

LAWS OF GUYANA

SHIPPING CASUALTIES (INVESTIGATION AND
PREVENTION) ACT

CHAPTER 49:07

Act

4 of 1883

Amended by

2 of 1895
3 of 1914
32 of 1914
11 of 1978
7 of 1998
Res. 9 of 1982

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SHIPPING CASUALTIES (INVESTIGATION AND PREVENTION) ACT

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CHAPTER 49:07

**SHIPPING CASUALTIES (INVESTIGATION AND
PREVENTION) ACT**

of 1883

An Act to make provision for Due Investigation into the Causes, and for the Better Prevention of Shipping Casualties.

[PART I 5TH DECEMBER, 1883]
[PART II – 20TH FEBRUARY, 1895]

Short title.

1. This Act may be cited as the Shipping Casualties (Investigation and Prevention) Act.

**PART I
INVESTIGATION**

Interpretation.
[7 of 1998]

2. In this Part—

“Board of Trade” means Board of Trade of the Government of the United Kingdom;

“the court” means a court of inquiry appointed under the provisions of this Part;

“Director” has the same meaning assigned to that word in

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c. 49:01 section 2 of the Guyana Shipping Act.

“ship” means any sea-going vessel or steamer.

Exemption of State ships and foreign ships. 3. Nothing in this Part shall be deemed to apply to any ship belonging to or in the service of the State or to any ship belonging to any foreign State.

COURT OF INQUIRY

When court of inquiry may be appointed. [11 of 1978] 4. The Minister may appoint a court of inquiry under this Part—

(a) in any of the following cases, that is to say, whenever—

- (i) any ship has been lost, abandoned, or damaged on or near the coasts, in inland rivers or navigable waters, of Guyana; or
- (ii) by reason of any casualty happening to or on board of any ship on or near those coasts, rivers or waters loss of life has ensued; or
- (iii) any ship has caused loss or damage to any other ship on or near those coasts, rivers or waters; or
- (iv) the loss, abandonment, damage, or casualty has happened elsewhere to any Commonwealth ship and any competent witness thereof has arrived or is to be found at any place in Guyana; or
- (v) any Commonwealth ship is supposed to have been lost and any evidence can be obtained in

Guyana as to the circumstances under which that ship proceeded to sea or was last heard of; and

- (b) in any of the following cases, that is to say, whenever the Minister has reason to believe that the master, mate, or engineer of a Commonwealth ship is, from incompetency or misconduct, unfit to discharge his duties.

Constitution
and powers of
court.

5. (1) The court shall consist of a magistrate and two assessors, being persons having nautical or engineering or other special skill or knowledge, to be appointed by the Minister and the magistrate shall be president of the court.

c 49:01

(2) The court is hereby authorised to make the inquiries referred to in the last preceding section, and all inquiries authorised to be made by a court or tribunal, under the Guyana Shipping Act.

(3) The court may suspend or cancel the certificate whether of competency or service, of any master, mate, or engineer, in the following cases:

- (a) if, on an investigation under section 4 the court finds that the loss, abandonment, or damage to any Commonwealth ship or loss of life has been caused by his wrongful act or default; or
- (b) if, on any investigation under section 4 the court finds that he is incompetent or that he has been guilty of any gross act of misconduct, drunkenness, or tyranny.

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(4) The court, at the conclusion of the case or as soon afterwards as possible, shall state in open court the decision to which it has come with respect to the cancellation or suspension of a certificate, and in all cases shall send a full report upon the case, with the evidence, to the Minister, and also, if it determines to suspend or cancel a certificate, shall transmit the certificate to the Minister with its report; and a copy of the report, together with the certificates, if any, shall forthwith be transmitted by the Minister to the Board of Trade.

(5) No certificate shall be suspended or cancelled under this section unless a copy of the report, or a statement of the case upon which the investigation is ordered, has been furnished to the owner of the certificate before the commencement of the investigation, nor unless one assessor at least expresses his concurrence in the report transmitted to the Minister.

(6) Where an investigation involves or appears likely to involve any question as to the cancellation or suspension of the certificate of a master, mate, or engineer, it shall be held with the assistance of not less than two persons having experience in the merchant service.

When member of court unable to act.

6. If any member of the court is or becomes unwilling to act or dies, the Minister may appoint another person similarly qualified in his place; and no court of inquiry shall lapse by reason of, or be otherwise affected by, the death, absence, or removal of the Minister who appointed it.

PROCEEDINGS ON INQUIRY

Power of court to require delivery of certificate.
[6 of 1997]

7. (1) The court may require any master, mate, or engineer, possessing a certificate of competency or service, whose conduct is called in question or appears to the court to be likely to be called in question in the course of an investigation, to deliver the certificate to the court, and the court shall hold the certificate so delivered until the

conclusion of the investigation, and shall then either return it to the master, mate, or engineer, or, if the court decides to suspend or cancel the certificate, shall transmit it to the Minister to be sent to the Board of Trade.

(2) If any master, mate or engineer fails to deliver his certificate when required by the court to do so he shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

Report by
court.

8. (1) The court shall make a full, faithful, and impartial inquiry into the matters specified in its appointment.

(2) Where the members of the court are not unanimous in their opinions, each member shall state in writing the conclusions at which he has arrived and his reasons.

Rules of
procedure.

9. (1) The court may make such rules for its guidance and the conduct and management of proceedings before it, and the hours, times, and places for its sittings, not inconsistent with its appointment, as it may from time to time think fit, subject only to the terms of its appointment.

(2) The court may exclude any particular person or persons from any sitting of the court, either for the preservation of order, for the due conduct of the inquiry, or for any other reason.

Power of
inspection of
members of
court.

10. The members of the court may go on board a ship in respect of which an inquiry is held, and may inspect her or any part of her, or any of the machinery, boats, equipment or articles on board, not unnecessarily detaining or delaying her from proceeding on any voyage.

Summoning
and examining
witnesses.

11. (1) The court shall have the power of a magistrate to summon witnesses, call for the production of books, plans, and documents, and examine upon oath witnesses and parties

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concerned.

Schedule.

(2) All summonses for the attendance of witnesses or other persons or the production of documents may be in the form in the Schedule, and shall be signed by one of the members of the court, and oaths may be administered by any member of the court, or by the clerk of the court.

(3) No member of the court shall be liable to any action or suit for any matter or thing done by him as a member of the court.

When person
refuses to be
sworn, etc.
[6 of 1997]

12. If anyone present in court is required to give evidence and, without lawful excuse, refuses to be sworn, or to give evidence, and if anyone at the sitting of the court wilfully insults any member or officer thereof, or wilfully interrupts the proceedings of the court, or otherwise misbehaves in court, any constable or other person may, by order of the court, take the offender into custody and detain him until the rising of the court; and the court, if it thinks fit, may by warrant signed by its members or a majority of them, commit the offender to a prison for any time not exceeding one month, or may impose upon him a fine of nine thousand seven hundred and fifty dollars for every offence, and, in default of immediate payment thereof, may commit him to prison for any time not exceeding one month, unless the fine is sooner paid.

When witness
refuses to
appear.
[6 of 1997]

13. (1) If anyone summoned as a witness before the court refuses or neglects to appear at the time and place appointed by the summons and otherwise to comply with the summons, and if no just excuse is offered for the refusal or neglect, then (after proof upon oath of the summons having been served upon him, either personally or by leaving it for him with some person at his place of abode) the court may issue a warrant, signed by the members of the court or a majority of them, to bring and have him before the court, at a time and place therein mentioned, to testify as aforesaid.

(2) If, on the appearance of the person so summoned, either in obedience to the summons or upon being brought by virtue of a warrant, he refuses to be examined upon oath concerning the premises, or refuses to take the oath, or having taken the oath refuses without sufficient cause to answer any questions then put to him by or with the concurrence of the court, or refuses without sufficient cause to produce any documents which he may be summoned to produce, or refuses to subscribe his deposition, the court may by warrant signed as aforesaid commit him to any ordinary prison for any time not exceeding one month, unless he in the meantime consents to be examined and to answer concerning the premises, or to produce the documents or to subscribe his deposition, as the case may be.

(3) In addition to being liable so to be dealt with, everyone so acting shall be liable to a fine of nineteen thousand five hundred dollars:

Provided that no one shall be punished for an offence under this section for any offence for which he has been punished under the last preceding section.

Appointment
of clerk of
court.

14. The Minister may appoint a clerk to afford clerical assistance and to perform any duties connected with the inquiry prescribed by the court, subject to any directions of the Minister.

Remuneration
of members,
clerk and
witnesses.

15. (1) The Minister may direct what remuneration, if any, shall be paid to the members of the court or to the clerk.

(2) A witness summoned or attending at the court may receive any reasonable remuneration certified by the president of the court to be allowable, not exceeding in any case what would be allowed to the witness for attendance at the High Court in its civil jurisdiction.

(3) All the expenses connected with the appointment of a court or an inquiry under this Part shall be

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defrayed from moneys provided by Parliament for the miscellaneous expenses of justice.

Publication of
appointment of
court.

16. The appointment of any court under this Part shall be published in the *Gazette* and shall take effect from the date of that publication.

PART II PREVENTION

Interpretation.
[7 of 1998]

17. In this Part—

“coasting voyages” means voyages from one part of Guyana to any other part not confined within the limits of one river;

c. 49:01.

“inspector” means an inspector of shipping appointed under this Part, or a surveyor of ships appointed under the Guyana Shipping Act;

“master,” as applied to a ship or vessel, includes anyone having for the time being the charge or command of the ship or vessel;

“the regulations” means regulations made under any Acts relating to the prevention of shipping casualties in force at the commencement of this Part or under this Part, and for the time being in force;

“ship” means a vessel of every kind or size used in navigating the sea, and not propelled by oars;

c. 49:01

“tons,” as applied to a ship or vessel, has reference to her registered tonnage if the ship or vessel is registered, and to her tonnage, as ascertained and determined in accordance with the provisions of the Guyana Shipping Act, if she is not registered;

“vessel” means any kind of navigable craft, in whatever way propelled, and includes any boat, punt, bateau,

buckshell, corial, or other similar craft, whether registered in Guyana or elsewhere or unregistered, and whether the property of anyone in Guyana or elsewhere.

INSPECTORS OF SHIPPING

Appointment
and tenure of
office.

18. There shall be such number of inspectors of shipping as the Minister may deem necessary.

Remuneration.

19. An inspector shall receive in connection with the performance of his duties the fees prescribed by the regulations.

General
powers.
[7 of 1998]

20. Every inspector shall have the following powers with respect to all vessels employed in coasting voyages and to vessels of less than one hundred and fifty tons employed in voyages between Guyana and any place without Guyana, that is to say, he may —

- (a) go on board the vessel within the territorial waters of Guyana and inspect it or any part of it or any of its machinery, boats, or equipment;
- (b) demand of the owner or master of the vessel the production of any certificate of survey or inspection issued in respect thereof;
- (c) if he considers that the vessel is overloaded and that it would be dangerous to those on board to proceed on any voyage while so loaded, require the removal of any portion of the cargo or load he thinks necessary, and may detain the vessel until the portion is so removed or until the Director otherwise directs; and,

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- (d) when he considers that the vessel is for any reason unfit to proceed to sea or on an intended voyage, detain her until he can report the circumstances to the Director and until the Director otherwise directs.

Offences towards inspector in execution of duty.
[6 of 1997]

21. (1) Everyone who—

- (a) wilfully impedes; or
- (b) uses threatening or abusive language to; or
- (c) assaults; or
- (d) disobeys any order or direction given by, or does not comply with any demand made by,

an inspector in the execution of his duty, whether on board a vessel or elsewhere, shall be liable to a fine of nine thousand seven hundred and fifty dollars.

(2) Anyone so offending may be apprehended and detained by the inspector, or by any person whom he calls to his assistance, until the offender can be conveniently taken before a magistrate, to be dealt with according to law.

TONNAGE OF UNREGISTERED COASTING VESSELS

Certificate of surveyor of shipping.
[6 of 1997
7 of 1998]

22. (1) No unregistered vessel of twelve tons or over, employed in coasting voyages, shall proceed, or attempt to proceed, on a coasting voyage until the owner thereof has first obtained from a surveyor of ships an official certificate of tonnage, as ascertained and determined in accordance with the provisions of the Guyana Shipping Act, and until he has caused the tonnage set out in that certificate to be cut on the

c. 49:01

main beam of the vessel.

Penalty for not obtaining.

(2) The master, or owner, of any vessel contravening this section shall be liable to a fine of ninety-seven thousand five hundred dollars.

OVERLOADING AND OVERCROWDING CERTAIN VESSELS

Overloading and over-crowding of vessel.
[6 of 1997]

23. (1) Everyone who overloads, or overcrowds with persons, any vessel which is proceeding or intending or about to proceed, or which actually proceeds, on any coasting voyage, or any vessel of less than one hundred and fifty tons which is proceeding or intending or about to proceed or which actually proceeds, on any voyage out of Guyana, contrary to the regulations and in such a manner as to expose, or to be likely to expose, the persons in the vessel to danger on the voyage, may be apprehended by any inspector, or officer of customs, or police constable, either with or without a warrant, and shall be liable to a fine of ninety-seven thousand five hundred dollars.

(2) The master of the vessel shall, for the purposes of this section, be deemed to have overloaded or overcrowded it.

(3) Everyone who permits or causes to be overloaded or overcrowded, or is concerned in or is a party to the overloading or overcrowding of, the vessel shall be liable to a like penalty.

(4) Any inspector, officer of customs, or police constable, may seize and detain the vessel so overloaded or overcrowded until the penalty, together with costs and the expenses incurred in the detention, are paid; and if they are not forthwith paid after conviction, the vessel and the goods therein may be sold, and the amount of the penalty, costs, and expenses paid out of the proceeds realised by the sale.

COLLISION BETWEEN SHIPS

Duty of master of ship in case of collision.

24. (1) In every case of collision between two ships within the territorial waters of Guyana, it shall be the duty of the master of each ship, if and so far as he can do so without danger to his own ship, crew, and passengers, if any, to stay by the other ship until he has ascertained that she has no need of further assistance, and to render to the other ship, her master, crew, and passengers, if any, such assistance as is practicable and necessary in order to save them from any danger caused by the collision, and also to give to the master the name of his own ship and of her port of registry, or of the port or place to which she belongs, and also the names of the ports or places from which and to which she is bound.

(2) If he fails to do so, and no reasonable cause for his failure is shown, the collision, in the absence of proof to the contrary, shall be deemed to have been caused by his wrongful act, neglect, or default.

(3) Every master of a ship who fails without reasonable cause to render the assistance or give the information aforesaid shall be deemed guilty of a misdemeanour, and, if he is certificated, an inquiry into his conduct may be held and his certificate may be suspended or cancelled under the regulations.

REGULATIONS

Regulations.
[6 of 1997
7 of 1998]

25. (1) Subject to affirmative resolution of the National Assembly, the Director may make regulations relating to all or any of the following matters:

- (a) the periodical inspection of all vessels employed in coasting voyages and of the boats and equipment thereof, and the ensuring their being kept in good

- order and in a seaworthy condition;
- (b) the registration of those vessels and of the number of persons employed on board;
 - (c) requiring certificates of competency to be held by the masters, mates, or persons in charge of those vessels, and the holding of examinations for that purpose;
 - (d) the suspension and cancellation of certificates of competency, and the prevention of uncertificated persons having the charge of those vessels;
 - (e) ensuring the safety and proper accommodation of passengers and regulating the number of persons to be carried on board of those vessels, an on board of vessels of less than one hundred and fifty tons on voyages between Guyana and any place without it;
 - (f) requiring an inspection of vessels of less than one hundred and fifty tons carrying passengers from any place within Guyana to any place without it;
 - (g) prescribing the lights to be carried by vessels within the territorial waters of Guyana;
 - (h) regulating and determining what fees are to be paid in respect of the several matters hereinbefore mentioned, and

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c. 7:01

by whom; and those fees may be recovered under the provisions of the Summary Jurisdiction (Petty Debt) Act as if they were a debt due to the Director by the person liable to pay them; and

- (i) generally, the better carrying out of the provisions of this Part.

(2) Everyone who commits a breach of any regulation aforesaid shall be liable to the penalty provided in the regulation or, if no penalty is provided, to a fine of nineteen thousand five hundred dollars.

(3) In addition to the penalty to which he is hereby made liable, every master of a vessel who commits a breach of any regulation shall be liable to be apprehended and detained by any inspector, officer of customs, or police constable, until he can be dealt with in due course of law, and the vessel in respect of which the breach is committed may be seized and detained by anyone as aforesaid until the penalty prescribed by the regulation, together with costs and the expenses incurred in the detention, is paid, and, if it is not paid, the vessel and the goods therein may be sold in satisfaction thereof.

UNSEAWORTHY COMMONWEALTH SHIP

Punishment for sending an unseaworthy ship to sea.

26. (1) Anyone who sends, or attempts to send, or is party to sending or attempting to send, a Commonwealth ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, shall in respect of each offence be guilty of a misdemeanour and liable to imprisonment for two years, unless he proves that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in that unseaworthy state was in the circumstances reasonable and justifiable; and for the purpose of giving that proof he may give evidence in

the same manner as any other witness.

(2) The master of a Commonwealth ship who knowingly takes the ship to sea in such an unseaworthy state that the life of anyone is likely to be thereby endangered shall be guilty in respect of each offence of a misdemeanour and shall be liable to the punishment prescribed in the preceding subsection, unless he proves that her going to sea in that unseaworthy state was in the circumstances reasonable and justifiable; and for the purpose of giving that proof he may give evidence in the same manner as any other witness.

(3) No prosecution under this section shall be instituted without the consent in writing of the Director of Public Prosecutions.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

27. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby anyone is bound to serve as an apprentice on board a ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of her for sea, or the sending of her to sea, shall use all reasonable means to ensure her seaworthiness for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage:

Provided that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of her to sea in that state is reasonable and justifiable.

DETENTION OF UNSAFE COMMONWEALTH SHIP

Survey of unsafe

28. (1) Where the Director has received a complaint or has reason to believe that any Commonwealth ship, being

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Common-wealth ship and proceedings thereon.
[6 of 1997
7 of 1998]

within the territorial waters of Guyana, is, by reason of the defective condition of her hull, equipment, or machinery, or by reason of overloading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended (that ship being hereinafter referred to as "unsafe"), the Director may if he thinks fit, and when directed by the Minister to do so shall forthwith, appoint some competent person or persons to survey the ship and the equipment, machinery, and cargo thereof, and to report thereon to him.

c. 49:01

(2) Anyone so appointed may require, for the purpose of the survey, the unloading or removal of any cargo, ballast, or tackle, and shall have all the powers of an inspector appointed under the Guyana Shipping Act.

Penalty for prevention or obstruction.

(3) Anyone who (having notice of the intention to hold the survey) wilfully does or causes to be done any act whereby the person appointed to make the survey is prevented from or obstructed in ascertaining the condition of the ship, and her equipment, machinery and cargo, shall be liable to a fine of forty-eight thousand seven hundred and fifty dollars.

(4) The Director may if he thinks fit, and when required by the Minister to do so shall, direct that any Commonwealth ship which he believes to be unsafe shall be detained for the purpose of being surveyed under this section, and thereupon any officer of customs may detain that ship until her release is ordered either by the Minister, or by the Director, or by the High Court on appeal as hereinafter mentioned.

(5) On the receipt of the report of the person making the survey, the Director, if in his opinion the ship cannot proceed to sea without serious danger to human life, may make such further order as he thinks requisite as to the detention of the ship or as to her release, either absolutely or upon the performance of any conditions with respect to the

execution of repairs or alterations, or the unloading or reloading of cargo, the Director imposes. The Director may also from time to time vary or add to the order.

(6) A copy of the order and of the report upon which it was founded, and also of any variation of or addition to the order, shall be delivered as soon as possible to the owner or master of the ship to which it relates.

Supplemental provisions relating to survey of unsafe ship. [7 of 1998]

29. (1) If, upon the survey of a ship under this Act she is reported to have been, at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred by the Director in respect of the survey shall be paid by the owner of the ship to the Director and, without prejudice to any other remedy, shall be recoverable by him in the same manner as salvage is recoverable.

(2) If, upon the survey, the ship is not reported to have been unfit to proceed to sea, having regard to the nature of the service for which she was intended, the Minister may direct that, out of any moneys provided or to be provided for the purpose, compensation shall be paid to anyone for any loss or damage which he may have sustained by reason of the detention of the ship for the purpose of the survey, or otherwise in respect of the survey.

(3) Where a complaint has been made to the Director that a ship is not fit to proceed to sea, he may, if he thinks fit, before directing a survey of the ship, require the complainant to give or provide such security as he thinks sufficient for the payment of the costs and expenses which may be incurred in respect of the survey of the ship and the compensation which may become payable for loss or damage caused by her detention for the purpose of the survey, or otherwise in respect of the survey.

(4) Where a ship has been surveyed under this Part

in consequence of a complaint made to the Director, if, upon survey made, it appears that the complaint was made without reasonable cause, the expenses incurred by the Director in respect of the survey of the ship, and the amount, if any, which may become payable in respect of any loss or damage caused by her detention, shall be recoverable by the Director from the complainant.

(5) All moneys payable in respect or by reason of the survey or detention of a ship under this Part, subject to the right by this section provided of recovering those moneys from the complainant, shall become payable only when Parliament has provided the money and shall be paid out of the money provided for that purpose, and no personal liability shall attach to any officer in respect of the survey or detention of a ship under this Part unless it is alleged and proved that he acted maliciously and without any reasonable cause.

Right of appeal
of owner or
master of ship
to the High
Court.

30. (1) If the owner or master of a ship surveyed under this Part is dissatisfied with any order of the Director made upon the survey, he may apply to the High Court in the exercise of its admiralty jurisdiction.

(2) The Court may upon the application, if the Court thinks fit, appoint one or more competent persons to survey the ship anew, and any surveyor so appointed shall have all the powers of the person by whom the original survey was made. The survey anew, if so required by the Director or the owner, consignee, or master of the ship, shall be made in the presence of any person or persons appointed by them respectively to attend at the survey.

(3) The Court may make any order to it seeming just, as to—

- (a) the detention or release of the ship;
- (b) the amount of the compensation

payable for any costs and damages which may have been occasioned by her detention;

- (c) the expenses of the original survey and of the survey a new, and otherwise; and
- (d) the costs of an incident to the application.

DETENTION OF OVERLADEN FOREIGN SHIP

Application to overladen foreign ship of preceding provisions as to detention.

31. Where a foreign ship has taken on board all or any part of her cargo within Guyana and, whilst within the territorial waters of Guyana, is unsafe by reason of overloading or improper loading, the provisions of this Part with respect to the detention of Commonwealth ships shall apply to that foreign ship as if she were a Commonwealth ship, with the following modifications:

- (a) a copy of the order for the detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained; and
- (b) where a ship has been detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Director to survey the ship shall be accompanied by a person selected by the consular officer, and in that case, if the surveyor and that person agree, the Director shall cause the ship to be detained or released as may be agreed by the surveyor and that

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person, but if they differ, the Director shall refer the matter for the consideration of the High Court in the exercise of its jurisdiction aforesaid, and the Court shall have full power to make such order as the justice of the case may require.

MISCELLANEOUS PROVISIONS

Prosecution for breach of Act or regulations.

32. Any inspector, officer of customs, or police constable, may prosecute for a breach of any of the provisions of this Part or of the regulations.

Reward to informer.

33. Such portion of all penalties and of the proceeds of seizures recovered under this Part, or under the regulations, as the Minister may award and determine, shall be paid to the person or persons, not being a salaried officer or officers of the Government, who have been instrumental in obtaining a conviction.

Savings.

34. Nothing in this Part shall affect—

- (a) any regulations made under any Act relating to the prevention of shipping casualties, but those regulations, so far as they are not inconsistent with this Part, shall continue in force unless and until they are altered, amended, or revoked under this Part; or
- (b) the tenure of office of any inspector of shipping appointed under such Act as aforesaid; but each of those inspectors who holds office at the commencement of this Part shall be deemed to have been appointed under this Part.

Exemption
from inspection
in certain cases.

35. (1) The Minister may exempt from all or any of the provisions of this Part relating to inspection any vessel under contract with the Government in respect of which sufficient powers of inspection are in his opinion given under the contract.

(2) No inspection of a vessel under this Part by an inspector shall extend, except by the special direction of the Minister, to the hull or the machinery or boilers of any vessel in respect of which there is in force a certificate, issued by the society known as Lloyd’s Register of British and Foreign Shipping, stating that the hull and the machinery and boilers are in a good and sufficient state and safe working order.

SCHEDULE

s. 11

SUMMONS TO WITNESS

To A.B. (name of witness and his calling and residence, if known).

You are hereby summoned to appear before (here name the members of the court) appointed by the Minister to inquire (state briefly the subject of the inquiry) at (place) on the.....day of.....20....., ato’clock,m., and to give evidence respecting that inquiry (if the person summoned is to produce any documents, add *and you are hereby required to bring with you* (specify the books, plans, and documents required)).

Therefore fail not at your peril.

Given under the hand of member of the court of inquiry, thisday of.....20.....

SUBSIDIARY LEGISLATION

NOTE

*Rules have been issued under section 9(1) in respect of the
Following investigations:*

- R. 6/1961 – *the investigation into the collision of the Vessels
“Van S” and “Lowood II”;*
- R. 8/1961 – *the investigation into the sinking of the Vessel m.v.
“Batchelder”; and*
- R. 3/1969 – *the investigation into the cause of the accident which led
to the loss of the m.v. “Powis”.*

**COASTING AND PASSENGER TRADE
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

INSPECTION AND LICENSING OF VESSELS

2. Inspection of vessel employed in coasting voyages.
3. Granting of annual licence to vessel employed in coasting voyages.
4. Registration of vessels and persons employed in coasting voyages and of persons employed therein.

REGULATION

CERTIFICATES OF COMPETENCY

5. Certificate of competency required of master, etc., of vessels employed in coasting voyages.
6. Power to suspend or cancel certificate of competency.
7. Production, on demand, of certificate of competency.
8. Prohibition of vessel employed in coasting voyages proceeding on voyage without certificated master, etc., on board.
9. Prohibition of person not certificated acting as master or mate.

INSPECTION OF PASSENGER VESSELS

10. Inspection of small vessels carrying passengers without Guyana.

SAFETY AND ACCOMMODATION OF PASSENGERS

11. Inspector to satisfy himself as to safety and accommodation of passengers.
12. Coasting vessels to be subject to like inspection.
13. Number, etc., of persons to be carried by vessels employed in coasting voyages.
14. Mode of carrying life-buoys and life-belts.

LIGHTS

15. Lights to be carried by vessels when under way and at anchor.
16. Non-compliance with requirements as to lights.

MISCELLANEOUS PROVISIONS

17. Furnishing of books, etc., for vessel.
18. Fees.

SCHEDULES

FIRST SCHEDULE – Equipment of coastal vessels.

SECOND SCHEDULE – Examination.

THIRD SCHEDULE – Equipment of passenger vessels.

FOURTH SCHEDULE – Fees.

Reg. 28/4/1896
11/4/1902

**COASTING AND PASSENGER TRADE
REGULATIONS**

made under section 25

Citation.

1. These Regulations may be cited as the Coasting and Passenger Trade Regulations.

INSPECTION AND LICENSING OF VESSELS

Inspection of vessel employed in coasting voyages.

2. (1) Every vessel employed in coasting voyages shall, with her boats and equipments, be surveyed at least once in every year by an inspector.

(2) If, on such survey, any such vessel is found to be seaworthy and to be furnished with the articles mentioned in the First Schedule to these Regulations, and if her boats and equipments are found to be sufficient, in good order, and seaworthy, the inspector shall give to the owner or master of such vessel a certificate to that effect, and shall state in such certificate the total number of persons which such vessel may lawfully carry.

First Schedule.

(3) If, on such survey, any such vessel is found to be in bad order or unseaworthy, or to be not furnished with the articles mentioned in the First Schedule, or if her boats

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Coasting and Passenger Trade Regulations

and equipments are found to be insufficient, in bad order, or unseaworthy, the inspector shall forthwith give to the owner or master of such vessel a statement in writing of the particulars of the bad order or unseaworthiness of such vessel, or of the articles required, or of the insufficiency, bad order, or unseaworthiness of the boats and equipments, and shall, at the same time, require that the defects and deficiencies specified in such statement be made good before the vessel proceeds on her next voyage.

(4) After receipt by the owner or master of such statement and requisition, it shall not be lawful for such vessel to proceed or attempt to proceed on a voyage without such defects and deficiencies having been made good, to the satisfaction of an inspector, and the owner and master of any such vessel so proceeding or attempting to proceed shall respectively be deemed to have committed a breach of these Regulations.

Granting of annual licence to vessel employed in coasting voyages.
c.80:01.

3. (1) No licence under the Tax Act shall be issued for any such vessel until after the production to the Treasury of a certificate from an inspector that such vessel, with her boats and equipments, has been duly surveyed during the twelve months immediately preceding the date of the application for such licence, and that the requisition, if any, made on such survey has been duly complied with.

(2) The officer of the Treasury granting such licence shall mark the number thereof on the certificate of survey.

(3) The number of such licence be painted on each side of bow and on the stern of the vessel licensed, in letters not less than three inches in length, in white on a black ground.

(4) The total number of persons which such vessel is certified to carry shall also be painted on the vessel in the

like places and like manner, immediately under the number of the licence.

(5) The licence shall state the total number of persons which the vessel licensed is certified to carry.

(6) In any case of non-compliance with any requirement of this regulation, the owner of the vessel in respect of which such non-compliance takes place shall be deemed to have committed a breach of these Regulations.

Registration of vessels and persons employed in coasting voyages, and of persons employed therein.

4. (1) Each inspector shall keep a book, to be called a "Register Book," for each successive year, and shall enter therein the names of all vessels employed in the coasting trade of Guyana, and of all vessels carrying freight for hire along the coasts, or within the ports of Guyana, which may be inspected by him, their ports of registration, registered numbers, and tonnage, their owners', masters', and mates' names, and the number of all persons employed on board of them, for each vessel respectively.

(2) Such register book shall be at all times open to the inspection of the Commissioner General of the Revenue Authority and of any officer of the Guyana Revenue Authority duly authorised in that behalf by the Commissioner General, and shall be a public record, which shall be claimed by, and be delivered to, the Commissioner General, whenever the person keeping it from any cause ceases to be an inspector.

(3) The owner of any such vessel shall cause any change in the name of the owner, master, or mate, or in the number of the crew of such vessel, to be registered by an inspector within fourteen days after such change, under a penalty not exceeding ten dollars in case of his failure to do so.

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Coasting and Passenger Trade Regulations

(4) Each inspector shall note in his register book the result of any inspection of any such vessel made by him under these Regulations.

CERTIFICATES OF COMPETENCY

Certificate of competency required of master, etc., of vessel employed in coasting voyages.

5. (1) No person shall be held to be qualified to be the master or mate of a vessel employed in coasting voyages unless such person produces a certificate of competency for his duty, to the satisfaction of the inspector in whose register book such vessel may be entered, and such inspector, if he is so satisfied, shall, on production of such certificate, testify his satisfaction in writing on the face of such certificate, whereupon such master or mate shall be deemed qualified for his duty.

(2) If the owner of any such vessel employs any person as the master, mate, or person in charge of such vessel who is not so qualified for duty as aforesaid, such owner shall be deemed to have committed a breach of these Regulations.

Second Schedule.

(3) Any inspector may grant a certificate of competency required by this regulation, after such an examination in the subjects mentioned in the Second Schedule as such inspector may think fit.

Power to suspend or cancel certificate of competency.

6. It shall be lawful for any inspector to suspend, for such period, not exceeding six months, as he may think fit, or to cancel, any certificate of competency granted under these regulations for any of the following offences:

- (a) drunkenness when on duty;
- (b) habitual drunkenness;
- (c) gross misconduct or repeated misconduct, including repeated violations of the Act, or

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repeated breaches of these Regulations; and

- (d) mental or physical disability;

Provided that –

- (a) no such order of suspension or cancellation shall be made except after due inquiry by such inspector, and after the person against whom any charge of having committed any such offence has had a full opportunity of making his defence thereto;
- (b) an appeal shall lie from the decision of an inspector under this regulation to the Minister, whose order shall be final.

Production, on demand, of certificate of competency.

7. The master of any vessel employed in coasting voyages and the mate of any such vessel which is required to carry a certificated mate, shall, on demand by any inspector, officer of the Guyana Revenue Authority, or police constable, produce his certificate of competency, and, in default of so doing, shall be deemed to have committed a breach of these Regulations.

Prohibition of vessel employed in coasting voyages proceeding on voyage without certificated master, etc., on board.

8. (1) It shall not be lawful for any vessel employed in coasting voyages to proceed or attempt to proceed on a voyage without having on board a certificated master, or for any such vessel of twenty tons or over, other than an estate punt having only the crew on board, to proceed or attempt to proceed on a voyage without having on board a certificated mate.

- (2) If any such vessel proceeds or attempts to

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Coasting and Passenger Trade Regulations

proceed on a voyage in violation of any requirement of this regulation, the owner and master of such vessel shall respectively be deemed to have committed a breach of these Regulations.

Prohibition of person not certificated acting as master or mate.

9. If any person, not being duly certificated in that behalf as required by these regulations, acts as the master or mate of a vessel which is required by these Regulations to carry a certificated master or mate, he shall be deemed to have committed a breach of these Regulations.

INSPECTION OF PASSENGER VESSELS

Inspection of small vessels carrying passengers without Guyana.
[Reg. 11/4/1902]

Third Schedule.

10. (1) Every vessel of less than one hundred and fifty tons carrying passengers from any place within Guyana to any place without Guyana may, on each voyage before proceeding to sea, and shall once at least in each year, be inspected by an inspector, who, if he is satisfied with the seaworthiness of such vessel and of her boats and equipments (which shall comprise the articles mentioned in the Third Schedule), shall certify accordingly in writing, and such certificate shall be produced by the master to the Commissioner General of the Revenue Authority at the time of clearing such vessel:

(2) In any case where the inspector is unable to give such certificate, he shall forthwith furnish the owner or master of such vessel with a statement in writing of the unseaworthiness of such vessel, and shall at the same time require that such vessel be made seaworthy before she proceeds on a voyage.

(3) The inspector shall, at the time of furnishing the owner or master of such vessel with a statement of her unseaworthiness, also furnish the Commissioner General of the Revenue Authority with a duplicate copy of such statement.

(4) If, after receipt by the owner or master of such statement and requisition, such vessel nevertheless proceeds or attempts to proceed on a voyage without such requisition having been complied with, the owner and master of such vessel shall respectively be deemed to have committed a breach of these Regulations.

(5) Nothing in this regulation shall be construed or taken to affect the operation of the Guyana Shipping Act.

c. 49:01

SAFETY AND ACCOMMODATION OF PASSENGERS

Inspector to satisfy himself as to safety and accommodation of passengers.

11. (1) At the time of making an inspection as required by the last preceding regulation, the inspector who so inspects any such vessel shall also satisfy himself that the safety and accommodation of the passengers to be conveyed by such vessel have been provided for.

(2) If he is so satisfied, he shall state so in writing on the certificate required to be given under the said regulation, and if he is not so satisfied, he shall forthwith report accordingly in writing to the Commissioner General of the Revenue Authority and to the owner or master of such vessel and shall require the owner or master to do what is necessary to ensure such safety and accommodation before such vessel proceeds on a voyage.

(3) If, after receipt by the owner or master of such requisition, such vessel nevertheless proceeds or attempts to proceed on a voyage without such requisition having been complied with, the owner and master of such vessel shall respectively be deemed to have committed a breach of these Regulations.

(4) For the better carrying out of the provisions of this regulation any inspector shall, in the certificate given by

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Coasting and Passenger Trade Regulations

him in relation to any such vessel, specify the total number of person which such vessel may safely carry, not exceeding in any case the number allowed by section 6 of the Passengers Act.

c. 49:03

(5) If any such vessel proceeds or attempts to proceed on a voyage with any passenger in excess of the number so specified, the owner and master of such vessel shall respectively be deemed to have committed a breach of these Regulations.

Coasting vessels to be subject to like inspection.

12. Every vessel, not being a punt, proceeding on a coasting voyage carrying passengers shall be subject to the control provided in the last preceding regulation for the safety and accommodation of passengers under like penalties in case of non-performance.

Number, etc., of persons to be carried by vessels employed in coasting voyages.

13. (1) It shall not be lawful for any sailing vessel employed in coasting voyages –

- (a) of less than twelve tons, to carry any passengers;
- (b) of twelve tons and not exceeding twenty tons to carry more than one person from each two tons, the crew and passengers, if any, and all other persons on board being included;
- (c) exceeding twenty tons to carry more than one person for each two tons of the first twenty tons and more than one person for each ton above the first twenty tons, the crew and passengers, and all other person on board being included.

(2) Any such vessel while on a voyage with

passengers on board shall carry not less than one-third of her tonnage as ballast.

(3) It shall be lawful for steam vessels employed in coasting voyages to carry such number only of passengers as they may be found capable of carrying, as ascertained in accordance with the survey established from time to time by the Board of Trade of the United Kingdom, in their instructions as to the survey of passenger accommodation on vessels plying in partially smooth water, within the excursion limits of the ports, and for other sea-going home trade vessels. The Minister shall have power by notice in the *Gazette* to declare what coasting voyages shall be deemed to be in partially smooth waters, within the excursion limits of the ports of Guyana, and within the sea-going home trade, respectively.

(4) For every square yard of space on deck of any vessel employed in coasting voyages occupied by cattle or other animals, or by cargo or other articles, there shall be deducted one passenger from the number of passengers allowed to be carried.

(5) Shelter shall be provided for not less than one-sixth of the persons, other than saloon and after-cabin passengers, on board of any such vessel.

(6) The master of any sailing vessel employed in coasting voyages which is about to proceed with passengers on board from Georgetown or New Amsterdam on a voyage of more than fifty miles in length shall, before the vessel proceeds on the voyage, make and deliver to an officer of the Guyana Revenue Authority at the port of departure a declaration in writing in which shall be set forth the number and names of the passengers. For the purposes of this regulation, the Minister shall have power, by notice in the *Gazette*, to declare what voyages from Georgetown and New

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Coasting and Passenger Trade Regulations

Amsterdam respectively are voyages of more than fifty miles in length, and such voyages shall be deemed to be of that length accordingly.

(7) In any case of non-compliance with any requirement of this regulation, the owner and master of the vessel in respect of which such non-compliance takes place shall respectively be deemed to have committed a breach of these Regulations.

Mode of carrying life-buoys and life-belts.

14. (1) Where it is required by these Regulations that any life-buoy or life-belt shall be carried on board of any vessel such life-buoy or life-belt shall be carried in such position or place and in such manner as to be easily seen, and to be readily available for immediate use.

(2) In any case of non-compliance with any requirement of this regulation, the owner and master of the vessel with respect to which such non-compliance takes place shall respectively be deemed to have committed a breach of these Regulations.

LIGHTS

Lights to be carried by vessels when under way and at anchor.

15. The lights hereinafter mentioned, and no others, shall be carried by vessels in all weathers, from sunset to sunrise, within the territorial waters of Guyana:

(1) A steam vessel when under way shall carry –

- (a) on, or in front of the fore-mast, at a height above the hull of not less than twenty feet, and, if the breadth of the vessel exceeds twenty feet, then at a height above the hull not less than such breadth, a bright white light, so constructed as to show a uniform and unbroken light over an arc of the

horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam in either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.

- (b) on the starboard side, a green light so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles;
- (c) on the port side, a red light so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles; and
- (d) the said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

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Coasting and Passenger Trade Regulations

(2) A sailing vessel, other than an open boat, under way or being towed, shall carry the same lights as are provided for a steam vessel under way, with the exception of the white light, which she shall not carry.

(3) A vessel, other than an open boat, whether a steam vessel or a sailing vessel, when at anchor or moored, except when secured to a wharf or stelling, shall carry, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of not less than eight inches in diameter, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least one mile.

Non-compliance with requirements as to lights.

16. In any case of non-compliance with any requirement of the last preceding regulation, the owner and master of the vessel with respect to which such non-compliance takes place shall respectively be deemed to have committed a breach of these Regulations.

MISCELLANEOUS PROVISIONS

Furnishing of books, etc., for vessel.

17. All books, charts, papers, instruments, lights, and other things which may be considered by an inspector to be necessary for the safe navigation of any vessel shall be supplied at the expense of the owner of such vessel, and shall be taken to be a part of such vessel's equipments.

Fees.
Fourth Schedule.

18. The fees set forth in the tariff contained in the Fourth Schedule shall be payable in respect of the several matters therein mentioned.

reg. 2

FIRST SCHEDULE

**EQUIPMENT OF VESSELS EMPLOYED IN COASTING
VOYAGES**

1. (a) Vessels not exceeding 25 tons, 1 anchor, with at least 30 fathoms of chain cable.

(b) Vessels exceeding 25 tons, 2 anchors, with at least 30 fathoms of chain cable on one and at least 45 fathoms on the other.

2. Side and anchor lights, as required by these Regulations.

3. 1 bilge pump.

4. An entire suit of sails, in good order.

5. 1 compass.

6. 1 lifebuoy.

7. Lifebelt for every person on board in excess of the total boat accommodation.

8. 1 boat, of a cubic capacity according to tonnage of vessel, say, from 35 to 150 cubic feet. In the latter case two small boats may be carried in lieu of one large one.

9. The name of the vessel must be painted on each side of her bow. Her name, and the name of her port of registry, must be painted on her stern. Such names shall be so painted on a dark ground in white or yellow letters, or on a light ground in black letters, and such letters shall in either case be not less than two inches in length and of proportionate breadth.

Note. – The requirement specified in No. 5 is not to apply in the case of punts and vessels not exceeding 25 tons not carrying passengers.

[Subsidiary]

Coasting and Passenger Trade Regulations

reg. 5

SECOND SCHEDULE

SUBJECTS FOR EXAMINATION OF MASTERS AND MATES OF VESSELS EMPLOYED IN COASTING VOYAGES

1. Rule of the road, as applicable to sailing vessels, and, in the case of a master or mate of a steam vessel, to steam vessels also.
2. How to act in case of "Man overboard" or in case of "Fire."
3. Any questions relating to the management of a sailing vessel, and, in the case of a master or mate of a steam vessel, of a steam vessel also.

reg. 10

THIRD SCHEDULE

EQUIPMENT OF VESSELS OF LESS THAN 150 TONS CARRYING PASSENGERS FROM ANY PLACE WITHIN GUYANA TO ANY PLACE WITHOUT GUYANA

1. Quadrant or sextant, chronometer, logarithm book and compass.
2. 2 anchors and 2 cables.
3. 1 kedge anchor, with hemp or manila rope.
4. Side and anchor lights, as required by these regulations.
5. 2 pumps.
6. 1 storm trysail, in addition to ordinary suit of sails.
7. 2 lifebuoys, with patent lights attached.
8. 1 boat or boats, of a cubic capacity according to the total number of persons allowed to be carried.
9. Leads and lines.

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reg. 18

FOURTH SCHEDULE

TARIFF OF FEES TO BE PAID BY THE OWNERS OF
VESSELS TO INSPECTORS AND ADMEASURERS OF
SHIPPING FOR SERVICES TO BE PERFORMED IN
PURSUANCE OF THE FOREGOING REGULATIONS

	\$	c.		
(a) For each and every survey of a vessel exceeding 50 tons, including certificate as to good order and seaworthiness of vessel surveyed.	5	00		
(b) For do. do. of a vessel not exceeding 50 tons.	2	50		
(a) For every examination as to competency of a master of any vessel employed in coasting voyages, and for granting such person certificate of competency.	2	50		
(b) For do. do. of a mate as above.	1	20		
(a) For every annual inspection and survey of any vessel of less than 150 tons about to carry passengers from any place within Guyana to any place without Guyana, and for such certificate as may be required.	10	00		
(b) For every occasional inspection and survey of any such vessel, and for such certificate as may be required, such fee, if any, not exceeding \$10 as may be allowed by the Minister.				
To an inspector for ascertaining the number of passengers capable of being carried by a steam vessel, in accordance with regulation 13 (3) –				
(a) Vessels under 120 feet in length, deck measurement	15	00		

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Coasting and Passenger Trade Regulations

(b) Vessels of greater length 20 00

To an Admeasurer of Shipping for the measurement of ships or vessels –

1. For the measurement for tonnage of a ship or vessel under 100 tons, the hold being clear, according to Rule I of the Merchant Shipping Act, including certificate of such measurement. 15 00

2. For the measurement of a ship or vessel above 100 tons, the hold being clear, according to Rule I of the Merchant Shipping Act, including certificate of measurement. 25 00

3. For measurement of a foreign ship or vessel for tonnage, having cargo, stores, ballast or dunnage on board, and fitted with bulkheads, cabins or other fixtures, and which ship or vessel cannot be correctly measured under Rule I of the Merchant Shipping Act, including certificate of measurement, the measurement of such ship or vessel being made under Rule II of the Merchant Shipping Act. 10 00

4. For measurement of each crew space intended for the berthing and sleeping accommodation of crew in a ship or vessel, when not included in the first measurement of such ship or vessel for tonnage, including certificate of measurement. 5 00

5. For measurement of a poop, or saloon, or cabin, or deckhouse, or other enclosed space in a ship or vessel, when not included in the first measurement for tonnage, including

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certificate of measurement.	2	00
6. For each separate measurement, when practicable, for allowance of engine room space for propelling power in steam vessels, including certificate therefor, if required.	5	00
7. For measurement of a decked punt or an open vessel or boat and certificate therefor, if required.	2	00
8. For measurement for tonnage, when necessary, of space occupied by deck cargo, and when such space is not included in the cubical contents forming the ship or vessel's register, including certificate of measurement.	2	00
9. For each duplicate certificate of measurement of tonnage or crew space, or saloon or cabin or engine room space for propelling power.	1	00
10. For each visit by an Admeasurer of Shipping (other than the first visit for the purpose of the measurement of a ship or vessel), and when such visit is made for the inspection of the ship or vessel, in order that he may give his certificate of survey in respect to the compliance with the requirements of the Guyana Shipping Act.	2	00

[Subsidiary]

Bouying of Punts Regulations

Reg. 15/9/1920

BUOYING OF PUNTS REGULATION

made under section 25

Citation.

1. This Regulation may be cited as the Buoying of Punts Regulations.

Mode of
buoying.

2. All punts whether open or decked shall have attached to the hull a rope at least 30 feet long with an approved buoy made fast to the other end of it. The said rope shall at all times be kept clear for running, and free from any obstruction whatever so that should the punt sink the buoy would float clear and remain on the surface to mark the position of the punt.