



BARBADOS

S.I. 2025 No. 27

**MERCHANT SHIPPING (BALLAST WATER AND SEDIMENT
MANAGEMENT) REGULATIONS, 2025**

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Merchant Shipping Act

(Act 2024–28)

**MERCHANT SHIPPING (BALLAST WATER AND SEDIMENT
MANAGEMENT) 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 (Ballast Water and Sediment Management) Regulations, 2025*.

Definitions

2. In these Regulations,

“Act” means the *Merchant Shipping Act, 2024* (Act 2024-28);

“Administration” means the Barbados Maritime Transport Administration;

“authorized officer” includes

- (a) a marine surveyor and any other person appointed to undertake surveys and inspections of ships in accordance with these Regulations;
- (b) boarding officers who are customs, immigration and port health officials;
- (c) designated port state control officers of the Administration;

- (d) coastal protection officers of the Coastal Zone Management Unit;
- (e) environmental protection officers of the Ministry responsible for Environment;
- (f) other officers of the Administration appointed by the Director to enforce these Regulations; and
- (g) other persons to whom the Minister delegates powers to enforce these Regulations.

“ballast water” has the meaning given to it under International Convention for Prevention of Pollution from Ships, 1973 as amended;

“ballast water internal transfer” means the transfer of ballast water from one tank to another tank within a ship;

“ballast water management” means mechanical, physical, chemical and biological processes, used singly or in combination, to remove, render harmless or avoid the uptake or discharge of, harmful aquatic organisms and pathogens within a ship's ballast water and sediments;

“ballast water management plan” means a plan required under regulation 9(1) (a);

“ballast water record book” means a record book required under regulation 9(1) (b);

“Barbados ship” has the same meaning as in the Act;

“Certificate” means the International Ballast Water Management Certificate specified in the Convention;

“Convention” means the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as amended;

“Director” means the Director of Ocean Affairs;

“harmful aquatic organisms and pathogens” means aquatic organisms or pathogens that, if introduced into the marine environment, estuaries or other

freshwater courses, might create hazards to the environment, human health property or resources, impair biological diversity or interfere with other legitimate uses of such areas;

“International Maritime Organization” has the same meaning as in the Act;

“Minister” means Minister responsible for Shipping;

“marine notice” means a notice published by the Administration in accordance with the Act, and includes any amendment to it;

“offshore terminal” means an installation or device located offshore with facilities for loading and unloading of ships;

“pleasure craft” has the same meaning as in the *Shipping (Domestic Vessels) (Pleasure Vessels) Regulations, 2024* (S. I. 2024 No. 62);

“port” has the same meaning as in the Act;

“recognized organization” has the same meaning as in the Act;

“sediments” means matter settled out of ballast water within a ship;

“sediment reception facility” means a sediment reception facility required under regulation 14;

“ship” has the same meaning as in the Act;

“shipowner” has the same meaning as in the Act;

“state party” means a state party to the Convention; and

“vessel” has the same meaning as in the Act.

Purpose

3. The purpose of these Regulations is to prevent the introduction of unwanted aquatic organisms and pathogens from ships’ ballast water and sediment discharges, and to ensure ballast water on vessels is managed in accordance with the Convention.

Application

4.(1) Subject to paragraphs (2) and (6) and unless expressly provided otherwise, these Regulations apply to

- (a) ships entitled to fly the flag of Barbados; and
- (b) foreign ships entering Barbados and berthed at ports or at offshore terminals or offshore platforms in Barbados.

(2) Subject to paragraph (3), these Regulations do not apply to permanent ballast water in sealed tanks on

- (a) ships not designed or constructed to carry ballast water; or
- (b) military ships, naval auxiliary ships or other ships owned or operated by a state being used only for Governmental non-commercial service.

(3) Where the Administration determines that the discharge of ballast water from a ship to which paragraph (2) applies might impair, endanger or damage the environment, human health, property or resources of Barbados or those of other states, the Administration may serve written notice on the owner or master of the ship, requiring that these Regulations and the Convention be complied with in relation to the ballast water held in the ship.

(4) A notice served under paragraph (3) may

- (a) apply to a single voyage or for a specific period of time; and
- (b) specify any particular measures that the owner or master shall undertake to be compliant with the Convention.

(5) An owner or master of a ship who fails to comply with a notice served under paragraph (3) commits an offence and is liable on summary conviction to a fine of \$50 000.

(6) The Director may exempt a ship that operates only in Barbados waters from complying with these Regulations or the Convention, but the Director shall not grant such an exemption if doing so might impair, endanger or damage the

environment, human health, property or resources of Barbados, or those of adjacent states.

(7) If the Director refuses to grant an authorization to a ship under paragraph (6), the Director shall notify the owner of the ship or, if the ship is a foreign-flagged ship, the administration of that ship, that it is bound by these Regulations and the Convention.

PART II

SURVEYS AND CERTIFICATION

Issuance of Certificate

5. A Certificate shall be issued by the Administration, or by a recognized organization on behalf of the Administration, in the form prescribed by the Convention.

Surveys and certification under the Convention

6.(1) A Barbados ship of 400 GT or above, other than a floating platform, floating storage unit or floating, production, storage and off-loading unit, is subject to a survey specified in Regulation E-1 of the Annex to the Convention, and the satisfactory completion of such a survey shall be endorsed on the ship's Certificate in accordance with the Convention.

(2) The Administration or a recognized organization shall

- (a) undertake surveys prescribed in Regulation E-1 of the Annex to the Convention in accordance with regulation 7(1);
- (b) issue Certificates indicating compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention;
- (c) if there is non-compliance, serve notice on the owner or master of the ship prescribing measures to be undertaken for the ship to achieve

compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention; and

- (d) apply any other measures determined by the Director for the inspection, certification and regulation of such ships to ensure that the requirements of the Convention are applied to those ships.

(3) The Administration may apply the requirements of Division 9 of Part XXV of the Act and these Regulations to pleasure craft used solely for recreational purposes or competition, and to ships that are less than 50 metres in length overall used primarily for search and rescue, with a maximum ballast water capacity of 8 cubic metres, having regard to the International Maritime Organization Resolution MEPC.123 (53) Guidelines for Ballast Water Management Equivalent Compliance (G3).

(4) Any requirements to be applied under paragraph (3) shall be published in a marine notice.

(5) The owner and master of a pleasure craft shall comply with any requirements applied to the craft under paragraph (3).

(6) The Administration shall issue, or authorize the issuance of, a Certificate only if a ship has been surveyed under these Regulations and found to be compliant with Division 9 of Part XXV of the Act, these Regulations and the Convention.

(7) The Director may

- (a) determine a period for which Certificates shall be valid other than that specified in Regulation E-5 of the Annex to the Convention;
- (b) impose conditions in relation to a ship and her operations to ensure compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention;
- (c) require the re-survey of a ship during the period of a Certificate; and

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- (d) suspend a Certificate or vary the conditions of a Certificate during its period of validity to ensure full compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention.
- (8) At the request of a state party, the Director may cause a ship to be surveyed and may issue, or authorize the issuance of, a Certificate to the ship in accordance with Division 9 of Part XXV of the Act and these Regulations, containing a statement to the effect that it has been issued at the request of the state party.
- (9) At the earliest opportunity, the Director shall transmit a copy of a Certificate issued under paragraph (8), together with a copy of the survey report, to the administration of the government requesting the survey.
- (10) No Certificate shall be issued by the Administration or a recognized organization acting on behalf of the Administration in respect of a ship that does not fly the flag of a state party.

Surveys and recognized organizations

- 7.(1) A survey of a ship for the purposes of applying and enforcing Division 9 of Part XXV of the Act and these Regulations may be carried out by
- (a) a surveyor employed by the Administration;
 - (b) another person appointed by the Director to be a surveyor for the purposes of these Regulations; or
 - (c) a recognized organization, including a classification society or other organization recognized by the Administration for the purpose of undertaking surveys in accordance with the guidelines and specifications adopted by the International Maritime Organization.
- (2) The Director may authorize a surveyor or recognized organization to
- (a) require ships that are surveyed to comply with Division 9 of Part XXV of the Act, these Regulations and the Convention; and
 - (b) carry out surveys and inspections at the request of the appropriate authorities of a state that is a state party.

(3) The Administration shall notify the International Maritime Organization of the responsibilities and conditions of authority delegated to a surveyor or recognized organization under these Regulations.

Transfer of flag

8.(1) Upon the transfer of the flag of a Barbados ship to the flag of another state party, the Administration shall transmit, as soon as possible, to the government of that state party a copy of the Certificate carried by the ship before the transfer and, if available, a copy of the ship's most recent survey report, if the state makes such a request within 3 months after the transfer has taken place.

(2) Where a ship is transferred to the Barbados register of ships, a new Certificate shall be issued only if the Administration is satisfied that the ship complies with the ballast water management requirements under the Act, these Regulations and the Convention.

PART III

BALLAST WATER MANAGEMENT

Obligations of owners and masters

- 9.(1)** The owner, master or agent of a ship shall
- (a) ensure that a plan has been prepared for the ship and is kept on board and implemented at all times, in accordance with Regulation B-1 of the Annex to the Convention;
 - (b) ensure that a ballast water record book complying with Regulation B-2 of the Annex to the Convention
 - (i) is maintained and kept on board or, in the case of an unmanned ship under tow, on the towing ship, at all times;
 - (ii) records all entries for a minimum of the prior 2 years;

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- (iii) is kept in the owner's control for a minimum of 3 years after the record book is full;
 - (iv) contains entries as required by Regulation B-3.3, B-3.5 and B-4 of the Annex to the Convention; and
 - (v) is kept ready for inspection at all reasonable times;
- (c) ensure that officers and crew of the ship are familiar with their duties in relation to the implementation of ballast water management of the ship, and are familiar with the ships' ballast water management plan as it applies to their specific duties;
 - (d) ensure that the condition of the ship and her equipment, systems and processes are maintained so as to comply with Division 9 of Part XXV of the Act, these Regulations and the Convention, to ensure that the ship remains fit to proceed to sea without posing a threat of harm to the environment, human health, property or resources;
 - (e) after a survey of a ship under these Regulations has been completed, ensure that no change is to be made in the ship's structure or in any equipment, fittings, arrangements or material associated with the ship's ballast water management without the prior approval of the Director, except where the replacement of equipment or fittings with identical items is undertaken;
 - (f) provide a full report, as soon as practicable, to the Director of any accident that occurs to the ship or of any defect discovered that affects the ability of the ship to conduct ballast water management in accordance with her ballast water management plan, the Convention, Division 9 of Part XXV of the Act and these Regulations;
 - (g) provide a report to the Director as soon as possible after any ballast water is discharged from the ship into Barbados waters that does not comply with a requirement of Division 9 of Part XXV of the Act, these Regulations and the Convention, and provide such further information in relation to the discharge as may be required by the Director; and

- (h) carry out investigations to determine whether a survey is necessary after an accident, incident or mishap has occurred or such a defect is discovered, and provide a report to the Director in relation to those matters.
- (2) Each ballast water management plan shall
 - (a) provide in detail safety procedures for the ship and those of her crew who have responsibilities for the management of ballast water;
 - (b) provide a detailed description of the actions to be taken to implement ballast water management and supplemental ballast water management practices in accordance with the Convention;
 - (c) provide detailed procedures for the disposal of sediments at sea and on shore that comply with the requirements of Division 9 of Part XXV of the Act, these Regulations and the Convention;
 - (d) specify appropriate reporting responsibilities and procedures; and
 - (e) be written in the English language or provided with an English translation if it is written in a language other than English.

Ballast water and sediment management

- 10.(1)** The owner and master of a ship shall
- (a) conduct ballast water management in accordance with Regulation B-3 of the Annex to the Convention;
 - (b) ensure that all ballast water management systems are in accordance with Regulation D-3 of the Annex to the Convention;
 - (c) conduct ballast water exchange to meet the standard in Regulation D-1 of the Annex to the Convention; and
 - (d) remove and dispose of sediments in accordance with Regulation B-5 of the Annex to the Convention.

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- (2) The requirements of regulation 9(1)(a) do not apply in the circumstances set out in Regulation A-3 of the Annex to the Convention.
- (3) Subject to paragraphs (4) and (5), the Director may grant an exemption for Barbados waters, in relation to any of the requirements set out in paragraph (1), in the circumstances set out in Regulation A-4 of the Annex to the Convention.
- (4) An exemption granted under paragraph (3) does not have effect until after communication to the International Maritime Organization and the circulation of relevant information to the parties has been effected.
- (5) The Director shall not grant an exemption under this regulation that might impair, endanger or damage the environment, human health, property or resources of Barbados or those of adjacent states.
- (6) An exemption granted under this regulation shall be recorded in the ballast water record book of the ship to which it applies.

Ballast water and sediment management on Government ships

11. The Government of Barbados shall ensure that ballast water and sediments in military ships and naval auxiliary ships, and other ships owned or operated by it that are being used only for Government non-commercial service, that do not have permanent ballast water in sealed tanks are managed in a manner consistent with the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004, as amended, and the guidelines to that Convention.

Other powers of the Director

12.(1) If it is determined by an authorized officer that a ship's ballast water management

- (a) does not conform with the requirements of Division 9 of Part XXV of the Act, these Regulations, the Convention or the conditions of its Certificate; or

- (b) is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources of Barbados or those of other adjacent states;

the Director shall determine the corrective action to be taken to bring the ship into compliance, and may take other actions under paragraph (2).

- (2) In the circumstances described in paragraph (1), the Director may
 - (a) cancel and withdraw the ship's Certificate if it is current, and require the cancelled Certificate to be surrendered to the Administration;
 - (b) refuse to issue a Certificate if no current Certificate is in effect;
 - (c) detain the ship; and
 - (d) take any other necessary measures and exercise any powers under national maritime law to ensure that the defects or breaches are remedied.
- (3) If the ship is in the port of another state party, the Director shall ensure that the appropriate authorities of that state party are notified.

Marine notices

13.(1) The Director may, by a marine notice, specify measures that he considers necessary to prevent, reduce or eliminate the transfer of harmful aquatic organisms and pathogens through ballast water and sediments, having regard to the guidelines developed by the International Maritime Organization.

- (2) A marine notice issued under paragraph (1) shall
 - (a) list all appropriate services, including notification to mariners of areas available and alternative routes or ports, as far as practicable; and
 - (b) recite any approvals given by the International Maritime Organization.
- (3) Every owner and master shall comply with the measures specified under paragraph (1).

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- (4) An owner or master of a ship who fails to comply with the requirements of a notice given under paragraph (1) commits an offence and is liable upon summary conviction to a fine of \$50 000.
- (5) The Director may, by a marine notice, vary or waive any measures imposed under these Regulations for a period of time or in any specified circumstances.
- (6) The Director, on advice of the Director of the Coastal Zone Management Unit, may issue a marine notice to notify mariners of areas in Barbados waters where ships should not uptake ballast water due to known conditions, including
- (a) outbreaks, infestation or populations of harmful aquatic organisms and pathogens, such as toxic algal blooms, that are likely to be of relevance to ballast water uptake or discharge;
 - (b) the location of sewage outfalls;
 - (c) areas where tidal flushing is poor; and
 - (d) areas where a tidal stream is known to be turbid.
- (7) Notices under paragraph (6) may include the precise coordinates of the areas and the location of any alternative areas for the uptake of ballast water.
- (8) The Director shall notify the International Maritime Organization and all potentially affected coastal states of
- (a) any areas identified under paragraph (6);
 - (b) the period during which the warning is likely to be in effect;
 - (c) the precise coordinates of the areas;
 - (d) the location of any alternative areas for the uptake of ballast water; and
 - (e) advice to ships that need to uptake ballast water in the areas and a description of arrangements made for alternative supplies.
- (9) The Director shall notify mariners, the International Maritime Organization and any potentially affected coastal states when a notice given under paragraph (6) is no longer applicable.

Sediment reception facilities

14.(1) All facilities for the reception and disposal of sediments at ports and other locations shall be designed, constructed, managed and operated so as to effectively contain the sediments taken from ships and protect the environment and human health, and shall

- (a) comply with the requirements of Division 9 of Part XXV of the Act, these Regulations, the Convention and any requirements specified from time to time in a marine notice;
 - (b) be open to inspection by officers of the Administration at any time; and
 - (c) be designed for the purposes of Article 5 of the Convention.
- (2) The Director of the Coastal Zone Management Unit shall
- (a) prescribe standards applicable to sediment reception facilities;
 - (b) determine and apply requirements for the operation of sediment reception facilities without causing undue delay to ships, and of facilities to provide for the safe storage, treatment and disposal of sediments so as not to impair or damage the environment, human health, property or resources, or those of other adjacent states; and
 - (c) issue any directions necessary for implementing the requirements of the Convention relating to sediment reception facilities.

PART IV**INSPECTIONS AND ENFORCEMENT****Inspections of, and actions against, ships**

15.(1) All ships are subject to inspection by authorized officers for the purpose of determining whether the ship is in compliance with Division 9 of Part XXV of the Act, these Regulations and the Convention.

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- (2) An inspection under paragraph (1) may be conducted to
- (a) verify that the ship has a valid Certificate, and that it is kept on board;
 - (b) confirm that the ballast water record book is being carried and properly kept and maintained for the ship; and
 - (c) take samples of the ship's ballast water for testing.
- (3) The time required to analyse the samples under paragraph (2)(c) shall not be used as a basis for unduly delaying the operation, movement or departure of the ship.
- (4) The Administration shall carry out a detailed inspection of a ship, in a manner the Administration deems necessary, if the ship does not carry a valid Certificate or if there are grounds upon which the Administration believes that
- (a) the condition of the ship or her equipment is not in compliance with the Certificate; or
 - (b) the master or crew are not familiar with essential shipboard procedures relating to ballast water management, or have not implemented such procedures.
- (5) An authorized officer undertaking an inspection under paragraph (1) may give directions to the owner or master of the ship and take such steps as are necessary to ensure that the ship does not discharge ballast water until she can do so without presenting a threat of harm to the environment, human health, property or resources of Barbados or those of adjacent states.
- (6) If a ship does not comply with Division 9 of Part XXVI of the Act or these Regulations, the Director may
- (a) issue a warning to the owner or master;
 - (b) detain the ship until the ship is in compliance with Division 9 of Part XXVI of the Act, these Regulations and the Convention;
 - (c) order that the ship be excluded from Barbados waters, and from ports and offshore facilities in those waters; or

- (d) grant permission to leave a port or offshore terminal for the purpose of discharging ballast water or proceeding to the nearest appropriate repair yard or sediment reception facility, if the movement of the ship does not present a threat of harm to the environment, human health, property or resources of Barbados or those of adjacent states.
- (7) If a sample of ballast water taken from a ship indicates that the ship poses a threat to the environment, human health, property or resources of Barbados or those of other adjacent states, the Director may issue a notice to the master of the ship to prohibit any discharge of ballast water until the threat is removed.
- (8) Where a request for an investigation is received from a state party to the Convention, an authorized officer may inspect a ship when it enters a port or an offshore terminal, and the report of the investigation shall be sent to the state requesting it and to the competent authority of the administration of the ship concerned, so that appropriate action may be taken.
- (9) If action is taken in relation to a ship under these Regulations, the officer taking the action shall give written notice to the administration of the ship concerned, or if that is not possible, to the consul or diplomatic representative of the ship concerned, of the action taken against it, and the Director shall notify the ship's next port of call of all relevant information about the violation.

Detention of ship

16.(1) If the Director detains a ship due to an alleged contravention of these Regulations, he shall authorize the release of the ship if

- (a) no proceedings for the contravention are instituted within 2 working days;
- (b) the master or owner is not convicted in any such proceedings;
- (c) the sum of \$100 000, or an amount to be determined by the Director, is lodged with the Administration by way of security;
- (d) the master or owner is convicted of the offence and all fines, costs and expenses are paid in full in accordance with the order of the court; or

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- (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.
- (2) The Administration shall repay any sum paid under paragraph (1) or release any security given, if
- (a) no proceedings for the offence in question are instituted within 7 days from the day on which the sum is paid; or
- (b) such proceedings were instituted within that period and are concluded without the master or owner being convicted.
- (3) Where security has been given by a person under paragraph (1) and the master or owner is convicted of the offence in question, 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 master or owner;
- (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.

Offences

- 17.(1)** The owner and master of a ship each have a duty to ensure that the ship complies with these Regulations, and are jointly and severally liable in relation to any contravention.
- (2) A person who contravenes these Regulations commits an offence and is liable on summary conviction to a fine of \$100 000.
- (3) It is a defence for a person charged with an offence these Regulations to show that all reasonable precautions were taken, and that he exercised all due diligence, to avoid the commission of the offence.

(4) If a fine, or an order for the payment of costs or expenses, imposed by a court in proceedings for an offence under these Regulations is not paid, the court may, in addition to any other powers for enforcing payment, order the amount remaining unpaid to be levied by distress or arrest and sale of the ship in question, or her tackle, furniture and apparel.

(5) In addition to imposing a fine on conviction of a person under these Regulations, the court may order the person to pay compensation arising from any pollution caused by the commission of the offence, including the costs of responding to any such pollution.

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

G.P.I. GOODING-EDGHILL
Minister responsible for Shipping