



The Shipping (Small Craft Control) Regulations 2016

Introduction

In the last year alone, there have been two fatalities on vessels operating in Antigua and Barbuda waters, engaged in trading between the islands.

Under casualty investigations this is a high percentage, based on the volume of commercial and pleasure trade, within these islands.

It is corporate risk to the Antigua and Barbuda government not to address this and have in place enforceable regulations to ensure that all operations, both commercial and pleasure, in Antigua and Barbuda waters, are carried out safely and that these small vessels are fit for their intended purpose.

In addition, where a fishing vessel which is engaged in commercial fishing and registered under the Fisheries Act, is exempted from the small vessel regulations, then such a vessel should not be used for carriage of cargo and/or passengers.

Small commercial vessels are regulated by The IMO Small Commercial Vessel (SCV) Code which applies to vessels operating commercially, trading in the Caribbean area, which are 5 metres or more in length and less than 24 metres in length.

This Code was adopted by the Parliament of Antigua and Barbuda in 2008, through the Merchant Shipping (Small Commercial Vessel) Regulations 2008.

To regulate small pleasure craft, The Small Craft Control Act 2010 was then drafted for Ministry of Tourism, but was not taken forward at that time.

This has now been addressed by the Small Craft Control Act 2015, which has been passed by both Houses of Parliament and received Royal Assent and is expected to come into force on 1st January 2016.

In addition, under this Small Craft Control Act 2015, the Antigua Department of Marine Services (ADOMS) will now be the Authority with full responsibility for the Registration, Licensing and Regulation of all small pleasure craft and small commercial vessels.

continued overleaf.

The Small Craft Control Act 2015

This Act applies to small pleasure craft operating in Antigua and Barbuda waters and ADOMS is responsible for Registration, Licensing and Regulation.

Small craft are defined as all vessels less than 24 metres in length and includes boats, canoes, dinghies, kayaks, pontoons and jet skis/personal water craft.

It includes private/pleasure operations on inland waters, rivers, coastal and also commercial operations.

The Shipping (Small Craft Control) Regulations 2016 and supporting Code of Practice, to regulate and control these type of operations in Antigua and Barbuda, have been drafted for final review by legal department.

The objectives of the Small Pleasure Craft regulations and Code of Practice are to minimize risk of injury, or loss of life, to personnel engaged in these activities and to address unsafe practices. The safety standards are summarized in the attached annex and ADOMS hosted workshop meetings are scheduled with the pleasure craft sector and stakeholders.

Compliance is vital for sustaining the current level of tourism attracted by watersports activities and also to create opportunities for future tourism projects in Antigua and for those that have been earmarked for Barbuda.

Summary

Once the Small Pleasure Craft regulations are in force, this will enable the Antigua and Barbuda Department of Marine Services (ADOMS) to authorise the Registration, Licensing and Regulation of all vessels below 24 metres in length.

Enforcement of the regulations will be through Antigua and Barbuda Defence Force and Coast Guard.

It is important that all operators and stakeholders engage with this marine safety regulatory regime and promote and support the required safety standards, which is vital in ensuring continued development of the economy, businesses and tourism for these islands.

annex.

Summary of content of draft Small Craft Control Regulations 2016 and Small Pleasure Craft (SPC) Code

1. Licensing of small craft – valid for one year from date of issue
inspection of craft for issue of Certificate of Inspection
proof of ownership
proof of adequate third party policy of insurance
licence fee
2. Marking of small craft with licence number and decal
3. Operational restrictions on power driven craft near beach areas
4. Requirement for vendor's licence if craft used for commercial purposes
5. Required safety equipment based on type (canoes/kayaks/paddle boards/
sailboards/PWCs, power, or sail and length of craft (under 5 metres in length, 5 metres -
13.7 metres in length and 13.7 metres - 24 metres in length)
6. Evidence of competence and safety checklists (some self regulation)
7. Enforcement by ABDF CG
8. Duty to report accidents
9. Tenders off vessels will be similarly regulated
10. Foreign vessels – no more favourable treatment and where cruising permits are issued it
will include section/declaration to sign on small craft compliance