

THE SHIPPING BILL, 2020

EXECUTIVE SUMMARY

Bill No.:	Senate Bill 6 of 2020
Introduced in:	The Senate
Introduced by:	The Honourable Faris Al-Rawi [Attorney General]
Introduced on:	26-Oct-2020
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This Bill seeks to repeal and replace the Shipping Act, Chap. 50:01 and to provide for the certification and registration of seafarers, the certification and registration of ships and offshore installations and matters related to crew safety and the security of life at sea. It was also sought to repeal the Harbours Act, Chap. 50:06, the Droghers Act, Chap. 50:07, the Motor Launches Act, Chap 50:08 and to amend the Port Authority Act, Chap. 51:01 and the Coroners Act, Chap 6:04. This Bill is comprised of 539 clauses divided into 33 parts.

Part one of Shipping Bill contains the preliminary provisions. This section has provided for the interpretation and definition of several words and phrases cited throughout the Bill. It has also made accommodations for the insertion of new definitions. The duties and responsibilities of those persons in the shipping industry that can exercise official powers have also been outlined. These persons include coast guard officers, police officers, Customs and Excise Officers, fishery officers, appropriate port officers and officials of the Maritime Authority. Additional guidelines for the Registrar of Shipping and any relevant offences and fees have also been provided for in this section, as well as the specified instruments and documents to be used in conducting transactions.

Establishment of the Maritime Authority (The Authority)

This Bill has provided for the establishment and subsequent powers and functions of the Maritime Authority of Trinidad and Tobago. The Authority would have the responsibility of advising and reporting to the Government on policy relative to maritime matters and regulating

maritime activities. Their powers encompass the registration, licensing and regulation of several maritime activities, inclusive of but not limited to the registration of ships and offshore installations, regulation of the design and construction of ships and offshore installations, and the registration and licensing of seafarers etc. The establishment of a Board of Directors to oversee the Authority, as well as their respective remuneration and operational guidelines and responsibilities have also been accommodated under this section. Additionally, the employment and appointment of several qualified persons to fill different position throughout the Authority have been provided for under this section of the Shipping Bill.

Finances

The financial provisions for the Maritime Authority of Trinidad and Tobago have also been set out in this Bill. It has provided for the establishment of a statutory fund to be known as the Maritime Authority Fund, as well as the sources from which the fund is generated and how the money in the fund is to be applied. This Section has required that the Authority prepare a budget and keep proper books of accounts and records in accordance with the International Financial Reporting Standards.

Registration

Part IV of the Bill has provided for the trading and registration of ships and offshore installations, the national character of ships and the use of flags on ships. It has stated that the Port of Port-of-Spain is the main Port of Registry for the registration of ships but that the Minister may declare other ports as a Port of Registry.

Ship and Offshore Installation Builders

This section of the Bill has provided for shipbuilders and offshore installation builders. It has prohibited the building or any agreement to build, a ship or offshore installation in Trinidad and Tobago unless that person complies with all the requirements under the law and is registered with the Authority as a ship builder. The fines associated with such an offence have also been outlined. Additionally, this Bill has required that a person who wishes to build a ship

or offshore installation, apply to the authority to be registered as a shipbuilder or offshore installation. The applicant's requirements are set out in Regulations made under the Act.

Regulations

This section has provided for the regulations and guidelines governing ship breaking and the decommissioning of offshore installations. It has prohibited the breaking of any ship, as well as, the decommissioning of any offshore installation within the waters of Trinidad and Tobago unless the person has registered with the Authority to do so. The Bill has also provided that once approval is granted for the breaking up of a ship, the shipbreaker is required to do so in accordance with Regulations made under the Act. The penalties for any violations have also been outlined.

This section of the Bill has provided for the transfers and transmissions, mortgages and maritime liens on vessels and contains 18 clauses. It has mandated that a Bill of Sale detailing the full description of the ship is needed to conduct a transfer of said ship. Additionally, this section has set out the regulation and guidelines under which a ship may be mortgaged or transferred.

The guidelines for using the Official Logbook and ordinary ship log have also been set out. It has required that the owner or master of a Trinidad and Tobago ship, or Manager of an offshore installation, keep an Official Logbook issued by the Authority, which is required to be kept separate and distinct from any other record book. They are also required to carry on board an ordinary logbook where a record of the daily activities of the ship or offshore installations are kept.

Certification

Part IX –XI of this Bill has made provisions for the manning of the ship and certification of the crew, recognized training institutions, the Registrar of Seafarers, and labour certification. Clause 122 of the Bill has required that the owner or master of every Trinidad and Tobago ship and Manager of every offshore installation ensure that the ship and offshore installation have sufficient crew holding the appropriate certification in accordance with the manning requirements under the Act. Any breach of this clause would mean that the ship would not be

allowed to proceed to sea or that the offshore installation be required to cease operations. The conditions under which certification may be suspended or cancelled have also been provided for, as well as, the associated penalties for failure to produce valid documentation.

Quality Management Systems

Part XV of this Bill has made accommodations for the implementation of Quality Management Systems. This section has required that the Authority ensures that all training, assessments of competence, certifications, endorsements and revalidation activities performed by non-governmental agencies or maritime training institutions are continuously monitored through an implemented Quality Management System.

Safety and Security

This Bill has made provisions for safety precautions and the navigational safety of ships or offshore installations. Part XVI has required all ships be equipped with the necessary lights, shapes and means of making sounds signals, as required by the Collision Regulations. Part XVII has required the Authority to establish aids to navigation that are necessary in order to facilitate the safe navigation of ships within the waters of Trinidad and Tobago. Privately owned aids to navigation are to be approved by the Authority and established and maintained in accordance with the provisions of the Act.

Part XVIII of the Bill has provided for the Vessel Traffic System and has required that there shall be a Unit in the Authority tasked with operating and managing the VTMS Service on behalf of the Authority. This would facilitate the safe navigation of ships within the territorial sea and archipelagic waters and establish and manage local vessel traffic services to facilitate the safe navigation of ships within the internal waters of Trinidad and Tobago and the waters of a harbour. The regulations and guidelines of the Vessel Traffic System have also been provided for in this section.

This section has also made accommodations for Maritime security measures for certain types of ships engaged in international voyages. These include passenger ships, cargo ships and mobile offshore drilling units, as well as offshore installations and port facilities serving ships engaged in international voyages. This section of the Bill has set out the responsibilities for the

Director General in respect to enhanced security measures, and the establishment of a technical committee in charge of maritime security, which would be known as the Maritime Security Advisory Committee or “MASAC Committee”.

****As of October 26 2020, this Bill was referred to the Joint Select Committee.**