



S.I. 2025 No. 33

**MERCHANT SHIPPING (MARITIME ACCIDENT AND INCIDENT
INVESTIGATION) REGULATIONS, 2025**

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SCHEDULE

MARITIME CASUALTY OR INCIDENT NOTIFICATION DATA

Merchant Shipping Act

(Act 2024–28)

MERCHANT SHIPPING (MARITIME ACCIDENT AND INCIDENT INVESTIGATION) REGULATIONS, 2025

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

Citation

1. These Regulations may be cited as the *Merchant Shipping (Maritime Accident and Incident Investigation) Regulations, 2025*.

Definitions

2.(1) In these Regulations,

“access” means the process of embarking on or disembarking from a ship;

“accident” means

- (a) a marine casualty;
- (b) a serious marine casualty;
- (c) a very serious marine casualty; or
- (d) a marine incident;

but does not include a deliberate act or omission made with the intention to cause harm to the safety of a ship, an individual or the environment;

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

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

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

“Chief Marine Surveyor” refers to a person appointed under section 33 of the Act;

“Council” means the Marine Accident and Incident Investigation Council established under the Act;

“hired on a bareboat basis” means hired without a professional master, skipper or crew;

“immediate family” in relation to a person, means the husband, wife or civil partner of the person or a brother, sister, ancestor or lineal descendant of the person or of the person’s husband, wife or civil partner;

“incapacitation” in relation to a person, means the inability of the person to undertake his full range of normal activities;

“inspector” means

- (a) the Chief Marine Surveyor;
- (b) a person appointed by the Minister to conduct a safety investigation of an accident; or
- (c) a person appointed to investigate an accident under regulation 11(2);

“International Maritime Organization guidelines” means the resolutions and guidelines of that Organization on the fair treatment of seafarers in the event of a maritime accident;

“marine casualty” means an event or sequence of events that occurs as a result of, or in connection with, the operation of a ship and that results in

- (a) the death of, or a serious injury to, a person;
- (b) the loss of a person from the ship;
- (c) the loss, presumed loss or abandonment of the ship;
- (d) material damage to the ship;
- (e) the stranding or disabling of the ship, or the involvement of the ship in a collision;

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- (f) material damage to marine infrastructure external to the ship that could seriously endanger the safety of the ship, another ship or an individual; or
 - (g) pollution, or the potential for pollution, to the environment caused by damage to the ship or another ship;

“marine incident” means an event or sequence of events that

- (a) is not a marine casualty, serious marine casualty or very serious marine casualty;
- (b) occurs as a result of, or in connection with, the operation of a ship; and
- (c) endangers or, if not corrected, would endanger the safety of a ship, its occupants, another person or the environment;

“Maritime Casualty Investigation Code” means the Code for the Investigation of Marine Casualties and Incidents annexed to Resolution A.849 (2.0) of the International Maritime Organization Assembly of 27th November, 1997, as amended;

“member state” means a member state of the International Maritime Organization;

“Minister” means the Minister responsible for Shipping;

“pleasure vessel” has the same meaning as in the *Shipping (Domestic Vessels) Act* (Act 2024-22);

“preliminary assessment” means a preparatory evaluation by the Council and the Chief Marine Surveyor that is intended to establish the likely causes and circumstances of an accident with a view to deciding whether a safety investigation should be undertaken;

“safety investigation” means an investigation or inquiry into an accident conducted with the objective of preventing future accidents;

“senior surviving officer” means the senior surviving officer in the deck department or, if there is no surviving officer in the deck department, the more senior of

- (a) the senior surviving engineer officer; and
- (b) the senior surviving electro-technical officer;

“serious injury” means an injury to a person employed or carried in a ship that occurs on board or during access and that results in

- (a) a fracture, other than to a finger, thumb or toe;
- (b) the loss of a limb or part of a limb;
- (c) a dislocation of the shoulder, hip, knee or spine;
- (d) a loss of sight, whether temporary or permanent;
- (e) a penetrating injury to the eye;
- (f) incapacitation of the person for more than 3 consecutive days after the day of the accident;
- (g) hypothermia or unconsciousness;
- (h) a need for resuscitation; or
- (i) a need for admittance to a hospital or other medical facility as an inpatient for more than 24 hours;

“serious marine casualty” means an event or sequence of events that occurs as a result of, or in connection with, the operation of a ship, other than a very serious marine casualty, that involves

- (a) fire;
- (b) an explosion;
- (c) a collision;
- (d) the grounding of the ship;

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- (e) contact with another ship;
 - (f) heavy weather damage to the ship;
 - (g) ice damage to the ship, or a suspected hull defect, that results in
 - (i) immobilization of the ship's main engines;
 - (ii) extensive accommodation damage to the ship;
 - (iii) severe structural damage to the ship, including penetration of the hull under water rendering the ship unfit to proceed;
 - (iv) pollution; or
 - (v) a breakdown that necessitates towage or shore assistance;

“severe pollution” means pollution that, as evaluated by the coastal state affected or its flag administration, produces a major deleterious effect upon the environment, or that would produce such an effect without preventive action;

“ship's boat” includes a life-raft, painting punt and any other boat normally carried by a ship;

“substantial interest” has the same meaning as in paragraph 2.20 of the International Maritime Organization Code Casualty Related Matters MSC-MEPC.3/circ.2. of 13th June, 2008;

“very serious marine casualty” means an event or sequence of events that occurs as a result of, or in connection with, the operation of a ship and that results in

- (a) the total loss of a ship;
- (b) loss of life; or
- (c) severe pollution; and

“voyage data recorder” means the electronic or mechanical equipment installed on a ship to record key navigational and control information.

(2) Where a ship is managed by a person other than by the owner – whether on behalf of the owner or some other person, or on his own behalf – a reference in these Regulations to the owner shall be construed as including a reference to that person.

Purpose

3. The purpose of these Regulations is to provide for matters relating to inquiries into, the reporting of, investigations into, and prevention of, maritime accidents and incidents.

Application

4.(1) These Regulations apply to all accidents involving, or occurring on board,

- (a) a Barbados ship;
- (b) any other ship within Barbados or Barbados' waters; or
- (c) any other ship that, in the opinion of the Council and the Chief Marine Surveyor, involves the substantial interests of Barbados.

(2) Regulations 6 and 10(1), (2) and (3) apply in relation to a ship that is not a Barbados ship and that is within Barbados or Barbados' waters only if

- (a) it is within the jurisdiction of a harbour master;
- (b) it is employed in carrying passengers to or from a port in Barbados or a place referred to in subparagraph (a); or
- (c) an inspector, or other person acting on behalf of the Chief Marine Surveyor, requires that evidence referred to in regulation 10(1) or (2) be preserved.

Safety investigation objective

5.(1) The prime objective of a safety investigation into an accident under these Regulations is to be the prevention of future accidents by ascertaining its causes and circumstances.

(2) The purpose of such an investigation is not to determine liability or, except so far as is necessary to achieve its objective, to apportion blame.

Duty to report maritime accidents and serious injuries

6.(1) When an accident involving a ship occurs, the following persons associated with the ship shall notify the Council and the Chief Marine Surveyor, as soon as is practicable following the accident and by the quickest means available:

- (a) the master or, if the master has not survived, the senior surviving officer; and
- (b) the ship's owner, unless he has ascertained that the master or senior surviving officer has reported the accident under subparagraph (a).

(2) In addition to a notification made under paragraph (1), the following persons shall notify the Council and the Chief Marine Surveyor, as soon as is practicable and by the quickest means available, of any accident of which they are aware:

- (a) in the case of an accident within or adjacent to the limits of a harbour, the harbour authority for that harbour;
- (b) in the case of an accident in any territorial waters in Barbados, the person, authority or body having responsibility for those waters; and
- (c) in the case of an accident within Barbados' waters, the Administration.

(3) A person making a notification under paragraph (1) or (2) shall, as far as is practicable, include the information set out in the *Schedule*.

(4) In addition to making a notification under paragraphs (1) and (2), the persons referred to in paragraphs (1) and (2)(a) and (b) shall, so far as is reasonably practicable, ensure that the circumstances of every accident are examined and that a report giving the findings of the examination and stating any measures taken or proposed to be taken to prevent a recurrence is provided to the Council and the Chief Marine Surveyor as soon as is practicable.

(5) Paragraphs (1) to (4) do not apply in relation to

- (a) a pleasure vessel;
- (b) a recreational craft that is hired on a bareboat basis and that is in an accident that does not involve
 - (i) an explosion;
 - (ii) fire;
 - (iii) a death;
 - (iv) a serious injury;
 - (v) the capsize of a power-driven craft or boat;
 - (vi) severe pollution; or
- (c) any other craft or boat not carrying passengers that is in commercial use in a harbour or on an inland waterway, that is less than 8 metres overall in length and that is in an accident that does not involve
 - (i) an explosion;
 - (ii) fire;
 - (iii) a death;
 - (iv) a serious injury;
 - (v) the capsize of a power-driven craft or boat; or
 - (vi) severe pollution.

Preliminary assessments

7.(1) Where a vessel is involved in a serious marine casualty, the Council, in consultation with the Chief Marine Surveyor, shall carry out a preliminary assessment, in order to decide whether to undertake a safety investigation.

(2) When carrying out a preliminary assessment, the Council and the Chief Marine Surveyor shall take into account

- (a) the seriousness of the accident;
- (b) the type of vessel or cargo involved; and
- (c) the potential for the findings of a safety investigation to lead to the prevention of future accidents.

(3) For the purposes of a preliminary assessment, the Council may exercise the powers referred to in section 1058 of the Act.

(4) Following a preliminary assessment, the Council and the Chief Marine Surveyor shall decide, having regard to the objective set out in regulation 5, whether it is appropriate to conduct a safety investigation.

Ordering a safety investigation

8.(1) The Council and the Chief Marine Surveyor shall ensure a safety investigation of a ship is carried out in relation to every very serious marine casualty.

(2) The Council and the Chief Marine Surveyor may decide to undertake a safety investigation in relation to a serious marine casualty after a preliminary assessment has been carried out in accordance with regulation 7.

(3) The Minister may require a safety investigation to be undertaken into an accident involving, or occurring on board, a ship that is not a Barbados ship that at the time of the accident was not within Barbados or Barbados' waters.

(4) The Council and the Chief Marine Surveyor may carry out a safety investigation in relation to a marine casualty.

- (5) A safety investigation shall include
- (a) the collection and analysis of evidence;
 - (b) the identification of causal factors; and
 - (c) where appropriate, the making of safety recommendations.
- (6) Where the Council and the Chief Marine Surveyor have received a notification under regulation 6(1) or (2) or a report under regulation 6(4), the Council, in consultation with the Chief Marine Surveyor, shall decide whether a safety investigation should be carried out and shall publish details of that decision as soon as is reasonably practical, in such manner as they see fit.
- (7) Before deciding whether a safety investigation should be carried out and if so, what form it should take, the Council and the Chief Marine Surveyor may obtain such information as they consider necessary concerning the accident and any remedial action taken as a result.
- (8) A person referred to in regulation 6(1) or (2), and any other person who is in possession of information requested by an inspector under paragraph (7), shall provide that information to the best of their ability and knowledge.
- (9) Public notice that a safety investigation has been commenced may be given in such a manner as the Council and the Chief Marine Surveyor think fit, and they may invite any persons who desire to present relevant evidence to an inspector in such a manner and within such a time as is specified in the notice.
- (10) A safety investigation shall be started by the Council and the Chief Marine Surveyor as promptly as is practicable after an accident occurs.
- (11) Subject to paragraph (12), the Council and the Chief Marine Surveyor may decide to discontinue a safety investigation of any accident at any time and shall make any reasons for doing so publicly available.
- (12) Paragraph (11) does not apply to the safety investigation of
- (a) a very serious marine casualty; or

(b) a serious marine casualty, if, following a preliminary assessment made under regulation 7, a decision is made to conduct a safety investigation.

(13) The Council and the Chief Marine Surveyor may decide not to carry out a safety investigation of an accident, or to discontinue a safety investigation that has already commenced, including an investigation referred to in paragraph (12), if they are satisfied that

(a) any loss of life resulted from suicide or natural causes; or

(b) any serious injury resulted from an attempted suicide.

Subsequent or reopened investigations

9.(1) Where the Council and the Chief Marine Surveyor have decided not to investigate an accident, they may at a later time undertake a safety investigation if they are satisfied that there is good reason to do so in the interests of future safety.

(2) The Council and the Chief Marine Surveyor may re-open a safety investigation if, following its completion, new and important evidence is discovered that, in the opinion of the Council and the Chief Marine Surveyor, could have a material effect on any safety recommendations made.

(3) A safety investigation may be re-opened either in whole or in part and a re-opened investigation shall be subject to, and conducted in accordance with, these Regulations.

Evidence preservation

10.(1) Following an accident involving a ship that is reportable under regulation 6, the following persons shall ensure that evidence is preserved in accordance with paragraph (2):

(a) the master or, if the master has not survived, the senior surviving officer; and

published by the Council or the Chief Marine Surveyor that it has been decided to investigate the matter; or

- (c) the Chief Marine Surveyor or an inspector carrying out the investigation provides a written notification that they are no longer required.
- (4) Following an accident in Barbados waters involving a ship that is not a Barbados ship, the persons referred to in paragraph (1) shall comply with the requirements of paragraph (1) if required to do so by or on behalf of the Chief Marine Surveyor.
- (5) An inspector may, pending investigation, prohibit persons from gaining access to, or interfering with a ship, ship's boat or other equipment that was involved in an accident.
- (6) Subject to paragraph (8), the Council and the Chief Marine Surveyor may, if they consider it to be necessary for the collection or preservation of evidence in connection with a safety investigation or preliminary assessment relating to an accident, require the master of a ship or, if the master has not survived, the senior surviving officer and the ship's owner to ensure that the ship is accessible to an inspector engaged in the investigation of the accident, until the process of collecting or preserving evidence has been completed to the inspector's satisfaction.
- (7) The Council and the Chief Marine Surveyor shall not require a ship to remain in Barbados waters any longer than is necessary for the collection or preservation of evidence referred to in paragraph (6) and shall take all reasonable steps to ensure that such evidence is collected or preserved expeditiously.
- (8) Paragraph (6) does not apply unless the Council and the Chief Marine Surveyor have reasonable grounds for concern that, if a ship leaves Barbados waters, access to it, to a member of the crew or to any evidence on board relating to the investigation may subsequently be denied to the Council and the Chief Marine Surveyor or an inspector conducting an investigation.

Conduct of a safety investigation

11.(1) If the Council and the Chief Marine Surveyor decide in accordance with regulation 8 that a safety investigation is to be carried out, it shall be undertaken by an inspector at such times and places, and in such a manner, as appear to the Council and Chief Marine Surveyor to be most conducive to achieving the objective set out in regulation 5.

(2) The Council or the Chief Marine Surveyor may appoint a person who is not an inspector for the purpose of carrying out an investigation if an inspector is not conveniently available or if the person appointed has special qualifications or experience, and such a person may exercise the powers conferred on an inspector by section 1058 and Part XXXII of the Act.

(3) A safety investigation may extend to

- (a) events and circumstances preceding the accident, in addition to subsequent events and circumstances;
- (b) issues involving salvage and pollution connected with the accident; and
- (c) the conduct of search and rescue operations;

if, in the opinion of the Council and the Chief Marine Surveyor, they are relevant to future safety.

(4) The Minister shall pay to a person required to attend before an inspector the reasonable expenses of attending.

(5) A person who is not a solicitor or other professional legal adviser acting solely on behalf of a person required to attend at a witness interview before an inspector, and who has been allowed by an inspector to be present or has been nominated to be present by a person required to attend, may at any time be excluded from being present by the inspector, with the agreement of the Council and the Chief Marine Surveyor, if both the inspector and Chief Marine Surveyor have reason to believe that the person's presence would hamper the investigation and hinder the objective in regulation 5.

(6) Where a person who is nominated to be present has been excluded under paragraph (5), the person required to attend is entitled to nominate another person to be present at the witness interview in place of the excluded person and paragraph (5) applies to the other person.

(7) A document, record or information referred to in regulation 10 that is required by an inspector to be produced for the purposes of a safety investigation, whether on board the ship involved or otherwise, may be retained by the inspector until the safety investigation is completed.

(8) In conducting a safety investigation into an accident, the Council and the Chief Marine Surveyor shall take into account the International Maritime Organization guidelines on the fair treatment of seafarers.

(9) An inspector may record a witness interview of a person who is assisting a safety investigation in any manner that the Council or the Chief Marine Surveyor considers reasonable.

(10) When the Council or the Chief Marine Surveyor is requested to assist another member state in a safety investigation in which Barbados is not involved, the costs of any such assistance provided shall be agreed between them.

State co-operation

12.(1) A safety investigation commenced by the Council or the Chief Marine Surveyor under regulation 8 shall, where appropriate, be conducted in cooperation with

- (a) another member state; or
- (b) another substantially interested state.

(2) A substantially interested state may, by mutual agreement, be allowed to participate in a safety investigation led by the Council or the Chief Marine Surveyor at any stage of that investigation.

- (3) Where a safety investigation has been commenced under paragraph (1), the Council or the Chief Marine Surveyor, and any other states involved, shall agree without delay
- (a) which of them is to lead the safety investigation; and
 - (b) the procedures to be adopted for the purposes of the investigation.
- (4) For the purposes of this regulation,
- (a) a substantially interested state has equal rights of access to witnesses and evidence involved in a safety investigation; and
 - (b) any representation that it makes to the lead investigating state shall be taken into consideration for the purposes of the safety investigation.
- (5) Where a substantially interested state has been allowed to participate in a safety investigation and no agreement referred to in paragraph (3)(a) is reached, the Council or the Chief Marine Surveyor and the other member states or substantially interested states shall
- (a) conduct parallel safety investigations;
 - (b) exchange evidence and information with each other for the purpose, as far as possible, of reaching shared conclusions; and
 - (c) where 2 member states conduct parallel safety investigations, notify the Minister of the reasons for doing so.
- (6) The Council or the Chief Marine Surveyor may delegate the whole or any part of a safety investigation to another member state by agreement with that state.
- (7) Where an investigation conducted under these Regulations involves a ro-ro ferry or a high-speed passenger craft, the Council or the Chief Marine Surveyor shall permit a substantially interested state to participate or cooperate in accordance with the Maritime Casualty Investigation Code.

(8) When a ro-ro ferry or high-speed passenger craft is involved in an accident in Barbados' waters or if Barbados was the last point of departure, the Council or the Chief Marine Surveyor shall conduct a safety investigation.

(9) Where a safety investigation is conducted in cooperation with a substantially interested state, Barbados remains responsible for the safety investigation unless it has been agreed with the substantially interested state that another member state will be responsible for leading the safety investigation.

Disclosure of records

13.(1) Subject to paragraphs (2) to (8), the names, addresses or other details of anyone who has given evidence to an inspector shall not be disclosed.

(2) Subject to paragraphs (3), (4), (7) and (8), the following documents or records shall not be made available for purposes other than a safety investigation, unless a court orders otherwise:

- (a) a declaration or statement taken from a person by an inspector or supplied to an inspector in the course of an investigation, and notes or recordings of witness interviews;
- (b) medical or confidential information regarding a person involved in an accident;
- (c) a report made under regulation 6(4);
- (d) copies of a report other than the final report, except as referred to in regulation 14(4)(a), (5) or (12);
- (e) correspondence received by the Council or the Chief Marine Surveyor from parties involved in a safety investigation;
- (f) evidence from voyage data recorders;
- (g) notes made by an inspector or person appointed under regulation 11(2), whether written or held electronically, and any recordings or photographs made by him;

(8) The Council or the Chief Marine Surveyor may provide information obtained from a voyage data recorder to the ship's owner.

Safety investigations reports

14.(1) Subject to paragraph (4), the Council or the Chief Marine Surveyor shall submit to the Minister a report of any safety investigation conducted in accordance with regulation 11.

(2) The Council or the Chief Marine Surveyor shall make every effort to make a report of a safety investigation publicly available in the shortest possible time after an accident is notified to the Council and the Chief Marine Surveyor.

(3) Where it is not possible to produce such a report within 12 months after the date an accident is notified to the Council and the Chief Marine Surveyor, an interim report shall be published within that period.

(4) A report in relation to an accident shall include the following information:

- (a) a summary of the basic facts;
- (b) a description of the accident;
- (c) the ship's particulars;
- (d) the voyage particulars;
- (e) marine casualty or incident information;
- (f) shore authority involvement and emergency response;
- (g) conclusions relating to the facts of the evidence;
- (h) where the facts cannot be clearly established, an analysis and professional judgement to determine the probable facts; and
- (i) recommendations for future safety, where appropriate.

- (5) A report shall not be made publicly available until the Council and the Chief Marine Surveyor have
- (a) served a notice upon any person or organization that could be adversely affected by the report or, if that person is deceased, upon a person that the Council and the Chief Marine Surveyor consider to best represent the interests and reputation of the deceased in the matter; and
 - (b) considered the representations relating to the facts or analysis contained in any report made to the Council and the Chief Marine Surveyor in accordance with paragraph (6) by or on behalf of the persons served with the notice and have amended the report in such a manner as the Council and the Chief Marine Surveyor think fit.
- (6) A notice referred to in paragraph (5)(a) shall be accompanied by a draft copy of the report.
- (7) Representations referred to in paragraph (5)(b) shall be in writing and shall be served on the Council or the Chief Marine Surveyor within 30 days of service of the notice referred to in paragraph (5)(a) or within such further period as may be allowed under regulation 17.
- (8) When a substantially interested state requests the Council and the Chief Marine Surveyor to supply it with a draft safety investigation report, the Council and the Chief Marine Surveyor shall not do so unless that state has agreed in writing to comply with Chapter 13 of the Maritime Casualty Investigation Code.
- (9) Where the Council and the Chief Marine Surveyor are of the view that a safety investigation will not have the potential to lead to the prevention of future accidents, they may publish a simplified report in such a manner as they think fit.
- (10) For the purposes of paragraph (2), a report may be published in such a manner as the Council and the Chief Marine Surveyor see fit.

(11) Subject to any court order referred to in regulation 13, except with the prior written consent of the Council and the Chief Marine Surveyor, no person shall disclose or permit to be disclosed any information

- (a) furnished to him in accordance with paragraph (4); or
- (b) otherwise furnished to him by or on behalf of the Council and the Chief Marine Surveyor in advance of the publication of a report and whose confidentiality is protected by regulation 13;

to any person other than to such advisers as are necessary in order to make representations to the Council and the Chief Marine Surveyor referred to in paragraph (5)(b).

(12) An adviser to whom information referred to in paragraph (11) has been provided shall not disclose the information or permit it to be disclosed.

(13) A copy of a report that is made publicly available shall be given by the Council and the Chief Marine Surveyor to

- (a) any person who has been served with a notice in accordance with paragraph (5)(a);
- (b) persons or bodies to whom recommendations have been addressed in that report;
- (c) the Minister;
- (d) the International Maritime Organization; and
- (e) any person or organization that the Council and the Chief Marine Surveyor consider may find the report useful or of interest.

(14) Where an inquest or fatal accident inquiry is to be held following an accident that has been subject to a safety investigation, a draft report may be made available in confidence to the coroner by the Council and the Chief Marine Surveyor.

(15) If part of a publication produced by the Council and the Chief Marine Surveyor as a result of a safety investigation, or the analysis it contains, is based on information obtained in the exercise of an inspector's powers under section 1058 or Part XXXII of the Act, that part is inadmissible in any judicial proceedings whose purpose is to attribute or apportion liability or blame, unless the court determines that the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to

- (a) any future accident safety investigation undertaken in Barbados; or
- (b) relations between Barbados and any other state or international organization.

(16) Where an inspector is required to attend judicial proceedings, the inspector is not required to provide an opinion, evidence or an analysis of information provided to him, or to provide information obtained in accordance with an inspector's powers under section 1058 or Part XXXII of the Act, if a purpose of those proceedings is to attribute or apportion liability or blame, unless the court determines that the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to

- (a) any future accident safety investigation undertaken in Barbados; or
- (b) relations between Barbados and any other state or international organization.

(17) In this regulation "judicial proceedings" includes any civil or criminal proceedings before a court or before a person having, by law, the power to hear, receive and examine evidence on oath.

Other publication of safety investigations

15.(1) The Council or the Chief Marine Surveyor may from time to time publish a collection of short reports of accidents that have not been the subject of a report published under regulation 14.

(2) The Council or the Chief Marine Surveyor may submit a report to the Minister on any matter arising from an accident or incident or the Chief Marine Surveyor's analysis of marine accident investigations.

Recommendations

16.(1) The Council or the Chief Marine Surveyor may at any time make recommendations as to how future accidents may be prevented to those persons who, in the opinion of the Council or Chief Marine Surveyor, are the fittest to implement them.

(2) Recommendations made under paragraph (1) shall be made publicly available if the Council or the Chief Marine Surveyor considers it to be in the interests of safety or preventing pollution.

(3) A person to whom a recommendation is addressed under paragraph (1) shall

- (a) as soon as is reasonably practical, take the recommendation into consideration;
- (b) within 30 days following receipt of the recommendation, send to the Council or the Chief Marine Surveyor
 - (i) details of any measures taken or proposed to implement the recommendation, and the timetable for implementing it; or
 - (ii) an explanation as to why the recommendation is not to be implemented; and
- (c) give notice to the Chief Marine Surveyor if at any time information provided to the Council or the Chief Marine Surveyor in accordance with subparagraph (b)(i) concerning the proposed measures or the timetable for implementing it is rendered inaccurate by a change of circumstances.

(4) Without prejudice to paragraph (1), if the Council or the Chief Marine Surveyor is of the view at any stage of a safety investigation that urgent action

is required to be taken to prevent the risk of further accidents occurring, the Council or the Chief Marine Surveyor shall inform the Minister as soon as possible regarding what urgent action should be taken by other states or other relevant parties.

Extension of time

17.(1) The Council or the Chief Marine Surveyor may extend the period of 30 days referred to in regulation 14(6), having regard to the requirements for a report of a safety investigation to be made available in the shortest time possible.

(2) The Council or the Chief Marine Surveyor may extend the period of 30 days referred to in regulation 16(4).

(3) An extension under paragraph (1) or (2) may be given notwithstanding that the original period has expired.

Service of documents

18.(1) A notice or other document required or authorized by these Regulations to be served on or given to a person may be served or given

- (a) by delivering it to that person;
- (b) by leaving it at the person's usual or last known residence or place of business, whether in Barbados or elsewhere;
- (c) by sending it to the person by post at that address; or
- (d) by sending it to the person by facsimile, by electronic mail or by any other means that is capable of producing a document containing a text of the communication.

(2) A notice or document referred to in subparagraph (1)(c) or (d) shall be regarded as having been served when it is sent.

Penalties

19.(1) A person referred to in regulation 6(1) or (2)(a) or (b) commits an offence and is liable on summary conviction to a fine of \$50 000, if the person

- (a) fails without reasonable cause to report an accident as required by regulation 6;
- (b) fails without reasonable cause to provide information required by regulation 6(3); or
- (c) falsely claims to have additional information or new evidence pertaining to an accident.

(2) A person who fails without reasonable cause to comply with regulation 11(1), (2), (6) or (7) commits an offence and is liable on summary conviction to a fine of \$25 000 or, on conviction on indictment, to a fine of \$75 000.

(3) A person who, without reasonable cause, discloses or permits to be disclosed information in contravention of regulation 13(1) or 14(10), or makes available a document or record in contravention of regulation 13(2), commits an offence and is liable on summary conviction to a fine of \$20 000.

SCHEDULE*(Regulation 6(3))***MARITIME CASUALTY OR INCIDENT NOTIFICATION DATA**

Information to be included in maritime casualty or incident notification:

- (a) the name of the ship and International Maritime Organization official or fishing vessel number, including the flag of the country of registration;
- (b) the type of ship;
- (c) the date and time of the accident;
- (d) the latitude and longitude of geographical position in which the accident occurred;
- (e) the name and port of registry of any other ship involved;
- (f) the number of people killed or seriously injured and associated type or types of casualty;
- (g) brief details of the accident including ship, cargo or any other damage;
- (h) if the ship is fitted with a voyage data recorder, the make and model of the recorder;
- (i) the ports of departure and destination;
- (j) the traffic separation scheme as appropriate;
- (k) the place on board where the accident occurred; and
- (l) the nature of any pollution that occurs as a result of an accident.

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

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