land”

4. Purpose

5. General application

6. Application

PART II

SEWAGE: SURVEY AND CERTIFICATION OF SHIPS

7. Requirement for sewage certificate: initial survey

8. Renewal of sewage certificate: renewal survey

9. Responsibilities of owner and master

10. Additional surveys

11. Issuance of sewage certificates by a certifying authority

12. Issuance of sewage certificate by another government in respect of Barbados ship

13. Issuance of sewage certificates in respect of foreign ships

14. Duration and validity of sewage certificates

15. Extension of periods of validity of sewage certificates

16. Procedure to be adopted when a ship is deficient

17. Arbitration

18. Miscellaneous provisions relating to sewage certificates

19. Foreign ships proceeding to sea without a sewage certificate

20. Survey and certification of ships at owner's request

PART III

SEWAGE: EQUIPMENT OF SHIPS

21. Sewage systems

22. Discharge connections

PART IV

DISCHARGE OF SEWAGE

23. Discharge of sewage from a ship into the sea

24. Exception for ship equipped with a sewage treatment plant

25. Exception for other ships

PART V

DISPOSAL OF GARBAGE

26. Prohibition on disposal of plastics or mixtures of garbage from a ship

27. Disposal of garbage other than plastics from a ship outside a special area

28. Disposal of garbage from a ship within a special area

29. Disposal of garbage from a ship alongside a platform

30. Restriction on Barbados ships entering the Antarctic area

31. Placards on ships

PART VI

GARBAGE MANAGEMENT PLANS AND RECORD BOOKS

32. Garbage management plan

33. Garbage record books

34. Entries in garbage record books

35. Exemptions

36. ISO 21070 – management and handling of shipboard garbage

PART VII

INSPECTIONS, DETENTIONS AND OFFENCES

37. Inspections, detentions and offences

38. Investigations of alleged violations by Barbados ships

39. General provisions on detention

40. Power of the harbour master to detain

41. Duty of harbour master to report deficient ships

42. Right of appeal and compensation

43. Service of documents on foreign companies

44. Suspension of proceedings at flag state request

45. Offences

46. Defences

47. Enforcement and application of fines

48. Restrictions on jurisdiction over offences outside of Barbados limits

FIRST SCHEDULE

GROSS TONNAGE

SECOND SCHEDULE

STANDARDS FOR SEWAGE COMMINUTING AND DISINFECTING SYSTEMS

THIRD SCHEDULE

STANDARDS FOR HOLDING TANKS

FOURTH SCHEDULE

STANDARDS FOR RATE OF SEWAGE DISCHARGE

FIFTH SCHEDULE

ARBITRATION PROCEDURE

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (SEWAGE AND GARBAGE POLLUTION PREVENTION) REGULATIONS, 2025

The Minister, in exercise of the powers conferred on him by section 1476 of the *Merchant Shipping Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Sewage and Garbage Pollution Prevention) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

"Act" means *Merchant Shipping Act, 2024* (Act 2024-28);

"Administration" means the Barbados Maritime Transport Administration;

"additional survey" means a survey conducted in accordance with regulation 10;

"Antarctic area" means the sea area south of latitude 60°S;

"Barbados Maritime Transport Administration" has the same meaning as in the Act;

"Barbados ship" has the same meaning as in the Act;

"certifying authority" means the Administration or a person authorized by the Administration in accordance with paragraph (2);

"contracting government" means the government of a state that has consented to be bound by the Convention, and for which Annex IV to the Convention is in force;

"Convention" means the International Convention for the Prevention of Pollution from Ships 1973, including its protocols, annexes and appendices, as amended by the Protocols of 1978 and 1997, and includes

(a) all the amendments to the Convention adopted by the Marine Environment Protection Committee of the International Maritime Organization before the date on which these Regulations are made; and

(b) any subsequent amendment to that Convention by the International Maritime Organization;

"date of expiry" in relation to a sewage certificate, means the last day of the period specified in the sewage certificate as the period for which that certificate is valid;

"discharge" in relation to sewage, means any release from a ship however caused, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying, but does not include

(a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed at London on 13th November, 1972, as amended by the 1996 Protocol; or

(b) the release of sewage for the purpose of legitimate scientific research into pollution abatement or control;

"exclusive economic zone" in relation to a foreign state, means the area beyond and adjacent to the territorial sea of that state, but not extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

"flag state" in relation to a ship, means the state whose flag the ship is entitled to fly;

"foreign ship" means a ship that is not a Barbados ship;

"foreign state" means a country other than Barbados;

"garbage" means all kinds of victual, domestic and operational wastes generated during the normal operation of a ship and liable to be disposed of continuously or periodically, but does not include fresh fish and parts of it, sewage or any other substance the disposal of which is prohibited or otherwise controlled under an Annex to the Convention other than Annex V;

"ground or comminuted to the required standard" in relation to garbage or food wastes, means ground or comminuted sufficiently finely so as to be capable of passing through a screen with openings no greater than 25 millimetres;

"GT" means the gross tonnage determined in accordance with the *Merchant Shipping (Tonnage) Regulations, 2025* (S.I. 2025 No. 29);

"harbour master" has the same meaning as in the Act;

"holding tank" means a tank used for the collection and storage of sewage;

"infrastructure" in relation to a ship, means the structure, equipment, systems, fittings, arrangements and material of that ship that are the subject of requirements in Annex IV of the Convention;

"initial survey" means a survey carried out in accordance with regulation 7;

"International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978" means the Convention of that name as amended in 1995 by resolution 1 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers Conference convened at the International Maritime Organization's headquarters from 26th June to 7th July, 1995, and as amended from time to time;

"international voyage" means a voyage from a country to which the Convention applies to a port outside that country, or the converse;

"master" has the same meaning as in the Act;

"merchant shipping notice" means a merchant shipping notice issued in accordance with the Act, and any reference to a particular merchant shipping notice includes a reference to a merchant shipping notice amending or replacing that notice;

"nautical mile" means an international nautical mile of 1,852 metres;

"offshore terminal" means an installation situated away from the shore, where bulk, fluid or gas cargo is

(a) transferred between ships;

(b) loaded onto a ship after having been transported from the shoreline; or

(c) unloaded from a ship for transporting to the shoreline;

"old ship" means a ship whose date of construction is before 2nd October, 1983;

"operational wastes" means all maintenance wastes, cargo associated wastes and cargo residues, other than residues or wastes from

(a) oil or oily mixtures;

(b) noxious liquid substances;

(c) non-polluting liquid substances; or

(d) harmful substances in packaged form;

"plastics" includes synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products that may contain toxic or heavy metal residues;

"platform" means a fixed or floating platform that is used in connection with the exploration, exploitation or associated offshore processing of seabed mineral resources;

"renewal survey" means a survey carried out in accordance with regulation 8;

"sea" includes an estuary or arm of the sea;

"sewage" means

(a) drainage and other wastes from toilets and urinals;

(b) drainage from medical premises, including a dispensary or sick bay, via wash basins, wash tubs and scuppers located in such premises;

(c) drainage from spaces containing living animals; or

(d) other waste waters that are mixed with drainage referred to in subparagraph *(a)*, *(b)* or *(c)*;

"sewage certificate" means an International Sewage Pollution Prevention Certificate referred to in Regulation 5 of Annex IV of the Convention;

"ship" has the same meaning as in the Act;

"ship in dedicated trades" means a ship that is on a scheduled service on a regular route;

"short international voyage" means an international voyage that

(a) does not exceed 1,000 nautical miles on the voyage between the last port of call and before beginning any return voyage; and

(b) on any return voyage does not exceed 1,000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began;

"special area" means a sea area where, for recognized technical reasons in relation to its oceanographical and ecological condition and to the character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by garbage is required, and includes the areas listed in Annex V of the Convention;

"survey" means a survey carried out by a surveyor;

"surveyor" means a surveyor of ships or any other person appointed to be a surveyor by a certifying authority other than the Administration; and

"Wider Caribbean Region" means the insular and coastal states and territories with coasts on the Caribbean Sea and Gulf of Mexico, and the waters of the Atlantic Ocean adjacent to those states and territories.

(2) A person may be authorized by the Administration as a certifying authority in accordance with

(a) the Convention;

(b) Parts 1 and 2 of the Code for Recognized Organizations; and

(c) Part 3 of the Code for Recognized Organizations.

(3) For the purposes of these Regulations,

(a) a reference to Annex IV to the Convention is to be read as a reference to that Annex as adopted by the Marine Environment Protection Committee of the International Maritime Organization by resolution MEPC. 115(51) on 1st April, 2004, including

(i) all the amendments to that Annex adopted by that Committee before the date on which these Regulations are made; and

(ii) any subsequent amendment to that Annex that is considered by the Administration to be relevant from time to time and published in a notice to the industry;

(b) a reference to Annex IV to the Convention is to be read as a reference to the Annex constituting part of attachment 1 to the final act of the International Conference on Maritime Pollution signed in London on 2nd November, 1973, including

(i) all the amendments to that Annex adopted by the Marine Environment Protection Committee of the International Maritime Organization before the date on which these Regulations are made; and

(ii) any subsequent amendment to that Annex that is considered by the Administration to be relevant from time to time and published in a notice to the industry.

(4) In the application of these Regulations to

(a) an air-cushion vehicle, a reference to the master of a ship includes a reference to the captain of that air-cushion vehicle; and

(b) a platform, a reference to the master of a ship includes a reference to the manager of that platform.

(5) For the purposes of the definition "short international voyage", no account is to be taken of any deviation by a ship from an intended voyage due solely to stress of weather or any other circumstances that the master, owner or any charterer of the ship could not have prevented or forestalled.

(6) For the purposes of these Regulations, the date of construction of a ship is the date on which the keel of the ship is laid or on which the ship is at a stage of construction at which

(a) construction identifiable with a specific ship has begun; and

(b) assembly of that ship has incorporated at least 50 tonnes of structural material or one per cent of the estimated mass of all structural material, whichever is less.

Meaning of "from nearest land"

3. For the purpose of these Regulations, a measurement from the nearest land is to be made, in accordance with Regulation 1, Annex V, of the Convention,

(a) in relation to all land other than that part of the north-eastern coast of Australia referred to in subparagraph *(b)*, from the baseline from which the territorial sea of the territory in question is established in accordance with international law; and

(b) in relation to the north-eastern coast of Australia, from a line drawn from a point on the coast of Australia in latitude 11°00’S, longitude 142°08’E to a point in latitude 10°35’S, longitude 141°55’E and

(i) thence to a point latitude 10°00’S, longitude 142°00’E;

(ii) thence to a point latitude 09°10’S, longitude 143°52’E;

(iii) thence to a point latitude 09°00’S, longitude 144°30’E;

(iv) thence to a point latitude 10°41’S, longitude 145°00’E;

(v) thence to a point latitude 13°00’S, longitude 145°00’E;

(vi) thence to a point latitude 15°00’S, longitude 146°00’E;

(vii) thence to a point latitude 17°30’S, longitude 147°00’E;

(viii) thence to a point latitude 21°00’S, longitude 152°55’E;

(ix) thence to a point latitude 24°30’S, longitude 154°00’E;

(x) thence to a point on the coast of Australia in latitude 24°42’S, longitude 153°15’E.

Purpose

4. The objective of these Regulations is to prevent, control and reduce marine pollution by sewage and garbage from ships.

General application

5. These Regulations apply to ships that are subject to the requirements of Annex IV and Annex V of the Convention.

Application

6.(1) Regulations 7 to 12, 14, 15, 16(1) to (5), 17, and 18(1) and (2) apply to a Barbados ship, wherever it may be, that is engaged in international voyages and is

(a) of 400 GT or above; or

(b) certified to carry more than 15 persons.

(2) Regulations 13 and 19(1) apply to a ship that is

(a) a foreign ship;

(b) registered in, or not registered but entitled to fly the flag of, a country whose government is a contracting government;

(c) engaged in international voyages;

(d) of 400 GT or above, or certified to carry more than 15 persons; and

(e) in Barbados waters.

(3) Regulation 16(6) applies to a foreign ship

(a) that is engaged in international voyages;

(b) that is of 400 GT or above, or certified to carry more than 15 persons; and

(c) that is

(i) in a port in Barbados;

(ii) at an offshore terminal in Barbados waters; or

(iii) a floating platform in Barbados waters, other than a floating platform that is in transit.

(4) Regulations 18(3) and (4) and 21 to 25 apply in relation to

(a) a Barbados ship, wherever it may be, that is engaged in international voyages and is

(i) of 400 GT or above; or

(ii) certified to carry more than 15 persons; or

(b) a foreign ship that is

(i) engaged in international voyages;

(ii) of 400 GT or above, or certified to carry more than 15 persons; and

(iii) in Barbados waters.

(5) Regulation 19(2) applies to a ship that satisfies the criteria set out in paragraph (2) other than the criterion in paragraph (2)*(b)*.

(6) Regulation 20 applies to a ship that is a Barbados ship but that does not satisfy the criteria set out in paragraph (1).

(7) Regulations 26 to 28 apply to a ship that is

(a) a Barbados ship, wherever it may be; or

(b) a foreign ship that is in

(i) Barbados waters; or

(ii) any other waters that constitute a sea.

(8) Regulation 29 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) a platform; or

(b) alongside or within 500 metres of a platform.

(9) Regulation 30 applies to a Barbados ship wherever it may be.

(10) Regulation 31 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that has a length overall of 12 metres or more.

(11) In paragraph (10), “length overall” means the extreme length of the hull of the ship measured between the foremost part of the bow and the aft-most part of the stern.

(12) Regulation 32 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) of 400 GT or above; or

(b) certified to carry 15 or more persons.

(13) Regulations 33 and 34 apply to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) of 400 GT or above;

(b) certified to carry 15 or more persons, and engaged in voyages to ports or offshore terminals under the jurisdiction of a party to the Convention other than the ship's flag state; or

(c) a platform.

(14) Regulation 35 applies to a ship referred to in paragraph (7)*(a)* or *(b)* that is

(a) certified to carry 15 or more persons, and engaged on a voyage whose duration is one hour or less; or

(b) a platform, while it is engaged in exploration and exploitation of the sea-bed.

(15) These Regulations do not apply to a warship, naval auxiliary or other ship owned or operated by a state that is being used only on government, non-commercial service.

(16) Regulations 23 to 25 do not apply to

(a) the discharge of sewage that is necessary for the purpose of

(i) securing the safety of the ship;

(ii) securing the safety of those on board the ship; or

(iii) saving life at sea; or

(b) the discharge of sewage that results from damage to a ship or its equipment, except to the extent that the discharge is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimizing the discharge.

(17) Regulations 26 to 29 do not apply to

(a) the disposal of garbage that is necessary for the purpose of

(i) securing the safety of the ship;

(ii) securing the safety of those on board the ship; or

(iii) saving life at sea;

(b) the escape of garbage that results from damage to a ship or its equipment, except to the extent that the escape is due to a failure to take all reasonable precautions before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

(c) the accidental disposal into the sea of synthetic fishing nets or synthetic material incidental to the repair of such nets, except to the extent that the disposal is due to a failure to take all reasonable precautions to prevent it.

PART II

SEWAGE: SURVEY AND CERTIFICATION OF SHIPS

Requirement for sewage certificate: initial survey

7. A ship shall not be put into service or, if she is already in service, continue in service, unless

(a) a survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship comply with the requirements of Part III; and

(c) a sewage certificate has been issued in respect of that ship and is still valid.

Renewal of sewage certificate: renewal survey

8. A ship shall not proceed to sea or, if she is already at sea, remain at sea, after the date of expiry of a sewage certificate issued in respect of that ship unless

(a) a survey has been carried out in respect of the ship;

(b) at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship comply with the requirements of Part III; and

(c) in consequence,

(i) a sewage certificate has been renewed and issued in respect of that ship and is still valid; or

(ii) the certificate has been extended in accordance with regulation 15(4).

Responsibilities of owner and master

9.(1) The owner and the master of a ship shall ensure that the condition of the ship and its equipment are maintained to conform with the provisions of Parts III and IV so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The owner and the master of a ship shall ensure that after a survey of the ship required under this Part has been completed, no change, except by way of direct replacement, is made to the infrastructure of that ship covered by the survey without the approval of

(a) the certifying authority that appointed the surveyor to carry out the survey; or

(b) the Administration, where the sewage certificate was issued by a contracting government following a request made pursuant to regulation 12.

(3) Whenever an accident occurs to a ship or a defect is discovered in a ship that substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Part III, the owner and the master of the ship shall ensure that

(a) the accident or defect is reported at the earliest opportunity to the certifying authority that issued the sewage certificate in respect of the ship; and

(b) where the ship is in a port outside Barbados, the accident or the defect is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.

(4) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)*, the certifying authority

(a) shall cause an investigation to be initiated to determine whether an additional survey is necessary; and

(b) if it considers that an additional survey is necessary, shall cause that survey to be carried out.

(5) When an accident or defect is reported to a certifying authority in accordance with paragraph (3)*(a)* and the ship in question is in a port outside Barbados, the certifying authority shall take all appropriate steps to ascertain that the requirement in paragraph (3)*(b)* has been complied with.

Additional surveys

10.(1) This regulation applies to a ship if

(a) a repair resulting from an investigation referred to in regulation 9(5) has been made to the ship; or

(b) an emergency repair has been made to the ship.

(2) A ship referred to in paragraph (1) shall not proceed to sea or, if she is already at sea, remain at sea, unless

(a) a survey has been carried out in respect of the ship;

(b) at the date of the survey the surveyor be satisfied that

(i) the repair or renewal has been made effectively;

(ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects; and

(iii) the ship complies in all respects with the requirements of Part III; and

(c) the surveyor has issued a survey report to that effect.

Issuance of sewage certificates by a certifying authority

11.(1) Subject to the payment of any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38), on being notified by a surveyor that the surveyor

(a) has carried out an initial survey or a renewal survey in respect of a ship; and

(b) is satisfied at the date of the survey that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Part III;

a certifying authority shall issue a sewage certificate in respect of that ship.

(2) Where a ship is transferred from the flag of another contracting government, a certifying authority shall issue a sewage certificate in respect of that ship if

(a) a sewage certificate has been issued in respect of the ship and was still valid immediately before the date of the transfer;

(b) the certifying authority has caused a survey to be carried out in respect of the ship; and

(c) the certifying authority is satisfied that

(i) the condition of the ship and its equipment are maintained to conform with the requirements of Annex IV of the Convention, so as to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and

(ii) no change, other than the direct replacement of equipment and fittings, has been made to the structure, equipment, systems, fittings, arrangements or materials of the ship covered by the last survey carried out under Regulation 4.1 of Annex IV of the Convention, without the approval of the contracting government in question.

(3) A sewage certificate issued under this regulation shall be in English and in the form set out in the Appendix to Annex IV of the Convention.

Issuance of sewage certificate by another government in respect of Barbados ship

12.(1) The Administration may request a contracting government

(a) to survey a Barbados ship; and

(b) to issue, or authorize the issuance of, a sewage certificate in respect of that ship, if the contracting government is satisfied that the ship complies with the requirements of Annex IV of the Convention.

(2) Where a sewage certificate is issued pursuant to paragraph (1),

(a) the Administration is to be treated as the certifying authority in relation to it; and

(b) a reference in these Regulations to the certifying authority that issued the certificate is to be treated as a reference to the Administration.

Issuance of sewage certificates in respect of foreign ships

13.(1) When requested to do so by a contracting government, the Administration

(a) may cause a survey to be carried out in respect of a foreign ship; and

(b) shall, subject to the payment of any fee due under the *Merchant Shipping (Vessel Fees) Regulations, 2025* (S. I. 2025 No. 38), issue in respect of that ship a sewage certificate, if the Administration is satisfied that the requirements of Annex IV of the Convention are complied with.

(2) A sewage certificate issued pursuant to paragraph (1) is to

(a) be in English and in the form set out in the Appendix to Annex IV of the Convention;

(b) contain a statement that it has been so issued; and

(c) have the same effect as if it had been issued by the contracting government who made the request.

(3) The Administration shall, as soon as possible, send to the contracting government that made the request referred to in paragraph (1) a copy of

(a) the sewage certificate issued pursuant to that paragraph; and

(b) the survey report.

(4) The Administration shall not issue a sewage certificate in respect of a ship that is

(a) registered in a state whose government is not a contracting government; or

(b) not registered, but entitled to fly the flag of a state whose government is not a contracting government.

Duration and validity of sewage certificates

14.(1) Subject to paragraphs (2) to (5) and to regulations 16(3) and 18(1), a sewage certificate that is issued in respect of a ship is valid for the period specified in the certificate, not exceeding 5 years from the date of the completion of the relevant initial or renewal survey.

(2) Subject to paragraph (3) and regulation 15(9), where a renewal survey is completed

(a) within the period of 3 months after the date of expiry of the sewage certificate in question; or

(b) after the date of expiry of the latest sewage certificate;

the new sewage certificate is valid for the period specified in the certificate, beginning on the date of the completion of the renewal survey and ending on a date not exceeding 5 years after the date of expiry of the latest sewage certificate.

(3) A sewage certificate issued in respect of a ship ceases to be valid on the earliest of

(a) a transfer of the ship to the flag of another state;

(b) the ship proceeding to sea if

(i) a repair or renewal referred to in regulation 10(1) has been made; and

(ii) the requirements set out in regulation 10(3) have not been complied with;

(c) a new sewage certificate being issued in respect of the ship; and

(d) the date of expiry of the certificate.

(4) Where a ship is transferred to the flag of another state whose government is a contracting government, and within 3 months after the date of transfer that government so requests, the Administration shall send the government a copy of

(a) the sewage certificate issued in respect of the ship; and

(b) if available, the survey report.

Extension of periods of validity of sewage certificates

15.(1) Where the period of the validity of a sewage certificate in respect of a ship is less than 5 years, the certifying authority that issued the sewage certificate may extend its period of validity to a maximum period of 5 years.

(2) Where

(a) a renewal survey has been completed by a surveyor; but

(b) the new sewage certificate cannot be issued or placed on board the ship before the date of expiry of the latest sewage certificate;

the surveyor may endorse the latest sewage certificate.

(3) Where a sewage certificate has been endorsed under paragraph (2), the certificate is valid for the further period specified in the certificate, not exceeding 5 months from the original date of expiry of the certificate.

(4) Where

(a) a renewal survey has not been completed before the date of expiry of the latest sewage certificate in question; and

(b) at the date of expiry the ship is not in the port in which the survey is to be carried out;

the certifying authority that issued the latest sewage certificate may extend the period of validity of that sewage certificate for a period not exceeding 3 months, solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(5) Where the period of validity of a sewage certificate has been extended pursuant to paragraph (4), the ship in question shall not leave its port of survey until a new sewage certificate has been issued in respect of that ship.

(6) Subject to paragraph (7), the certifying authority that issued the latest sewage certificate in respect of a ship engaged solely on short international voyages may extend the period of validity of that sewage certificate for a period not exceeding one month.

(7) A certifying authority shall not extend the period of validity of a sewage certificate under paragraph (6) if the period of validity of that sewage certificate has already been extended under paragraph (1), (3) or (4).

(8) Subject to paragraph (9) and to regulations 16(3) and 18(1), where a renewal survey has been completed and a new sewage certificate has been issued in respect of a ship referred to in paragraph (5) or (6), the new certificate is valid for the period specified in the certificate, not exceeding 5 years from the original date of expiry of the previous sewage certificate.

(9) Where the period of validity of a sewage certificate is extended under paragraph (1), (4) or (6), the certifying authority shall endorse the sewage certificate in accordance with the form set out in the Appendix to Annex IV of the Convention.

(10) An endorsement issued pursuant to paragraph (2) shall be in the form set out in the Appendix to Annex IV of the Convention.

(11) In this regulation, "original date of expiry" means the date on which a sewage certificate would have expired but for an extension of its period of validity.

Procedure to be adopted when a ship is deficient

16.(1) This regulation applies where a surveyor determines that

(a) the condition of a ship or her equipment does not correspond substantially with the particulars of a sewage certificate issued in respect of the ship; or

(b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) In the circumstances referred to in paragraph (1), the surveyor shall

(a) advise the owner or master of the corrective action that in the opinion of the surveyor is required; and

(b) where a sewage certificate has been issued in respect of the ship and is still valid, notify the certifying authority that issued the certificate

(i) that the surveyor has so advised the owner or master; and

(ii) whether that corrective action was taken.

(3) Where a sewage certificate has been issued in respect of the ship and is still valid, the certifying authority may suspend the validity of that certificate until any required corrective action has been taken.

(4) Where the certifying authority suspends the validity of a sewage certificate issued in respect of a ship, it shall immediately give notice of the suspension

(a) to the owner of the ship; and

(b) where the ship is in a port outside of Barbados, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of a ship is given notice of suspension, that owner shall notify the master of the ship in question of the suspension.

(6) Paragraphs (2) and (3) have effect in relation to a ship as if

(a) the reference to the certifying authority were to the government of the state where the ship is registered or, if the ship is not registered, to the government of the flag state; and

(b) the reference to a surveyor included a reference to a person authorized by that government to survey the ship.

Arbitration

17.(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a ship under these Regulations, the applicant may serve a written notice on the responsible person within 21 days of receiving notification of that outcome

(a) stating that there is a dispute between them; and

(b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3), an arbitrator referred to in paragraph (1) shall be appointed by agreement between the applicant and the responsible person.

(3) In default of agreement between the applicant and the responsible person, the arbitrator shall be a person appointed by the Chairman of the Chartered Institute of Arbitrators (Barbados Branch), following a request made by

(a) a party, after giving written notice to the other party; or

(b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is

(a) a person who holds a certificate to act as

(i) a master or chief mate on a seagoing ship of 3,000 GT or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers; or

(ii) a chief engineer officer or second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

(b) a person who holds a certificate of competency equivalent to a certificate referred to in subparagraph *(a)*;

(c) a naval architect;

(d) a barrister and attorney of not less than 10 years call;

(e) a person with special experience of shipping matters, or of the fishing industry, or of activities carried on in ports; or

(f) a member of the Chartered Institute of Arbitrators (Barbados Branch).

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 1058 of the Act.

(6) The rules for arbitration set out in the *Fifth Schedule* apply unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.

(7) In this regulation,

"applicant" means a person who makes an application for a survey required by these Regulations; and

"responsible person" means

(a) the certifying authority responsible under regulation 11 or 12 for the issuance of the sewage certificate in connection with which a survey required by these Regulations is carried out; or

(b) in the case of a dispute relating to an additional survey, the certifying authority that issued the sewage certificate in respect of the ship.

Miscellaneous provisions relating to sewage certificates

18.(1) The Administration may cancel a sewage certificate issued in respect of a ship if it has reason to believe that

(a) the sewage certificate was issued on false or erroneous information; or

(b) since the completion of a survey required by these Regulations, the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Administration may require that a sewage certificate that was issued in respect of a ship and that has expired or has been suspended or cancelled be surrendered within such time and in such manner as the Administration may in writing direct.

(3) No person shall

(a) intentionally alter a sewage certificate;

(b) intentionally make a false sewage certificate;

(c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;

(d) with intent to deceive, use or lend a sewage certificate or permit a sewage certificate to be used by another person; or

(e) fail to surrender a sewage certificate when required to do so under paragraph (2).

(4) The owner and master of a ship in respect of which a sewage certificate has been issued shall ensure that the certificate is readily available on board the ship for examination at all times.

Foreign ships proceeding to sea without a sewage certificate

19. A ship shall not proceed to sea from a port in Barbados unless

(a) a sewage certificate has been issued pursuant to Annex IV of the Convention in respect of that ship and is still valid;

(b) a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or

(c) a person having power to detain the ship has permitted the ship to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

Survey and certification of ships at owner's request

20.(1) When requested by the owner of a ship, a surveyor may carry out a survey equivalent to one carried out under regulation 7, 8 and 10 in respect of that ship.

(2) Regulations 9, 11, 14, 15(1) to (4) and (6) to (11), 16(1) to (5) and 18 apply in the same manner

(a) in relation to a ship that underwent a survey at the shipowner's request under paragraph (1) as they apply in relation to a ship to which regulations 7, 8 and 10 apply;

(b) in relation to a sewage certificate issued in respect of such a ship, as they apply in relation to a sewage certificate issued in respect of a ship to which those regulations apply;

(c) as if any reference in those regulations to a ship included a reference to a ship referred to in subparagraph *(a)*; and

(d) as if a reference in those regulations to a sewage certificate included a reference to a sewage certificate issued in respect of a ship referred to in subparagraph *(a)*.

PART III

SEWAGE: EQUIPMENT OF SHIPS

Sewage systems

21.(1) A ship that is not an old ship shall be equipped with at least one of the following:

(a) a sewage treatment plant that complies with the standards set out in the guidelines for performance for sewage treatment plants adopted by the Marine Environment Protection Committee of the Organization by Resolution MEPC.2 (VI), with any subsequent amendments to those guidelines or, in the case of a ship built before 1st August, 2005, with standards accepted by the Administration as being equivalent to those standards;

(b) a sewage comminuting and disinfecting system that complies with the requirements set out in paragraph (3) in the case of a Barbados ship, or paragraph (4) in the case of a foreign ship; or

(c) a holding tank that complies with the requirements set out in paragraph (5) in the case of a Barbados ship, or paragraph (6) in the case of a foreign ship.

(2) The owner of an old ship shall ensure that the ship is equipped, so far as is practicable, to discharge sewage in accordance with regulation 24 or 25.

(3) A Barbados ship shall meet the requirements for a sewage comminuting and disinfecting system set out in the *Second Schedule*.

(4) A foreign ship shall meet the requirement for a sewage comminuting and disinfecting system approved by the government of the ship's flag state.

(5) The holding tank of a Barbados ship shall meet the following requirements:

(a) the construction of the holding tank shall meet the standard for holding tanks that is set out in the *Third Schedule*;

(b) the capacity of the holding tank shall be sufficient, having regard to the operation of the ship, the number of persons the ship is certified to carry and any other relevant factors; and

(c) the holding tank shall be capable of indicating visually the amount of its contents.

(6) The holding tank of a foreign ship shall meet the following requirements:

(a) the construction of the holding tank shall be approved by the government of the ship's flag state;

(b) the capacity of the holding tank shall be sufficient, having regard to the operation of the ship, the number of persons the ship is certified to carry and any other relevant factors; and

(c) the holding tank shall be capable of indicating visually the amount of its contents.

Discharge connections

22.(1) Subject to paragraph (2), the sewage discharge pipeline of a ship shall be fitted with a standard discharge connection in accordance with the specification for a standard discharge connection set out in Regulation 10 of Annex IV to the Convention.

(2) The sewage discharge pipeline of a ship in dedicated trades may alternatively be fitted with a quick-connection coupling or other discharge connection, if the Chief Marine Surveyor is satisfied that that discharge connection is at least as effective as the standard discharge connection.

PART IV

DISCHARGE OF SEWAGE

Discharge of sewage from a ship into the sea

23.(1) Subject to paragraph (3) and regulations 24 and 25, no person shall discharge sewage from a ship into the sea.

(2) Where sewage is mixed with wastes or waste water covered by an Annex to the Convention other than Annex IV, paragraph (1) applies in addition to any statutory prohibition or requirement that relates to those wastes or waste waters and that implements the Annex.

(3) This regulation does not apply to an old ship if it complies with regulation 21(2).

Exception for ship equipped with a sewage treatment plant

24. Sewage may be discharged from a ship into the sea if

(a) the sewage is discharged through, and treated by, a sewage treatment plant on the ship that complies with regulation 21(1)*(a)*;

(b) the sewage certificate in respect of that ship contains the test results of the sewage treatment plant; and

(c) as a result of the discharge,

(i) there are no visible floating solids; and

(ii) there is no discoloration of the water into which the sewage is discharged.

Exception for other ships

25.(1) Subject to paragraph (3), treated sewage may be discharged from a ship into the sea if

(a) the system used complies with regulation 21(1)*(b)*; and

(b) the sewage is discharged at a distance of more than 3 nautical miles from the nearest land.

(2) Subject to paragraph (3), sewage that is not treated may be discharged from a ship into the sea if the sewage is discharged at a distance of more than 12 nautical miles from the nearest land.

(3) Where treated sewage or sewage that is not treated has been stored in a holding tank, or originates from spaces containing living animals, the sewage shall not be discharged instantaneously but shall be discharged, at a rate that is no greater than the rate specified for these purposes in the *Fourth Schedule*, while the ship is *en route* and proceeding at not less than 4 knots.

(4) For the purposes of this regulation,

(a) a ship is *en route* if it is under way at sea on a course that, so far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonably practicable; and

(b) sewage is treated if the sewage is both comminuted and disinfected.

PART V

DISPOSAL OF GARBAGE

Prohibition on disposal of plastics or mixtures of garbage from a ship

26.(1) No person shall dispose of plastics from a ship into the sea.

(2) No person shall dispose of plastics that are mixed with garbage of a kind referred to in regulation 27, 28 or 29 from a ship into the sea.

(3) Subject to paragraph (4), no person shall dispose into the sea

(a) garbage of a kind referred to in regulation 27, 28 or 29 that is mixed with garbage of a different kind referred to in any of those regulations; or

(b) a kind of garbage prohibited under any of those regulations.

(4) Where

(a) garbage of a kind referred to in regulation 27, 28 or 29 is mixed with garbage of a different kind referred to in any of those regulations;

(b) the disposal into the sea of those kinds of garbage is prohibited by those regulations unless certain requirements are complied with; and

(c) those requirements differ according to the kind of garbage;

no person shall dispose of that mixed garbage into the sea unless the more stringent requirements are complied with.

Disposal of garbage other than plastics from a ship outside a special area

27.(1) Subject to regulation 29, no person shall dispose of dunnage, lining and packing materials that will float from a ship into the sea outside a special area unless

(a) the distance from the ship to the nearest land is 25 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(2) Subject to regulation 29, no person shall dispose of general garbage that has been ground or comminuted to the required standard from a ship into the sea outside a Special Area unless

(a) the distance from the ship to the nearest land is three nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(3) Subject to regulation 29, no person shall dispose of general garbage, other than that referred to in paragraph (2), from a ship into the sea outside a special area unless

(a) the distance from the ship to the nearest land is 12 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(4) In this regulation, "general garbage" means garbage other than

(a) plastics; and

(b) dunnage, lining and packing materials that will float.

Disposal of garbage from a ship within a special area

28.(1) No person shall dispose of garbage, other than food wastes, from a ship into the sea within a special area.

(2) Subject to paragraph (3), no person shall dispose of food wastes from a ship into the sea within a special area unless

(a) the distance from the ship to the nearest land is 12 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

(3) No person shall dispose of food wastes that have been ground or comminuted to the required standard from a ship into the sea within the Wider Caribbean Region unless

(a) the distance from the ship to the nearest land is 3 nautical miles or more; and

(b) the disposal is made as far from the nearest land as is practicable.

Disposal of garbage from a ship alongside a platform

29.(1) No person shall dispose of garbage, other than the food wastes referred to in paragraph (2), into the sea from a ship.

(2) No person shall dispose of food wastes that have been ground or comminuted to the required standard into the sea from a ship, if the distance from the platform to the nearest land is 12 nautical miles or less.

Restriction on Barbados ships entering the Antarctic area

30. A ship shall not enter the Antarctic area unless

(a) it has sufficient capacity for the retention on board of all garbage while operating in that area; and

(b) it has concluded arrangements for the discharge of retained garbage at a reception facility after it has left that area.

Placards on ships

31.(1) A ship shall display placards that notify the crew and any passengers of the requirements for the disposal of garbage contained in regulations 26 to 28 and 30.

(2) The placards shall be written

(a) in the working language of the ship’s personnel; and

(b) if the ship is engaged on voyages to ports or offshore terminals under the jurisdiction of a party to the Convention other than its flag state, also in English, French or Spanish.

PART VI

GARBAGE MANAGEMENT PLANS AND RECORD BOOKS

Garbage management plan

32.(1) Every ship shall carry a garbage management plan that

(a) is written in the working language of the crew;

(b) provides procedures for the collection, storage, processing and disposal of garbage, including procedures for the use of equipment on board;

(c) designates the person in charge of carrying out the plan; and

(d) is in accordance with the guidelines developed by the International Maritime Organization and adopted by the Marine Environment Protection Committee of the Organization by resolution MEPC.7 1(38).

(2) The master of a ship shall ensure that the crew of the ship follow the garbage management plan relating to the ship.

Garbage record books

33.(1) Every ship shall keep on board a garbage record book that in the form specified in the Appendix to Annex V of the Convention.

(2) A garbage record book may form part of an official logbook of the ship.

(3) The garbage record book shall be kept in a place where it is available for inspection at any reasonable time.

(4) The owner of a ship shall preserve the garbage record book for that ship for a period of 2 years from the date of the final entry made in it.

Entries in garbage record books

34.(1) The officer in charge of a discharge operation or an incineration on a ship shall make and sign an entry in the garbage record book in respect of that discharge or incineration on the date of the discharge or on the date on which the incineration is completed, as the case may be.

(2) An entry in the garbage record book shall include

(a) the date and time at which the discharge or incineration occurred;

(b) the position of the ship at the time at which the discharge or incineration occurred;

(c) a description of, and the estimated amount of, the garbage discharged or incinerated; and

(d) the signature of the officer in charge of the discharge or incineration.

(3) In the event of a disposal, escape or accidental disposal referred to in regulation 6(18), an entry shall be made in the garbage record book recording the circumstances of, and the reasons for, the disposal, escape or accidental disposal.

(4) If a Barbados ship or a platform is in Barbados waters, the entry in the garbage record book shall be in English.

(5) If a ship is a foreign ship or is a platform that is not in Barbados waters, the entry in the garbage record book shall be written in English, French or Spanish.

(6) Where the entries are also made in an official language of the flag state, if there is a discrepancy in, or a dispute concerning, the different language entries in the garbage record book, the official language of the flag state prevails.

(7) The master of a ship shall sign each completed page of the garbage record book relating to the ship.

Exemptions

35. The Administration may grant an exemption in writing from one or more of the requirements of regulations 32 and 33 in respect of a ship.

ISO 21070 – management and handling of shipboard garbage

36. Shipboard garbage shall be managed and handled in accordance with International Standards Organization standard 21070 on the management and handling of shipboard garbage.

PART VII

INSPECTIONS, DETENTIONS AND OFFENCES

Inspections, detentions and offences

37.(1) In so far as sections 1057 and 1058 of the Act apply in relation to a ship, for the purposes of checking compliance with these Regulations, those sections have effect subject to the modifications prescribed in paragraphs (2), (3), (4), and (5).

(2) A power in sections 1057 and 1058 of the Act to inspect a ship and its equipment, any part of the ship, any articles on board and any document carried in the ship is limited to

(a) verifying whether a sewage certificate has been issued in respect of the ship and is still valid;

(b) verifying whether documentation referred to in regulation 19(2) has been issued in respect of the ship and is still valid;

(c) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage or garbage;

(d) verifying whether the ship has discharged sewage or disposed of garbage in violation of these Regulations; and

(e) inspecting the garbage record book kept aboard the ship;

except where there are clear grounds for believing that the condition of the ship or her equipment does not correspond substantially with the particulars of the sewage certificate or other appropriate documentation referred to in subparagraph *(a)* or *(b)*.

(3) A power in sections 1057 and 1058 of the Act to go on board a ship may be exercised only if the ship is

(a) in a port in Barbados, in so far as the power is exercised to investigate an operation relating to garbage; or

(b) in any other case,

(i) in a port in Barbados;

(ii) at an offshore terminal in Barbados waters; or

(iii) at a floating platform in Barbados waters, other than a floating platform that is in transit.

(4) Where a ship inspected for the purposes of paragraph (2)*(d)* is a foreign ship, the person exercising the powers of inspection shall ensure that the report of the inspection is sent to

(a) the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state; and

(b) any other party to the Convention who requested the inspection.

(5) Where a garbage record book is inspected under paragraph (2)*(e)*, the person exercising the power of inspection may

(a) make a copy of an entry in that book; and

(b) require the master of the ship to certify that the copy is a true copy of the entry.

(6) A certified copy referred to in paragraph (5) is to be admissible in any judicial proceedings as evidence of the facts stated in it.

Investigations of alleged violations by Barbados ships

38. Upon receiving evidence that a Barbados ship has discharged sewage or disposed of garbage in violation of these Regulations, the Administration shall

(a) cause the matter to be investigated;

(b) inform the International Maritime Organization of the action taken; and

(c) where another state has reported the violation, inform that state of the action taken.

General provisions on detention

39.(1) Subject to paragraph (2), where a determination is made of the kind referred to in regulation 16(1) in relation to a ship, or a surveyor of ships has clear grounds for believing that

(a) a sewage certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(b) documentation referred to in regulation 19(2) is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;

(c) the condition of a ship or her equipment does not correspond substantially with the particulars of that certificate or other appropriate documentation;

(d) the master or crew is not familiar with essential shipboard procedures relating to the prevention of pollution by sewage;

(e) the master or crew is not familiar with essential shipboard procedures relating to the prevention of pollution by garbage; or

(f) an offence under regulation 45(1) is being committed in respect of a ship;

the ship may be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) A person who has a power to detain a ship may permit a ship detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Where a surveyor of ships has clear grounds for believing that an offence under regulation 45(1)*(e)* or *(f)* has been committed in respect of a ship, the ship may be detained.

(4) The power under this regulation to detain a ship may be exercised only if the ship is

(a) in a port in Barbados, in the case of a contravention of paragraph (1) *(e)*; or

(b) in any other case, is

(i) in a port in Barbados;

(ii) at an offshore terminal in Barbados waters; or

(iii) at a floating platform in Barbados waters, other than a floating platform that is in transit.

(5) Section 1070 of the Act applies where a ship is detained under this regulation as if

(a) references to the detention of a ship under the Act were references to the detention of the ship under this regulation; and

(b) sections 1070(5) and (6) of the Act were omitted.

(6) Where a ship may be detained under this regulation, the person detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by a person referred to in section 1070(1) of the Act.

(7) Where a foreign ship is detained, the Administration shall immediately inform the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state.

(8) Where a ship is detained under paragraph (3), a person having the power to detain the ship shall, at the request of the owner, master, charterer or manager, immediately release the ship if

(a) no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the ship is detained;

(b) proceedings for an offence under that regulation that were instituted within that period are concluded without the owner, manager, charterer or master being convicted;

(c) either

(i) the sum of $45 000 is paid to the Administration by way of security; or

(ii) security that, in the opinion of the Administration, is satisfactory and is for an amount not less than $45 000 is given to the Administration,

by or on behalf of the owner, manager, charterer or master;

(d) where the owner, manager, charterer or master is convicted of an offence under that regulation, any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982 and any bond or other financial security ordered by the court or tribunal is posted.

(9) The Administration shall repay any sum paid under paragraph (8)*(c)* or release any security given

(a) if no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for that offence were instituted within that period and are concluded without the owner, manager, charterer or master being convicted.

(10) Where a sum has been paid, or security has been given, by a person under paragraph (8)*(c)* and the owner, manager, charterer or master is convicted of an offence under regulation 45(1)*(e)* or *(f)*, the sum so paid or the amount made available under the security shall be applied as follows

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of any balance to the person who paid the sum or gave the security.

Power of the harbour master to detain

40.(1) The harbour master of a harbour in Barbados may detain a ship if he has clear grounds for believing that an offence has been committed

(a) under regulation 45(1)*(e)* or *(f)* by the discharge from a ship of sewage into the waters of the harbour; or

(b) under regulation 45(1)*(e)* or *(f)* by the disposal from a ship of garbage into the waters of the harbour.

(2) Sections 1070(2) and (3) of the Act apply to a detention under paragraph (1) in the same manner as they apply to a detention under section 1070(1) of the Act.

(3) Where a ship is to be detained under this regulation, the harbour master detaining the ship shall serve on the master of the ship a detention notice that

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by the harbour authority.

(4) Where a ship is detained under paragraph (1), the harbour master shall immediately release the ship if

(a) no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the ship is detained;

(b) proceedings for an offence under that regulation were instituted within that period and were concluded without the owner, manager, charterer or master being convicted;

(c) either

(i) the sum of $45 000 is paid to the harbour authority by way of security; or

(ii) security that, in the opinion of the harbour authority, is satisfactory and is for an amount not less than $45 000 is given to the harbour authority;

by or on behalf of the owner, manager, charterer or master;

(d) the owner, manager, charterer or master is convicted of an offence under that regulation and any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any

bond or other financial security ordered by such court or tribunal is posted.

(5) The harbour authority shall repay any sum paid under paragraph (4)*(c)* or release any security given

(a) if no proceedings for an offence under regulation 45(1)*(e)* or *(f)* are instituted within 7 days from the day on which the sum is paid; or

(b) if proceedings for that offence, having been instituted within that period, are concluded without the owner, manager, charterer or master being convicted.

(6) Where a sum has been paid, or security has been given, by a person under paragraph (4)*(c)* and the owner, manager, charterer or master is convicted of an offence under regulation 45(1)*(e)* or *(f)*, the sum paid or the amount made available under the security shall be applied as follows

(a) first, in payment of any costs or expenses ordered by the court to be paid by the owner, manager, charterer or master;

(b) next, in payment of any fine imposed by the court; and

(c) then in repayment of the balance to the person who paid the sum or gave the security.

Duty of harbour master to report deficient ships

41. If the harbour master of a harbour in Barbados has reason to believe that a ship is about to enter or leave the harbour and does not comply with the requirements of these Regulations, the harbour master shall immediately report the matter to the Administration.

Right of appeal and compensation

42.(1) Regulations 16 and 17 of the *Merchant Shipping (Port State Control) Regulations, 2025* (S. I. 2025 No. 40) apply in relation to the exercise of powers

of detention under these Regulations as they apply in relation to the exercise of those powers under those Regulations, as if

(a) references to "inspector" were taken as references to the authority detaining the ship, or the harbour master, as the case may be; and

(b) references to "access refusal notice", "service of an access refusal notice" and "refusal of access" are omitted.

(2) Regulation 20(2) of those Regulations applies to the exercise of powers of detention under these Regulations subject to the exception that, where the ship is detained by a harbour master, any compensation awarded is payable by the harbour authority.

Service of documents on foreign companies

43. Section 1232 of the Act applies to proceedings for an offence under these Regulations in the same manner as it applies to proceedings for an offence relating to a discharge from a ship into Barbados waters under Divisions 2 to 6 of Part XXVI of the Act, as if

(a) the reference to Divisions 2 to 6 of Part XXVI of the Act were to these Regulations;

(b) in the case of an offence in respect of a ship other than a platform, the reference to the owner were to the owner, manager or charterer; and

(c) in the case of an offence in respect of a platform, the reference to

(i) the owner of the ship were to the owner of the platform; and

(ii) the master of the ship were to the manager of the platform.

Suspension of proceedings at flag state request

44.(1) This regulation applies to proceedings instituted but not concluded in Barbados in respect of a contravention of a provision in Part IV, V or VI committed outside Barbados waters by a foreign ship.

(2) Subject to paragraph (3), proceedings shall be suspended if the court is satisfied that the flag state of the ship in question has instituted proceedings corresponding to the proceedings in Barbados in respect of the contravention within 6 months of the institution of the proceedings by Barbados.

(3) Paragraph (2) does not apply if

(a) the contravention of these Regulations resulted in serious pollution of Barbados; or

(b) the Administration certifies that the flag state in question has repeatedly disregarded its obligations to enforce effectively the requirements of the Convention in respect of its ships.

(4) Where proceedings instituted by the flag state have been brought to a conclusion, the suspended proceedings shall be terminated.

Offences

45.(1) Any contravention of

(a) regulation 7(1), 8(1), 9(1), (2) or (3), 10(2), 15(5), 18(4) or 19(1) or (2) constitutes an offence by the owner and the master of the ship;

(b) regulation 16(5) constitutes an offence by the owner of the ship;

(c) regulation 19(3) constitutes an offence by the person in question;

(d) regulation 21(1) or (2) or 22 constitutes an offence by the owner of the ship;

(e) regulation 23(1), 26, 27, 28 or 29, in the case of a platform, constitutes an offence by the owner and manager of the platform;

(f) regulation 23(1), 26, 27, 28 or 29, in the case of a ship other than a platform, constitutes an offence by the owner, manager, charterer and master of the ship;

(g) regulation 30, 31, 32(1), 33(1) or (3), or 34(3), (4) or (5), in the case of a platform, constitutes an offence by the owner and manager of the platform;

(h) regulation 30, 31, 32(1), 33(1) or (3), or 34(3), (4) or (5), in the case of a ship other than a platform, constitutes an offence by the owner, manager, charterer and master of the ship;

(i) regulation 32(3) or 34(7), in the case of a platform, constitutes an offence by the manager of the platform;

(j) regulation 32(3) or 34(7), in the case of a ship other than a platform, constitutes an offence by the master of the ship;

(k) regulation 33(4) constitutes an offence by the owner of the ship;

(l) regulation 34(1) or (2), in the case of a platform, constitutes an offence by the owner and manager of the platform, and by the officer in charge of the discharge operation or incineration; and

(m) regulation 34(1) or (2), in the case of a ship other than a platform, constitutes an offence by the owner, manager, charterer and master of the ship, and by the officer in charge of the discharge operation or incineration.

(2) A person who commits offence under paragraph (1) is liable

(a) on summary conviction, to a fine of $25 000; or

(b) on conviction on indictment, to a fine of $50 000.

(3) Where an offence under this regulation is committed, or would be committed but for regulation 46(1), by a person owing to the act or default of some other person, that other person also commits the offence, and the other person may be convicted of that offence whether or not proceedings are taken against the first-mentioned person.

Defences

46.(1) In any proceedings for an offence under these Regulations, it is a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to ensure that the regulation in question was complied with.

(2) Without prejudice to paragraph (1), in any proceedings in respect of a ship for an offence under regulation 45(1)*(e)* or *(f)*, it is a defence for the person charged to prove that

(a) the ship was a foreign ship;

(b) the discharge or disposal took place in waters that were not Barbados waters; and

(c) the ship was in a port in Barbados at the time of the institution of the proceedings by reason only of stress of weather or another reason beyond the control of the master, owner, charterer or manager of the ship.

(3) Without prejudice to paragraph (1), in any proceedings for an offence under regulation 45(1)*(e)* or *(f)* in relation to a discharge of sewage, it is a defence for the person charged to prove that

(a) the discharge took place in waters under the jurisdiction of a state or country other than Barbados; and

(b) the discharge was in accordance with the requirements imposed by that state or country.

Enforcement and application of fines

47. Section 1211 of the Act applies to a fine for an offence under any of regulations 45(1)*(e)* to *(m)*, as if

(a) in section 1211(1), a reference to proceedings against the owner or master of a ship for an offence under Divisions 2 to 6 of Part XXV of

the Act were a reference to proceedings against the owner, master, charterer, manager or officer in charge of the discharge operation or incineration for an offence under regulations 45(1)*(e)* to *(m)*; and

(b) in section 1211(2), a reference to an offence under section 467 of the Act were a reference to an offence under regulation 45(1)*(e)* or *(f)*.

Restrictions on jurisdiction over offences outside of Barbados limits

48.(1) Where there has been an offence under regulation 45(1)*(e)* or *(f)* in respect of a foreign ship in the internal waters, territorial sea or exclusive economic zone of a foreign state, proceedings in respect of that offence shall not be instituted in Barbados unless

(a) the foreign state, the flag state of the ship or a state polluted or threatened with pollution as a result of the offence requests that such proceedings be taken; or

(b) the offence has caused, or is likely to cause, pollution in Barbados waters.

(2) Where such proceedings have been instituted but not concluded, they shall be suspended upon the request of the foreign state and the Administration shall send all the evidence, court records and documents relating to the case, together with any sum paid or security given, to the foreign state.

FIRST SCHEDULE

(Regulation 4(1))

GROSS TONNAGE

Gross Tonnage Generally

1. The "gross tonnage" of a Barbados ship is to be determined in accordance with paragraphs 3 to 5 below, and the "gross tonnage" of a foreign ship is to be determined in accordance with paragraphs 6 to 8 below.

2. In this *Schedule*,

"length" has the same meaning as in the Tonnage Regulations;

"length overall" has the same meaning as in the Tonnage Regulations;

"Tonnage Convention" means the International Convention on Tonnage Measurement of Ships 1969; and

"Tonnage Regulations" means the *Merchant Shipping (Tonnage) Regulations, 2025* (S. I. 2025 No. 29);

Gross Tonnage - Barbados ships

3. In the case of a ship of 24 metres in length or over for which the Administration permits the continuing use of a gross tonnage pursuant to regulation 16(1) of the Tonnage Regulations, the gross tonnage is the smaller of

(a) the largest gross tonnage permitted for that ship pursuant to regulation 16(1) of the Tonnage Regulations; and

(b) the gross tonnage of the ship determined in accordance with regulation 10 of the Tonnage Regulations.

4. In the case of any other ship of 24 metres in length or over, the gross tonnage is the gross tonnage of the ship determined in accordance with regulation 10 of the Tonnage Regulations.

5. In the case of a ship of less than 24 metres in length, the gross tonnage is the tonnage of the ship determined in accordance with regulation 18(2) of the Tonnage Regulations.

Foreign Ships

6. Subject to paragraph 7 of this *Schedule*, in the case of a ship that has a gross tonnage determined in accordance with the Tonnage Convention, the gross tonnage is that gross tonnage.

7. Where a ship has a gross tonnage determined in accordance with the Tonnage Convention but the state whose flag the ship flies, or is entitled to fly, permits the use of some other gross tonnage, the gross tonnage of the ship is the smaller of

(a) the largest gross tonnage permitted by the flag state to be used for that ship; and

(b) the gross tonnage determined in accordance with the Tonnage Convention.

8. In the case of a ship that does not have a gross tonnage determined in accordance with the Tonnage Convention, the gross tonnage is the gross tonnage or equivalent measure determined in accordance with the law of the state whose flag the ship flies or is entitled to fly, and where the ship has more than one such gross tonnage or equivalent measure, the gross tonnage is to be taken to be the largest of them.

SECOND SCHEDULE

(Regulation 21(3))

STANDARDS FOR SEWAGE COMMINUTING AND DISINFECTING SYSTEMS

A sewage comminuting and disinfection system meets the requirements of regulation 21(3) if its output meets the following standards:

(a) the faecal coliform bacteria do not exceed 1,000 per 100 cubic centimetres most probable number;

(b) the chlorine residual level is no more than 0.5 mg/litre (by test) post maceration;

(c) a sample of 1 litre passed through a US Sieve Number 12 (with openings of 1.68 mm) provides a weight of material retained on the screen after it has been dried to a constant weight in an oven at 103 degrees C that does not exceed 10% of the total suspended solids and is not more than 50 mg; and

(d) temporary storage of sewage is by a holding tank that meets the standards set out in the *Third Schedule*.

THIRD SCHEDULE

(Regulation 21(5))

STANDARDS FOR HOLDING TANKS

A holding tank meets the requirements of regulation 21(5) if it is constructed so that it prevents leakage under all normal operating conditions of the ship and in all likely weather conditions until it can be discharged in accordance with the Regulations.

FOURTH SCHEDULE

(Regulation 25(3))

STANDARDS FOR RATE OF SEWAGE DISCHARGE

A rate of discharge for sewage meets the requirements of regulation 25(3) and is approved by the Administration for the discharge of untreated sewage that has been stored in holding tanks when the maximum discharge rate, calculated as an average over any 24 hour period, does not exceed DR (max) = 0.00926.V.D.B

(a) where

(i) DR (max) is the maximum discharge rate in cubic metres per hour;

(ii) V is the ship's average speed in knots over the period considered;

(iii) D is the vessel's draft in metres; and

(iv) B is the vessel's breadth in metres; and

(b) the rate does not exceed the maximum rate by more than 20% when measured over any hour.

FIFTH SCHEDULE

(Regulation 17(5))

ARBITRATION PROCEDURE

Rules of Arbitration

1. Unless other arrangements are agreed beforehand, the arbitration and the responsibility for its costs will be as given below.

2. The arbitration procedures will follow those used in a Court of Law, in which both parties argue their case in turn and may call witnesses and question other witnesses.

3. Lawyers need not be used to represent the parties and submissions may be made to the arbitrator in writing *in lieu* of attending the arbitration hearing.

4. If both parties agree, the arbitrator may consult an expert, or call for an expert's report, upon any matter relevant to the dispute, or invite an expert to attend the hearing as an assessor.

5. The arbitrator may visit the ship, or any establishment, in connection with the hearing if this is considered to be necessary.

6. The arbitrator's decision, and the reasons for the decision, will be made in writing and will be binding on both parties.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping