

LAWS OF GUYANA

GUYANA SHIPPING ACT

CHAPTER 49:01

Act

7 of 1998

Amended by

7 of 2006

**Current Authorised Pages**

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
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**Note  
on  
Subsidiary Legislation**

At the time of this publication , the Guyana Shipping (Ship and Port Facility Security) Regulations 2004, were being substantially revised and have therfore been omitted from this publication.

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**CHAPTER 49:01**  
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**CHAPTER 49:01  
GUYANA SHIPPING ACT**

7 of 1998

**An Act to provide for the regulation of ships, and the property therein and owners thereof, the behaviour of the master and mariners and their respective rights, duties, and liabilities as regards the carriage of passengers and goods by ships, collision between ships, salvage, rights, liabilities, claims, contracts, and matters arising in respect of ships and for matters connected therewith and incidental thereto.**

[24<sup>TH</sup> DECEMBER, 1998]**PART I  
PRELIMINARY**

Short title.

1. This Act may cited as the Guyana Shipping Act.

Interpretation.  
[ 7 of 2006]

2. In this Act –

“agent” means in relation to a ship, an agent of the owner, not being a managing owner, vested with a specific authority by the owner,

“aircraft” means any ship or vessel designed for flying but capable of being manoeuvred on water and includes a seaplane or any ship or vessel able to alight upon or hover over water;

“apprentice” means a trainee officer and includes a cadet;

“bankruptcy” includes insolvency and any other process leading to the liquidation of assets,

“cargo” includes livestock;

“cargo ship” means a ship which is not a passenger ship or a fishing vessel;

“Caribbean Community” means the Caribbean Community (CARICOM) established by the Revised Treaty of Chaguaramas including the Caricom Single Market and Economy signed at Nassau, the Bahamas on the 5<sup>th</sup> July 2001;

“Caricom State” means a State member of the Caribbean Community;

“consular officer” means a person discharging the duties of a consular officer on behalf of the Government of Guyana, and when used in relation to a country other than Guyana, means the officer recognised by the Government of Guyana as a consular officer of that other country;

“crew” in relation to a ship includes seamen and apprentices;



“Director” means the Director of Maritime Affairs appointed under section 4, and includes any person lawfully acting under the instructions of or on behalf of the Director;

c. 32:02

“duly qualified medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners Act;

“fishing vessel” means a vessel of whatever size and in whatever way propelled which is used or intended to be used for catching fish for gain;

“foreign ship” means a ship which is not a Guyana ship;

“international voyage” means a voyage from a port in one country to a port in another country,

“Guyana” includes Guyana waters;

“Guyana Government ship” means a ship which belongs to the Government of Guyana but does not include a ship which forms part of the Guyana Defence Force;

“Guyana ship” means a ship which is-

- (a) registered or licensed in Guyana under this Act; or
- (b) exempted under this Act from being registered or licensed.

c. 63:01

“Guyana waters” includes the internal waters and the territorial sea as defined in the Maritime Zones Act;

“licensed Guyana ship” means a ship that is licensed pursuant to section 49;

“local trade in Guyana waters” means the transport locally of

passengers or goods or the carrying out of any other operation or activity locally, within Guyana waters, for profit or reward;

“machinery” includes propulsion systems, steering systems, pressurized containers and systems, pumping systems, windlasses, electrical systems and all similar apparatus required for, or affecting, the safety or operation of a ship or the safety of the personnel on board a ship;

“managing owner” in relation to a ship includes any person not being an agent in whom an owner of such ship has vested authority to manage and operate the ship;

“marine officer” means a person appointed as such under section 6 and includes any person lawfully acting under the instructions of or on behalf of the Director;

“master” includes every person lawfully having, for the time being, command or charge of any ship;

“merchant ship” means any ship other than a fishing vessel or a ship which forms part of the Defence Force of Guyana;

“Minister” means the Minister responsible for shipping and water transportation;

“national” means a person who –

- (a) is a citizen of a Caribbean Community State;
- (b) has a connection with a Caribbean Community State of a kind which entitles him to be regarded as belonging to or, if it be so expressed, as being a native or resident of the State for the purposes of the laws thereof relating to immigration; or

- (c) is a body corporate constituted in the Caribbean Community State, in accordance with the laws thereof and which that Caribbean Community State regards as belonging to it, provided that such body corporate has been formed for gainful purposes and has its registered office and centre of administration, and carries on substantial activities within the Caribbean Community and is substantially owned and effectively controlled by the person mentioned in paragraph (a) or (b);

For the purposes of this definition a body corporate is –

- (i) substantially owned if more than fifty per cent of the equity interest of the company is beneficially owned by nationals mentioned in paragraph (a) or (b);
- (ii) effectively controlled if the nationals mentioned in paragraph (a) or (b) have the power to name a majority of its directors or otherwise legally to direct its actions

“officer” in relation to ships’ officers includes a master and a deck engineer, radio or medical officer;

“owner” in relation to a ship includes a demise or bareboat charterer and a managing owner;

“passenger” means any person carried on board a ship except

–

- (i) the master, a member of the crew, or a person employed or engaged in any capacity on board the ship on the business of the ship and signed on the ship's articles of agreement as such person;

- (ii) a child under one year of age; or
- (iii) a person carried on the ship under an obligation imposed upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances which neither the master nor the owner nor the charterer, if any, could prevent or forestall;

“passenger ship” means a ship which is constructed for, or which is habitually or on any particular occasion used for, carrying more than twelve passengers;

“person qualified to own a Guyana ship” has the meaning assigned to it in section 11;

“pilot” in relation to any ship means any person not belonging to the ship who for the time being has the conduct thereof,

“pleasure craft” means a ship, however propelled, that is used exclusively for pleasure and does not carry passengers or cargo for hire or reward, but does not include a vessel that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;

c. 82:01

“port” means any place which is for the time being appointed to be a port under the Customs Act;

“Port of Registry” in relation to any ship means the port where she is for the time being registered;

“proper officer” in relation to any function or activity under this Act means a person authorised to perform that function or activity and may include a “consular officer”;

“public officer” has the meaning assigned to that expression

in article 232 of the Constitution;

“receiver” means a receiver of wreck appointed or designated under section 342;

“Registrar” means the registrar of Guyana ships or the registrar of seamen, as the case may be, appointed under section 4;

“salvage” includes all expenses properly incurred by a salvor in the performance of salvage services;

“seafarer” includes a master, officer and any other category of crew;

“seaman” means every person employed or engaged in any capacity on board any ship, and includes apprentices except for the purposes of sections 188 to 213 inclusive, but does not include a master, pilot or a person temporarily employed on the ship while she is in port;

“ship” includes every description of vessel used in navigation and not propelled by oars;

“shipwrecked persons” means persons belonging to any ship referred to in section 344;

“surveyor of ships” means a person appointed as such under section 4;

“tackle” means, in relation to a vessel, the tackle, machinery, gear, apparatus, and appliances used on board a ship for the loading and unloading thereof;

“vehicle” includes any vehicle of any description, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise;

“vessel” includes every description of water craft used, or capable of being used, as a means of transportation on water;

“wreck” includes –

- (a) flotsam, jetsam, lagan, and derelict found in the waters or on the shores of Guyana;
- (b) cargo, stores, tackle or equipment;
- (c) the personal property of shipwrecked persons; and
- (d) any wrecked aircraft or any part thereof and cargo thereof.

Application to Government ships.

3. (1) Subject to subsections (2) and (3), nothing in this Act shall apply to –

- (a) Guyana Government ships operated for non-commercial purposes;
- (b) ships or aircraft of the Guyana Defence Force.

(2) The Minister may make regulations prescribing the manner and extent to which the provisions of this Act apply to Guyana Government ships operated for non-commercial purposes.

(3) The Minister may, by notification published in the *Gazette*, direct that, subject to such rules as may be made in that behalf, Guyana Government ships may be registered as Guyana ships under this Act and thereupon this Act, subject to any exceptions and modifications which may be made in the notification, shall apply either generally or with respect to any class of ships belonging to the Government registered in

accordance with the rules as they apply to Guyana ships registered in the manner provided by this Act, and for the purpose of such application any reference to an owner shall be construed as a reference to the Director.

## PART II ADMINISTRATION OF THE ACT

Establishment  
of Maritime  
Administration  
Department.

4. (1) There shall be a Maritime Administration Department herein after referred to as the "Department", the function of which shall be to administer this Act and any other law relating to maritime affairs including inland waters.

(2) For the purposes of carrying out functions of the Department the following public officers shall be appointed who shall be marine officers, namely –

- (a) Director of Maritime Affairs, who shall exercise general supervision over all matters relating to maritime affairs including inland waters;
- (b) Registrar of Ships;
- (c) Registrar of Seamen;
- (d) Surveyors; and
- (e) Receiver of Wreck

(3) The Director may delegate the exercise of any powers or the performance of any duties conferred or imposed on him by this Act or any other law to such person or persons as he may think fit.

(4) Any act done by a person referred to in subsection (3) in exercise or performance of any power, right or duty conferred or imposed by his Act or any other law

shall have the same effect as if done by the Director.

Power of  
Minister to give  
directions.

5. The Minister may from time to time give the Director such general directions, not inconsistent with the provisions of this Act or any regulations made thereunder, on the policy to be pursued in the administration of this Act, as he may consider necessary, and the Director and the Registrar shall forthwith take such steps as are necessary or expedient to give effect thereto.

Marine  
Officers.

6. (1) There may be appointed, for the purposes of this Act, such number of marine officers for each port in Guyana as may be necessary.

(2) A marine officer shall exercise his powers and duties under the direction of the Director.

(3) There may be appointed a deputy or deputies to any Marine officer, either generally for the purposes of this Act or for the purposes of particular provisions of this Act.

(4) Any act done by a deputy appointed under subsection (3) in the exercise or performance or purported exercise or performance of any power, right or duty conferred or imposed by this Act shall have the same effect as if done by a marine officer.

Surveyor's  
powers and  
duties.

7. (1) Every surveyor of ships shall have the powers and shall perform the functions and duties prescribed by this Act and any regulations made thereunder.

(2) The functions of a surveyor of ships shall be performed under the directions of the Director and in accordance with any rules made by the Minister.

Registrar of  
ships and  
Registrar of  
seamen.

8. The Director may be appointed the Registrar of Ships and the Registrar of Seamen.



Minister may  
delegate certain  
powers and  
duties.

9. The Minister may, by notification in the *Gazette*, delegate to the Director or any other officer appointed under this Act and specified in such notification, the exercise of any powers or the performance of any duties conferred or imposed on him by or under this Act, other than the power to make orders and regulations, subject to such conditions and restrictions as may be specified in such notification.

### PART III RESTRICTION ON TRADING

Trade in  
Guyana waters.

10. (1) Subject to any regulations made or exemptions granted under this Act, any other written law, or any bilateral or multilateral treaty or agreement, no ship other than a Guyana ship may trade exclusively between ports of Guyana or within waters under Guyana's jurisdiction.

(2) Subject to this Act or any other written law, a ship holding a valid certificate of a foreign registry may trade between a port of Guyana and a foreign port.

(3) No person other than a person qualified to own a Guyana ship as provided by section 11 shall charter or otherwise engage a Guyana ship for trading locally within Guyana waters, except in accordance with such conditions as may be prescribed.

(4) Every Guyana ship trading in any waters and every ship trading in or from Guyana waters shall provide evidence of financial responsibility against risks of damage to third parties, in such manner as may be prescribed.

(5) The master, owner or agent of any ship who contravenes subsections (1), (2) and (4) and any person who contravenes subsection (3) shall be guilty of an offence and be liable to a fine not exceeding one hundred thousand dollars and the ship shall be liable to be detained.

**PART IV**  
**REGISTRATION AND LICENSING OF SHIPS AND**  
**PROPRIETARY INTERESTS IN SHIPS**

*REGISTRATION OF GUYANA SHIPS*

Qualification to  
own a Guyana  
ship.  
[7 of 2006]

11. (1) Subject to subsection (2) and section 3, a ship shall not be registered in Guyana under this Act unless she is wholly owned by persons qualified to own a Guyana ship, that is to say –

- (a) nationals of Guyana;
- (b) persons domiciled or ordinarily resident in Guyana;
- (c) citizens of Caricom States residing in a member country of the Caribbean Community, where the ship is customarily engaged in international voyages;
- (d) a body corporate established under the laws of Guyana and having its principal place of business in Guyana or is a body corporate that is a national of a Caribbean Community state;
- (e) persons in *bona fide* joint venture relationships with any of the categories of persons described in paragraphs (a) and (c), or
- (f) such other persons as the Minister may by order determine.

(2) A ship acquired by bareboat charter by any of the categories of persons described in paragraphs (a), (b), (c),

(d) and (e) of subsection (1) may be registered in Guyana.

(3) For the purposes of this section a body corporate shall mean a body corporate the majority of shareholders of which are persons referred to in paragraphs (a), (b) and (c) of subsection (1).

Obligation to  
register  
Guyana ship.

**12.** (1) Whenever a ship is owned wholly by persons qualified to own a registered Guyana ship, that ship shall be registered in the manner provided in this Part unless –

- (a) it is registered in some other country;
- (b) the ship is recognized by the law of a country other than Guyana as a ship of that country, and is by the law of that country exempted from registration;
- (c) the ship is, pursuant to subsection (2), exempted from registration under this Act;
- (d) the ship is required to be licensed and operates solely within Guyana waters;  
or
- (e) the ship is exempt from being licensed.

(2) The Minister may by Notice exempt generally or specifically from registration under this Act, a licensed Guyana ship or a class thereof or a ship or a class of ships that is required to be licensed when operating outside Guyana waters.

(3) Subject to section 3 every Guyana ship and every Guyana Government ship shall be registered in one of the register books kept pursuant to section 21 and registration

shall be effected in accordance with this Act.

(4) If the master of any ship which is owned wholly by persons qualified to own a registered Guyana ship or a licensed Guyana ship fails, on demand, to produce the certificate of registration or the license as the case may be, of the ship or such other evidence as satisfies the Minister that the ship complies with the requirements of subsection (1), that ship may be detained until that evidence is produced.

c. 49:01

(5) Any ship which is wholly owned by persons qualified to own a Guyana ship, and which immediately before the commencement of this Part, is registered in Guyana in accordance with the Law of Merchant Shipping Act, is entitled to be registered under this Act, but subject to such conditions as may be prescribed.

(6) A ship required to be registered or licensed under this Act shall not be recognised as a Guyana ship and is not entitled to the rights and privileges accorded to Guyana ships under this Act unless it is so registered or licensed.

(7) Where the Minister has reason to believe that there is some doubt as to the title of any ship registered under this Act, he may direct the Registrar of Ships to require that evidence be given to his satisfaction that the ship is entitled to be so registered; and where, within such time as may be prescribed by the Minister, not being less than thirty days, evidence to the satisfaction of the Registrar of Ships as to the title of the ship is not given, the ship shall be liable to be deregistered.

Regulations.

13. The Minister make regulations for the purpose of giving full effect to the provisions of this Act dealing with the registration of ships, and in particular may provide for the manner in which Guyana Government ships may be registered under this Act.

Application for registration.

**14.** (1) An application for the registration of a ship shall be made in the prescribed form –

- (a) in the case of an individual, by the person requiring to be registered as owner, or by his agent;
- (b) in the case of a body corporate, by its agent,

and the authority of the agent shall be testified in writing.

(2) The Registrar may demand proof of ownership to his satisfaction before proceeding with the registration of a ship.

Declaration of ownership.

**15.** (1) A person shall not be registered as the owner of a Guyana ship or of a share therein until such person, or in the case of a body corporate the person authorized by section 92 (2) to make declarations on its behalf, has made and signed declaration of ownership the prescribed form referring to the ship as described in the certificate of a surveyor of ships and containing the following particulars –

- (a) his full name and address;
- (b) a statement of his citizenship, or in the case of a body corporate a statement of the constitution and business thereof as proof of its qualification to own a Guyana ship;
- (c) a statement of the time when and the place where the ship was built, or if the ship was built outside Guyana and the time and place of building is not known, a statement to that effect and in addition, in the case of a ship previously registered outside Guyana,

- a statement of the name by which she was so registered;
- (d) a statement of the name of the master and his citizenship;
- (e) a statement of the number of shares in the ship in respect of which such person or the body corporate, as the case may be, is entitled to be registered as owner, and
- (f) a declaration that to the best of his knowledge and belief no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

(2) For the purposes of this section "beneficial interest" has the meaning assigned to it by section 88.

Evidence on first registration.

**16.** (1) On the first registration of a ship the following evidence shall be produced in addition to the declaration of ownership –

- (a) in the case of a ship built within the Caribbean Community a builder's certificate signed by the builder of the ship and containing a true account of the proper denomination and tonnage of the ship as estimated by him and of the time when, and the place where, she was built and of the name of the person, if any, on whose account the ship was built and, if there has been any sale, the bill of sale under which the ship or a share therein has become vested in the applicant for

registration, and;

- (b) in the case of a ship condemned by a competent authority, the official copy of the condemnation.

(2) In the case of every ship built in Guyana, the builder shall, if requested to do so, deliver to the owner a signed certificate containing the particulars specified in paragraph (a) of subsection (1).

(3) If any builder fails to comply with subsection (1) or (2) or wilfully makes a false statement in a certificate given thereunder, he is guilty of an offence and is liable to a fine of fifty thousand dollars.

Restrictions on registration and cancellation of registration.

**17. Subject to section 9 –**

- (a) no vessel shall be entered in the Guyana registry unless it is deregistered from its previous registration and a certificate of deregistration is issued by the competent authority of the previous registration;
- (b) no vessel in respect of which there exists a mortgage registered in a previous registry shall be registered in the Guyana registry unless such mortgage is discharged;
- (c) the registration of a ship shall be cancelled if the ship –
  - (i) is found to be registered in a foreign registry;
  - (ii) is lost or destroyed, or

- (iii) ceases to be owned in accordance with section 11.

Rules for bareboat charter registration.

18. Where a ship acquired under a bareboat charter is being registered in the Guyana registry pursuant to section 11(2), the following provisions shall apply –

- (a) the names, addresses and other particulars of the shipowner and charterer shall be entered in the register;
- (b) a certified true copy of the bareboat charter party shall be filed with the Registrar;
- (c) upon application for registration, the charterer shall disclose to the Registrar the details of any outstanding mortgages or other encumbrances registered against the ship in any ship registry and the Registrar shall enter such details in the register;
- (d) no mortgages or other encumbrances shall be registered in respect of that ship in the Guyana ship register;
- (e) (i) unless the ship owner is a Guyanese citizen or a body corporate incorporated in Guyana, and except as provided in this Act or any other written law, no matters pertaining to the ownership of the ship or any proprietary interest connected therewith



shall be subject to the Laws of Guyana;

(ii) all other matters pertaining to the ship shall be governed by this Act or any subsidiary legislation made thereunder during the period of her registration in the Guyana ship registry;

(f) upon the termination of the bareboat charter party, the ship shall be struck off the Guyana register and a certificate of deregistration shall be issued to that effect,

(g) if there is a change of ownership of the ship during the currency of the bareboat charterparty, the charterer shall inform the Registrar forthwith and details of the new ownership shall be entered in the register.

Restriction on deregistration of ships.

**19.** The Registrar shall not permit the de-registration of a ship without the consent in writing of all registered holders of mortgages on the said ship registered under this Act.

Port of Registry.

**20.** (1) The port of Georgetown shall be the Port of Registry for the registration of ships.

(2) The Minister may by order declare any other port of Guyana as a Port of Registry.

Register books.

**21.** (1) The Registrar of ships shall keep such register books as may be deemed necessary including the following –

(a) a register book for merchant ships;

- (b) a register book for fishing vessels;
- (c) a register book for ships under construction.

(2) Entries in those books shall be made in accordance with the following provisions –

- (a) the property in a ship shall be divided into sixty-four shares;
- (b) subject to the provisions of this Part with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this provision shall not affect the beneficial title of any number of individuals or of any corporation represented by or claiming under or through any registered owner or joint owner;
- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship, but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein;
- (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered;

and

- (e) a body corporate may be registered as owner by its corporate name.

(3) As soon as the requirements of this Act preliminary to the registration of a ship have been complied with, the registrar shall enter in the register book the following particulars respecting the ship –

- (a) the name of the ship and the previous name and registry, if any;
- (b) the details contained in the certificate of survey,
- (c) the particulars respecting its origin stated in the declaration of ownership;
- (d) the name, address, occupation and nationality of its owner, and where there is more than one owner, what share in the ship is held by each,
- (e) the Port of Registry or home port and the official number or identity mark,
- (f) the international call sign of the ship, where one is assigned;
- (g) the name of the builders, and place and year, of building of the ship;
- (h) the description of the main technical characteristics of the ship,
- (i) details with respect to any mortgages.

(4) The registrar shall not register any ship

purchased or otherwise acquired from a foreign subject or corporation where any bill of sale or other document under or by virtue of which the ship became vested in the applicant for registration contains any provision express, implied or constructive, restricting the use of the vessel or imputing any measure of continued control thereof by the government of a foreign country.

(5) Only those individual owners, joint owners and corporations recorded as owners in the register book shall be regarded as owners of the ship or part thereof.

(6) The registrar shall keep a record in the manner approved by the Minister of –

- (a) the date of deletion or suspension of the previous registration of the ship;
- (b) the name, address and, as appropriate the nationality of the bareboat charterer.

Documents to be retained by the registrar.

22. On the registration of a ship the Registrar shall retain in his possession –

- (a) the surveyor's certificate;
- (b) the builder's certificate;
- (c) any bill of sale of the ship previously made;
- (d) the copy of the condemnation, if any;
- (e) all declarations of ownership;
- (f) the notice of name of the ship;

(g) and the application for registration.

Name of ship.

**23.** (1) Every merchant ship registered in the register book for merchant ships shall have a name; and two or more merchant ships shall not bear the same name.

(2) A Guyana ship shall not be described by any name other than that by which it is for the time being registered.

(3) The Registrar may, in accordance with any regulations made under this Act, refuse to register any ship by the name by which it is proposed to register that ship if it is already the name of a registered Guyana ship or a name so similar as is calculated or likely to deceive or to offend the public interest.

(4) If the Registrar refuses to register a ship by the name that is proposed or if the requirements of the regulations referred to in subsection (3) are not complied with, that ship shall not be registered under the name proposed, or until the regulations are complied with, as the case may be.

(5) If any person acts or suffers any other person under his control to act in contravention of this section or omits to do or suffers any other person under his control to omit to do, anything required by this section he shall be liable on conviction to a fine of thirty thousand dollars and the ship may be determined until this section is complied with.

Change of  
name of ship.

**24.** (1) A change may not be made in the name of a Guyana Ship without the previous written consent of the Registrar.

(2) Application for a change of name shall be in the prescribed form.

(3) The Registrar may not grant permission to change the name of a Guyana ship, unless he is satisfied that all registered holders of mortgages thereof have been notified of the proposed change of name.

(4) An approval for a change of name shall be granted by the Registrar in accordance with the regulations and a change of name of a ship in the register shall be carried out in the manner set out in the regulations made under this Part.

Identity marks for fishing vessels.

**25.** (1) On the registration of a fishing vessel the registrar shall allocate to it a combination and sequence of letters and numerals (hereinafter called the "identity mark") which he shall cause to be entered in the register book.

(2) The same letters and identity mark of a registered fishing vessel shall not be allocated to any other fishing vessel.

(3) Every registered fishing vessel shall display the identity mark allocated to it under this section on each side of its bow and shall show its Port of Registry on the stern.

(4) The master and owner of a fishing vessel which displays an identity mark not allocated to it under this section is guilty of an offence.

Offences under section 24 and 25.

**26.** (1) A person is guilty of an offence who contravenes or permits any other person under his control to contravene section 24 or 25.

Call sign.

**27.** A merchant ship or a fishing vessel which is equipped either with a wireless radio transmitting station or with a radiotelephony installation shall also have an internationally registered code designation; that is to say, international call letters or numbers as appropriate to the flag state of registration and assigned to the ship,

Register book  
for ships under  
construction.

28. A ship under construction may be entered in the register book for ships under construction from the date of the signing of the contract for construction until it is placed on another register after completion.

TONNAGE MEASUREMENT

Survey.

29. (1) Every ship before registration shall be surveyed by a surveyor of ships and the tonnage of the ship ascertained in accordance with any regulations made under this Part.

(2) The surveyor shall grant a Certificate of Survey specifying the ship's tonnage, the date and place of construction and such other particulars descriptive of the identity of the ship as may for the time being be required by the Registrar.

(3) The Certificate of Survey shall be delivered to the Registrar before registration and on the basis of such certificate; the Registrar shall then issue a tonnage certificate in the manner prescribed.

Minister to  
make tonnage  
regulations.

30. (1) The Minister may by regulations, hereinafter referred to as "the tonnage regulations" –

- (a) provide for ascertaining the tonnage of ships,
- (b) make different provisions for different descriptions of ships or for the same description of ships in different circumstances;
- (c) make any provision of the regulations dependent on compliance with such conditions to be evidenced in such manner as may be specified in the regulations;

- (d) prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and provide for making the master and the owner each liable to a fine of one hundred thousand dollars when such a prohibition or restriction is contravened.

(2) In the tonnage regulations, provision may be made-

- (a) for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not to be loaded to the full depth to which it can otherwise be safely loaded;
- (b) for indicating on the ship by such mark as is specified, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship can be loaded for the lower tonnage to be applicable; and
- (c) for the issue of documents, certifying the registered tonnage of any ship or the tonnage that is to be taken for any purpose specified as the tonnage of a ship not registered in Guyana.

(3) In making the tonnage regulations the Minister shall have due regard to the International Convention on Tonnage Measurement of Ships 1969, including any



amendments thereof.

Tonnage once  
ascertained to  
be tonnage of  
ship.

31. (1) Where the tonnage of a ship has been ascertained in accordance with the tonnage regulations and such tonnage has been assigned to the ship, that tonnage shall be registered and henceforth be deemed to be the tonnage of that ship,

(2) The tonnage of a ship as ascertained under subsection (1) shall be entered in every subsequent registration of the ship unless—

- (a) an alteration is made in the form or capacity of the ship; or
- (b) it is discovered that the tonnage of the ship has been erroneously computed,

and in either of those cases the ship shall be re-measured and her tonnage ascertained and registered according to the tonnage regulations.

Tonnage of  
foreign ship.

32. (1) Where it appears to the Minister that a country has promulgated rules on tonnage that are substantially the same as those under the tonnage regulations made under this Part, the Minister may order that a ship of that country, without being re-measured in Guyana, be deemed to be of the tonnages denoted in her certificate of registration or other national certificates relating to tonnage in the same manner, to the same extent and for the same purposes as the tonnages denoted in the certificate of registration of a Guyana ship is deemed to be the tonnages of that ship.

(2) Any space shown by the certificate of registration or other certificates relating to the tonnage of any foreign ship described in subsection (1) as deducted from tonnage on account of being occupied by seamen or apprentices and appropriated to their use, shall be deemed to

have been certified under this Act and to comply with those provisions of this Act that apply to such a space in the case of a Guyana ship unless a surveyor inspects the ship and certifies to the Minister that the construction and the equipment of the ship in respect of that space do not meet the standard required of a Guyana ship under this Act, in which case the ship shall be re-measured and assigned a tonnage in accordance with this Act.

(3) Where it appears to the Minister that the tonnage of a foreign ship as measured by the rules as to tonnage of the country to which it belongs materially differs from that which would be its tonnage if measured under this Act, the Minister may order that any of the ships of that country be re-measured in accordance with this Act for all or any of the purposes of this Act.

Foreign and  
other  
measurements.

33. (1) Where a ship has been measured and registered as a foreign ship or has already been measured without being registered as a Guyana ship, a surveyor may, for the purposes of section 29 accept and use any figures of measurement contained in the latest register relating to that ship, or in the case of an unregistered ship, in the latest certificate of survey relating to that ship.

(2) Before acting under subsection (1) the surveyor shall satisfy himself that there have been no changes of measurement since the making of the register or certificate that he proposes to use; and where any such changes have been made he shall re-measure the ship to the extent made necessary by the changes.

Alterations  
between  
surveys.

34. Where any alteration or reconstruction of a Guyana Ship is made that could affect the ship's classification, measurement, tonnage or load line, the owner or master of the ship shall, within thirty days after the completion of the alteration or reconstruction, advise the Registrar of the alteration or reconstruction and give him details thereof.

Appointment  
of surveyors.

35. (1) The Minister may appoint duly qualified persons within or outside Guyana as surveyors to survey and measure ships under and for the purposes of this Act.

(2) The Minister may, by regulations, nominate any person within or outside Guyana to be a classification society for the purposes of this Act and any classification society so appointed may appoint any person to survey and measure ships under and for the purposes of this Act, subject to such conditions as the Minister may impose.

Marking of  
ships.

36. (1) Every ship shall, before being registered in Guyana, be marked permanently and conspicuously in accordance with the regulations made under this Part.

(2) Where the Registrar is satisfied that a ship is insufficiently or inaccurately marked, he may suspend the certificate of registration of the ship or in the absence of such certificate he may detain the ship until the insufficiency or inaccuracy has been remedied to his satisfaction.

(3) The Minister may make regulations exempting any class of ship from all or any of the requirements of this section.

*CERTIFICATE OF REGISTRATION*

Certificate of  
registration.

37. (1) The certificate of registration shall be in such form as may be prescribed.

(2) The certificate of registration shall include –

- (a) the name of the owner of the ship, his occupation and address, and if there are more owners than one the proportions in which they are interested in the ship;
- (b) the name of the master;

- (c) the date and place where the ship was built; and
- (d) the details given in the tonnage certificate.

Power to make regulations in relation to certificate of registration.

38. The Minister may make regulations relating to –

- (a) the grant of a new certificate of registration;
- (b) the loss of a certificate of registration;
- (c) the keeping of a record of masters;
- (d) the endorsement of a change of ownership on a certificate of registration;
- (e) the delivery up of the certificate of registration of a ship that is lost or broken up or has ceased to be a Guyana ship.

Issue and custody of certificate of registration.

39. (1) The certificate of registration shall be kept on board the ship and shall be used only for the lawful navigation of the ship and shall not be subject to retention by reason of any title, lien, charge or other interest of any owner, mortgage holder or other person.

(2) No person who has in his possession, or under his control, the certificate of registration of a ship shall refuse or omit, without reasonable cause, to deliver such certificate on demand to the person entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, ship surveyor, customs officer or other person entitled by law to require its delivery.

(3) Every person who contravenes subsection (2) is guilty of an offence and is liable to a fine of fifteen thousand dollars.

(4) If, in any proceedings in respect of an offence under this section, the court is satisfied that the certificate is lost, the court shall so advise the Minister in writing.

Improper use of certificate of registration.

**40.** If the master or owner of a Guyana ship uses or attempts to use for the purposes of navigation of such ship a certificate of registration not legally granted in respect of the ship he shall, in respect of each such use or attempt, be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding thirty thousand dollars and to a term of imprisonment not exceeding one year and the ship shall be liable to forfeiture.

Provisional certificate of registration.

**41.** (1) Where an owner of a ship intend to apply to have the ship registered as a Guyana ship but there is no registrar immediately available, a proper officer or other appropriate authority designated to act on behalf of the Government may grant to the owner or master, on his application, which shall include a statutory declaration, a provisional certificate stating-

- (a) the name of the ship,
- (b) the time and place of its purchase and the names of its purchasers,
- (c) the name of its master,
- (d) the best particulars respecting its tonnage, the time and place of its construction and other particulars which he is able to obtain,

and shall forward a copy of the certificate at the first convenient opportunity to the Registrar.

(2) The statutory declaration referred to in subsection (1) shall include –

- (a) a declaration as to ownership,
- (b) a declaration as to seaworthiness, and
- (c) a declaration that the foreign registry, if any, of the ship has been closed.

(3) A provisional certificate under this section shall have the effect of a certificate of registration until the expiration of six months after its date of issue or until the arrival of the ship at a port in Guyana, whichever first happens, and on either or those events happening shall cease to have effect.

(4) The master of every ship in respect of which a provisional certificate is granted under this section shall, within ten days of the ship's first arrival thereafter at a port in Guyana, deliver the certificate to the Registrar; and where any master fails to comply with this subsection, he is guilty of an offence and is liable to a fine of thirty thousand dollars.

Temporary pass in lieu of certificate of registration.

**42.** Where it appears to the Minister that by reason of special circumstances it is desirable that permission be granted to a ship to pass, without being previously registered, from any port in Guyana to any port within or outside Guyana, the Minister may, in any case in which the ship belongs to a country whose law provides for the issue of temporary passes, direct the registrar to grant a pass and that pass for the time and within the geographical limits therein mentioned shall have the same effect as a certificate of registration and the Registrar when so directed shall grant the pass accordingly.

*REGISTRATION OF ALTERATIONS AND REGISTRATION ANEW*

Registration of alterations.

**43.** (1) When a Guyana ship is so altered as not to correspond with the particulars relating to its tonnage or

description in the register, notification of the alteration shall be given within thirty days after the completion of the alteration to the Registrar; and the notice shall be accompanied by a certificate of survey stating the particulars, of the alteration.

(2) Upon receipt of a notice of alteration of a Guyana ship under subsection (1), the Registrar shall either cause the alteration to be registered or direct that the ship be registered anew.

(3) Where there is a failure to comply with the requirements of subsection (1) or with a direction under subsection (2), the Registrar may suspend the certificate of registration of the ship in respect of which the failure occurs.

(4) If default is made in registering anew a ship that has been altered or in registering the alteration, the owner of the ship shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding six thousand dollars and, in addition to a fine of one thousand dollars for every day during which the offence continues after conviction.

Rules for  
registration of  
alterations.

**44.** (1) For the purposes of the registration of an alteration in a Guyana ship, the ship's certificate of registration shall be produced to the Registrar within sixty days after the alteration, and he shall either –

- (a) retain the certificate and grant a new certificate of registration containing a description of the ship as altered; or
- (b) endorse and sign on the existing certificate a memorandum of the alteration.

(2) The particulars of the alteration and the fact of

the new certificate having been granted or an endorsement having been made shall be entered by the Registrar in the register book.

Provisional certificate where ship registered anew.

45. (1) Where a Guyana ship is outside of Guyana, and consequent upon notification as to be registered anew, a proper officer or other appropriate authority designated to act on behalf of the Government shall grant to the master on his application, either a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

(2) Where the proper officer or other appropriate authority grants a provisional certificate or provisionally endorses a certificate under this section, he shall add to the certificate or endorsement a statement that the same is made provisionally.

(3) The master of every ship in respect of which a provisional certificate is granted or a certificate is endorsed under this section shall, within ten days of the ship's arrival thereafter at a port in Guyana or within six months of the date of issue or endorsement of the certificate whichever is the sooner, deliver that certificate to the Registrar and, if any master fails to comply with this subsection, he is guilty of an offence and is liable to a fine of thirty thousand dollars.

(4) Where any ship in respect of which a Provisional Certificate is granted or a Certificate is endorsed under this section first arrives thereafter at a port in Guyana application for registration of that ship anew shall be made to the Registrar and the other requirements requisite for registration shall be complied with; and, if, in respect of any such ship, there is failure to comply with this subsection, the owner of the ship is guilty of an offence and is liable to a fine of thirty thousand dollars and, in addition, to a further fine of one thousand dollars for every day during which the offence continues after conviction.



Registration anew on change of ownership.

46. Where the ownership of any Guyana ship is changed, the Registrar may, on the application of the owner of the ship, direct that the ship be registered anew, although registration anew is not required under this Act.

Procedure for registration anew.

47. (1) Where the ship is to be registered anew, the Registrar shall proceed as in the case of first registration and on the receipt of the existing certificate of registration and upon compliance of the other pre-requisites to registration or such of them as the Registrar thinks material, he shall make such new registration and grant a Certificate accordingly.

(2) When a ship is registered anew her former registration shall be considered closed, except so far as relates to any unsatisfied mortgage entered on it, but the names of all persons on the former register appearing to be interested in the ship as owners or holders or mortgages or other interests in the ship registered anew shall be entered on the new register and the new registration shall not in any way affect the rights of any of those persons.

Restriction on re-registration of abandoned ships.

48. Where a ship has ceased to be registered as a Guyana Ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a Guyana ship, the ship shall not be re-registered until such ship has, at the expense of the applicant for registration, been surveyed by a surveyor and certified by him to be seaworthy.

#### LICENSING

Ships to be licensed.

49. (1) Subject to subsections (2) and (3), every ship under twenty-four metres in length shall be licensed under this Act.

(2) The following ships shall be exempt from being licensed under this section –

- (a) pleasure craft of less than five metres

in length not equipped with propulsion machinery;

(b) pleasure craft of less than three metres in length equipped with propulsion machinery of not more than five horse power;

(c) ships registered under this Act.

(3) The Minister may in writing exempt, either generally or specifically, ships from compliance with subsection (1), subject to such conditions as he may stipulate.

Qualifications for owning a licensed Guyana ship.

**50.** (1) A ship shall not be licensed in Guyana unless it is owned wholly by persons referred to in section 11.

(2) No more than eight persons may be recorded as joint owners of a licensed Guyana ship.

(3) Within seven days, or such further time as may be allowed by the Minister, after a change of ownership of a Guyana ship, the owner shall in writing notify the Registrar of such change.

(4) Where the owner of a licensed Guyana ship fails to comply with subsection (3), the licence of the ship shall be deemed to have been cancelled.

(5) The Minister may in writing exempt any ship from the provisions of subsection (1).

Regulations for licensing of ships.

**51.** The Minister may make regulations regarding the licensing of ships and licensed Guyana ships, and in particular for the following matters –

(a) the manning of and the life-saving, safety and fire-fighting equipment to

be carried on such ships,

- (b) the examination and certification of skippers, mechanics and deckhands,
- (c) surveys and inspections;
- (d) the appointment of surveyors;
- (e) the keeping of records;
- (f) fees,
- (g) discipline.

*TRANSFERS AND TRANSMISSIONS*

Transfer of ship  
or share.

**52.** (1) Every transfer of a ship or a share therein to a person qualified to own a Guyana ship shall be by a bill of sale.

(2) The bill of sale shall –

- (a) be in the prescribed form;
- (b) contain such description of the ship as is contained in the certificate of survey, and
- (c) be executed by the transferor in the presence of, and be attested by, two witnesses.

Declaration of  
transfer.

**53.** Where a registered ship or share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a body corporate, the person authorized by this Act to make declarations on behalf of the body corporate, has made and signed a declaration, in this Part referred to as a “declaration of

transfer" referring to the ship and containing -

- (a) a statement of the qualification of the transferee to own a Guyana ship, or if the transferee is a body corporate, of the circumstances of its constitution and business as proof of its qualification to own a Guyana ship; and
- (b) a statement that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled to any legal or beneficial interest in the ship or any share therein.

Registration of transfer.

**54.** (1) Every bill of sale for the transfer of a registered ship or of a share therein, when duly executed, shall be produced to the Registrar with the declaration of transfer, and the Registrar –

- (a) shall thereupon enter in the register book the name of the transferee as owner of the ship or the share therein;
- (b) shall endorse on the bill of sale the fact of such entry and the date and time at which the entry was made.

(2) Bills of sale of a ship or a share therein shall be entered in the register book in the order of their production to the Registrar.

Transmission of property in ship on bankruptcy, death, etc

**55.** (1) Where the property in a registered ship or share therein is transmitted to a person qualified to own a Guyana ship on the bankruptcy or death of any registered owner, or by any lawful means, other than by a transfer under this Part –

- 
- (a) that person shall authenticate the transmission by making and signing a declaration (in this Part referred to as a “declaration of transmission”) identifying the ship and containing the statements required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted;
  - (b) if the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or in the case of death of a joint owner by proof of survivorship to the satisfaction of the Registrar; and
  - (c) if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being admissible in any court in Guyana as proof of the title of persons claiming under a bankruptcy.

(2) The Registrar shall, on receipt of the declaration of transmission, enter in the register book the name of the person entitled under the transmission as owner of the ship or share therein, as the case may be, and, where there is more than one such person, they shall, for the purposes of the provisions of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

Order for sale  
on transmission  
to an  
unqualified  
person.

56. (1) Where the property in a registered ship or share therein is transmitted on death, bankruptcy, or otherwise to a person not qualified to own a Guyana ship, the High Court may, on application by or on behalf of the unqualified person order a sale of the property so transmitted, and direct that the proceeds of the sale after deducting therefrom the expenses incurred on the sale, be paid to the person entitled under the transmission or otherwise as the Court may direct.

(2) The Court may require any evidence in support of the application as it thinks requisite, and may make the order subject to such terms and conditions as it thinks just, or may refuse to make the order, and generally may act as the justice of the case requires.

(3) Every such application for sale shall be made within four weeks after the occurrence of the event on which transmission took place, or within such further time, not exceeding in the whole one year from the date of the occurrence of the event, as the court may allow.

(4) If such an application is not made within the time aforesaid, or if the court refuses to make an order for sale, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

Transfer of ship  
or share by  
order of court.

57. (1) Where the Court, whether under this Part or otherwise, orders the sale of any ship or any share therein, the order of the Court shall contain a declaration vesting in a person named by the Court the right to transfer that ship or share, and that person shall be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof.

(2) The Registrar shall comply with any direction made by the person so named by the court in respect of any such transfer to the same extent as if such person were the

registered owner.

Power of court  
to prohibit  
transfer.

58. (1) The Court may if it thinks fit, without prejudice to the exercise of any other power of the court, on the application of any interested person, make an order prohibiting for a specified time the transfer of a ship or any share therein.

(2) The Court may make an order under subsection (1) on any terms or conditions it thinks just, or may refuse to make the order or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires.

(3) The Registrar without being made a party to the proceedings shall on being served with the order of the court or an official copy thereof, obey the same.

#### MORTGAGES

Mortgages of  
ship or share.

59. (1) A Guyana ship, or a share therein, may be made a security for a loan or other valuable consideration, and the instrument creating such security, in this Part referred to as a "mortgage" shall be in the prescribed form.

(2) The Registrar shall record mortgages in the order in time in which they are produced to him for that purpose, and shall endorse and sign a memorandum on each mortgage indicating that it has been recorded by him and stating the date and time that it was recorded.

(3) A mortgage executed outside Guyana and produced before a proper officer duly authorized to receive the same may be recorded by the Registrar on the advice of such proper officer.

Obligation of  
mortgagor to

60. (1) Before executing any mortgage the mortgagor shall disclose in writing to the mortgagee the existence of any

disclose  
existing  
liabilities.

maritime lien, prior mortgage, or other liability in respect of the ship to be mortgaged and of which the mortgagor is aware.

(2) If the mortgagor fails to comply with this section the mortgage debt shall, at the election of the mortgagee, become immediately due and payable, notwithstanding anything to the contrary in the mortgage.

Entry of  
discharge of  
mortgage.

**61.** (1) When a registered mortgage is discharged the Registrar shall, on production of the mortgage with a receipt for the mortgage money endorsed thereon and duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged.

(2) When the entry referred to in subsection (1) has been made, the estate, if it has passed to the mortgage holder, shall vest in the person in whom having regard to intervening acts and circumstances, if any, it would have vested if the mortgage had not been made.

Priority of  
mortgages.

**62.** If there are several mortgages registered in respect of the same ship or a share therein, the mortgages shall, notwithstanding any express, implied or constructive notice, rank in priority, according to the date at which each mortgage is recorded in the register book, and not according to the date of the mortgage.

Mortgagee not  
treated as  
owner.

**63.** Except as far as may be necessary for making a mortgaged ship or share therein available as security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed to be the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be the owner thereof.

Mortgagee to  
have power of  
disposal.

**64.** (1) Every registered mortgagee shall, subject to subsection (2), have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual



receipts for the purchase money.

(2) If there are several persons registered as mortgagees of the same ship or share a subsequent mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgage holder.

(3) Every registered mortgagee shall be entitled to enforce his mortgage by an action in rem in Admiralty whenever any sum secured by the mortgage is unpaid when due, or otherwise in accordance with the terms of any deed or instrument collateral to the mortgage.

Mortgage not affected by bankruptcy.

65. A registered mortgage of a ship or share therein shall not be affected by any act of bankruptcy committed by the mortgagor after the date on which the mortgage is recorded, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

Transfer of mortgages.

66. (1) A registered mortgage of a ship or share may be transferred to any person and the instrument effecting the transfer shall be in the prescribed form, and on production of such instrument, the Registrar shall record the transfer by entering in the register the name of the transferee as mortgagee of the ship or and shall endorse and sign on the instrument of transfer a memorandum that the transfer has been recorded by him stating the date and time that the transfer was recorded.

(2) The person to whom any registered mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.

Transmission of interest in mortgage in certain circumstances.

67. (1) Where the interest of a mortgagee in a Guyana Ship or any share therein is transmitted on the death or bankruptcy of the mortgagee, or by any lawful means other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted.

(2) A declaration made under this section shall contain a statement of the manner in which, and the person to whom, the property has been transmitted, and shall be accompanied by the like evidence as is by this Act required in the case of a corresponding transmission of the ownership of a Guyana ship or share therein.

(3) The Registrar on receipt of the declaration and production of the evidence referred to in subsection (2), shall enter the name of the person entitled under the transmission in the register as mortgagee of the ship or share therein.

Authority to sell or mortgage out of Guyana.

68. (1) Where a registered owner of a Guyana ship or a share therein, is desirous of disposing by way of sale or mortgage of that ship or share at any place out of Guyana, he may make application, by declaration in writing, to the Registrar.

(2) In any such application, there shall be set forth the following particulars –

- (a) the name and address of the person by whom the power mentioned in the certificate is to be exercised, together with –
  - (i) in the case of a sale, the minimum price at which a sale is to be made if it is intended to fix any such minimum; or

- (ii) in the case of a mortgage, the maximum amount thereof, if it is intended to fix any such maximum;
- (b) the place where the power is to be exercised, or, if no place is specified, a declaration that the power may be exercised anywhere, subject to this Act;
- (c) the limit of time within which the power may be exercised.

(3) Subject to section 69(1), in the case of an application to dispose of a ship by way of sale, the Registrar shall enable any such applicant to dispose of the ship or share in the manner desired in accordance with subsection (4).

(4) On receiving an application made under this section, the Registrar shall enter in the register book a statement of the particulars set forth in the application, and shall grant to the applicant a certificate of sale or a certificate of mortgage, as the case may require.

(5) A certificate of sale and a certificate of mortgage –

- (a) shall each be in the prescribed form;
- (b) shall not authorise any sale or mortgage to be made in Guyana, or by any person not named in the certificate; and
- (c) shall contain a statement of the particulars set forth in the

application, and also a statement of any registered mortgages and certificates of sale or mortgage affecting the ship or share in respect of which the certificate is given.

General rules  
for certificates  
of sale.

69. (1) A certificate of sale shall not be granted except for the sale of an entire ship; and such a certificate shall not be granted under this Part, except upon the application, made by declaration in writing of all persons appearing on the register to be interested therein, as owners or mortgagees.

(2) The power conferred by any such certificate shall be exercised in conformity with the directions contained therein.

(3) An agreement for sale entered into in good faith in exercise of the power conferred by any such certificate to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying at any time between the giving of the power and the completion of the sale.

(4) Whenever any such certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given.

Procedure  
where ship  
under  
certificate of  
sale granted in  
Guyana.

70. (1) Where a Guyana ship is sold, in exercise of a power conferred by a certificate of sale granted under this Part, to persons qualified to own a Guyana ship -

- (a) a transfer of the ship shall be made by bill of sale in the manner provided by this Part; and the bill of sale, when

duly executed, and the certificate of sale shall be produced to a proper officer at the place at which the ship is sold, and that officer shall thereupon endorse and sign on the certificate of sale a statement of the fact of that ship having been sold, and shall forthwith notify the Registrar;

- (b) the ship may be registered anew in the manner provided by this Act; and
- (c) the Registrar upon receipt of the certificate of sale and the ship's certificate of registration from a proper officer each of those certificates having endorsed thereon an entry of the fact of the sale having taken place, shall thereupon enter the sale of the ship in the register book.

Registration in Guyana where ship sold under certificate of sale granted in a foreign state.

71. (1) Where any ship registered in a foreign state is sold in exercise of a power conferred by a certificate of sale granted under the law of that country, to persons qualified to own a Guyana ship, that ship may be registered in Guyana in accordance with this section.

(2) Application for registration anew shall be made to the Registrar and there shall be produced to the Registrar the bill of sale by which the ship is transferred, the certificate of sale and the certificate of Registration of the ship.

(3) The Registrar, on registering the ship anew –

- (a) shall retain the certificates of sale and Registration, and shall endorse on each of those certificates an entry of the fact of a sale having taken place;

and shall forward those certificates, so endorsed, to the Registrar at the ship's former Port of Registry; and

- (b) shall enter in the register book such particulars as are, by this Act required to be entered therein in the case of the first registration of a ship in Guyana, and also a statement of any registered mortgages or certificates of mortgage enumerated on the certificate of sale.

(4) On such registration anew –

- (a) the description of the ship contained in her former certificate of registration may be transferred to the new register book, without her being resurveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee; and
- (b) all persons appearing on the register to be interested in that ship as owners or mortgagees shall be deemed to have the same rights, and their rights shall be determined in the same manner, as if that ship had been first registered in Guyana in the manner provided in this Act and as if any unsatisfied mortgage or existing certificates of mortgage had been entered in the register book at that port.

Rules as to certificates of mortgage.

72. The following rules shall be observed as to certificates of mortgage -

- (a) the power shall be exercised in conformity with the directions contained in the certificates;
- (b) every mortgage executed thereunder shall be registered by the endorsement of a record thereof on the certificate by the proper officer at the place at which the mortgage is executed;
- (c) a mortgage executed in good faith thereunder shall not be impeached by reason of the person by whom the power was given dying at any time between the giving of the power and the execution of the mortgage;
- (d) whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage executed in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;
- (e) every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and where there are more mortgages than one so registered, the respective

mortgagees claiming thereunder shall, notwithstanding any express, implied or constructive notice, be entitled one before the other according to the date and time that each mortgage is registered on the certificate, and not according to the date of the mortgage;

- (f) subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers, and be subject to the same liabilities, as he would have had and been subject to, if his mortgage had been registered in the register book instead of on the certificate;
- (g) the discharge of any mortgage so registered on the certificate may be endorsed on the certificate by the Registrar or proper officer, on the production of such evidence as is, by this Act required to be produced to the Registrar for the entry of the discharge of a mortgage in the register book and, on that endorsement being made the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would, having regard to the intervening acts and circumstances, if any, have vested if the mortgage had not been made;
- (h) on the delivery of any certificate of mortgage to the Registrar by whom it was granted, he shall, after recording



in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the certificate and enter the fact of the cancellation in the register book, and every certificate so cancelled shall be void.

Loss of certificate of sale or mortgage.

73. On proof at any time to the satisfaction of the Registrar that a certificate of sale or mortgage is lost or destroyed, or so damaged as to be useless, and that the powers thereby given have never been exercised, or, if they have been exercised, then, on proof of the several matters, and things that, have been done thereunder, the Registrar may as circumstances require, either issue a new certificate or direct such entries to be made in the register book, or such other things to be done, as might have been made or done if the loss, destruction or damage had not taken place.

Revocation of certificate of sale or mortgage.

74. (1) The owner of a Guyana ship, or a share therein, in respect of which a certificate of sale or mortgage has been granted specifying the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorise the Registrar by whom the certificate was granted to give notice to the proper officer at every such place that the certificate is revoked.

(2) Notice shall thereupon be given accordingly and be recorded by the proper officer receiving it, and after it is recorded, the certificate shall be deemed to be revoked in respect of any sale or mortgage to be thereafter made at that place.

(3) After it has been recorded, the notice shall be exhibited to every person applying for the purpose of effecting or obtaining a transfer or mortgage under the certificate.

(4) A proper officer, on recording any such notice, shall inform the Registrar by whom the certificate was granted whether any previous exercise of the power to which the certificate refers has taken place.

*MARITIME LIENS*

Sources of  
maritime liens.

75. Each of the following claims against the owner, demise charterer, manager or operator of the vessel shall be secured by a maritime lien on the vessel –

- (a) claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf,
- (b) claims in respect of loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the vessel;
- (c) claims for reward for the salvage of the vessel;
- (d) claims for port, canal, and other waterway dues and pilotage dues;
- (e) claims based on tort arising out of physical loss or damage caused by the operation of the vessel, other than loss of or damage to cargo, containers and passengers' effects on the vessel.

Claims not  
recognized as

76. No maritime lien shall attach to a vessel to secure claims set out in paragraphs (d) and (e) of section 75 which

maritime liens. arise out of or result from –

- (a) damage in connection with the carriage of oil or other hazardous or noxious substances by sea for which compensation is payable to the claimant pursuant to any law providing for strict liability and compulsory insurance or other means of securing the claims; or
- (b) the radio-active properties or a combination of radio-active properties with toxic, explosive or other hazardous properties of nuclear fuel or of radio-active products or waste.

Priority of maritime liens in general.

77. The maritime liens set out in section 75 shall take priority over mortgages registered under this Act or any preferential rights arising under the law of bankruptcy, and except as provided in section 79 and subsection (2) (b) of section 84 no claim shall take priority over them.

Order of priority of maritime liens.

78. The maritime liens set out in section 75 shall-

- (a) rank in the order in which they are listed therein, save that claims arising under paragraph (c) of section 75 shall take priority over all other maritime liens which have attached to the vessel prior to the time when the operations giving rise to such liens were performed;
- (b) in the case of claims arising under paragraphs (a), (b), (d) and (e) of section 75, rank *paripassu* as among

themselves;

- (c) in the case of claims arising under paragraph (c) of section 75, rank in the inverse order of the time when the claims secured thereby accrued; and for this purpose the claims shall be deemed to have accrued on the date on which the salvage operation was terminated.

Rights of ship-builders and ship repairers.

**79.** (1) Subject to subsection (2), where a lien or right of retention arises in respect of a ship in the possession of –

- (a) a ship-builder, in order to secure claims for the building of the vessel; or
- (b) a ship repairer, in order to secure claims for the repair of the vessel, including reconstruction of the vessel, effected during such possession,

such right shall be postponed to all maritime liens set out in section 75 but may take precedence over any registered mortgage or other preferential rights so long as the vessel is in the possession of the shipbuilder or ship repairer, as the case may be.

(2) If at the time of a forced sale referred to in sections 84 and 85 the vessel is in the possession of a ship-builder or ship repairer, such ship-builder or ship repairer shall surrender possession of the vessel to the purchaser, but shall be entitled to obtain satisfaction of his claim out of the proceeds of sale after the satisfaction of the claims of holders of maritime liens referred to in section 75.

Other liens on

**80.** (1) Claims against the owner, demise charterer,

vessel. manager or operator of the vessel, other than those referred to in section 75, may be secured by a lien or other right on the vessel, provided that such liens or rights shall-

- (a) be subject to sections 81(2) and (3), 83 and 84(2) and (3);
- (b) be extinguished-
  - (i) after a period of six months, from the time when the claim secured thereby arose, unless, prior to the expiry of such period, the vessel has been arrested or seized, such arrest or seizure leading to a forced sale; or
  - (ii) at the end of a period of 60 days following a sale to a *bona-fide* purchaser of the vessel, such period to commence on the date on which the sale is registered in accordance with the law of the state in which the vessel is registered following the sale;

whichever period expires first; and

- (c) rank in priority behind the maritime liens set out in section 75 as well as behind registered mortgages.

Attachment of maritime liens and extinction by lapse of time.

**81.** (1) Subject to subsection (2), the maritime liens set out in section 75 shall, subject to section 84 (1), remain attached to the vessel, notwithstanding any change of ownership or of registration.

(2) The maritime liens relating to a vessel set out in section 75 shall be extinguished after a period of one year from the time when the claims secured thereby arose unless, prior to the expiry of such period, the vessel has been arrested and the arrest has led to a forced sale pursuant to the provisions of the rules of Court or any other law for the time being in force relating to the sale of property in admiralty proceedings.

(3) The one year period referred to in subsection (2) shall commence –

- (a) with respect to the maritime lien set out in paragraph (a) of section 75 upon the claimant's discharge from the vessel;
- (b) with respect to the maritime liens set out in paragraphs (b) to (e) section 75, when the claims secured thereby arise;

and shall not be subject to interruption or suspension except that time shall not run during the period the lien holder is legally prevented from arresting the vessel.

Assignment  
and  
subrogation.

**82.** (1) The assignment of or subrogation to a claim secured by a maritime lien shall result in the simultaneous assignment of or subrogation to such a maritime lien.

(2) Claimants holding maritime liens shall not be entitled to the compensation payable to the owner of the vessel under a contract of marine insurance.

Notice of  
forced sale to  
be given.

**83.** (1) Prior to the forced sale of a vessel, the executing officer shall give or cause to be given thirty days' written notice of the time and place of such sale to –

- 
- (a) all holders of mortgages and other preferential rights registered under this Part which have not been issued to bearer;
  - (b) the holders of such mortgages and rights as have been issued to the bearer, whose claims have been notified to the officer;
  - (c) the holders of maritime liens set out in section 75 whose claims have been notified to the officer;
  - (d) the holders of liens or rights under sections 79 and 80;
  - (e) the registered owner of the vessel; and
  - (f) the Registrar of Ships.

(2) The notice referred in subsection (1) shall be in writing and may be given by registered mail, or by electronic or other appropriate means which provide for confirmation of receipt of the notice to the persons specified in subsection (1), if known, and the notice shall also be published in the local news media and other appropriate publications.

Effects of  
forced sale and  
disposition of  
proceeds of  
sale.

**84.(1)** In the event of the forced sale of a vessel, all registered mortgages except those assumed by the purchaser with the consent of the mortgagees, and all liens and other encumbrances of whatsoever nature, shall cease to attach to the vessel, provided that at the time of the sale the vessel is within Guyana.

(2) In the event of a forced sale of a vessel the proceeds of sale shall be distributed as follows –

- (a) any sum awarded by a Court as costs and expenses arising out of the arrest or seizure and subsequent sale of the vessel shall be paid out first: such costs and expenses to include the costs for the upkeep of the vessel and the crew as well as wages and other sums and costs referred to in paragraph (a) of section 75 incurred from the time of arrest or seizure;
- (b) where the forced sale is that of a stranded or sunken vessel following its removal by the Port Authority, of Guyana in the interest of safe navigation or protection of the marine environment, the costs of such removal shall be paid out next;
- (c) the balance of the proceeds shall then be distributed among-
  - (i) the holders of maritime liens under section 75;
  - (ii) the holders of rights under sections 79 and 80;
  - (iii) the holders of registered mortgages and other preferential rights, in accordance with the provisions of this Part, to the extent necessary to satisfy the respective claims;
- (d) upon satisfaction of all claimants referred to in paragraphs (a), (b) and (c), the residue of the proceeds shall be paid



to the owner and it shall be freely transferable.

(3) The proceeds of a forced sale shall be made available promptly and shall be freely transferable.

Issue of certificates that the ship is free of encumbrances.

85. (1) When a ship registered in any country or a territory thereof has been the subject of a forced sale in Guyana the executing officer shall, at the request of the purchaser, and on being satisfied that the provisions of this Part have been complied with, issue a certificate to the effect that the ship is sold free of all mortgages, liens and other encumbrances except those assumed by the purchaser, provided that the proceeds of such forced sale have been deposited with the authority competent to distribute such proceeds to the persons entitled thereto.

(2) Upon production of the certificate referred to in sub-section (1), the Registrar of Ships shall delete from the register book all registered mortgages except those assumed by the purchaser, and-

- (a) if the purchaser is eligible to register the vessel in Guyana, may register the vessel in the name of such purchaser if the purchaser so desires; or
- (b) issue a certificate of deregistration for the new registration,

as the case may be.

#### MISCELLANEOUS

Provision for cases of infancy and disability.

86. Where by reason of infancy, mental illness or defect or any other cause, any person interested in a ship or share therein is incapable of making any declaration or doing any act required or permitted by this Act to be made or done in connection with the registration of the ship, or any share

therein, the legal guardian or representative of that person, or the committee, manager or other administrator of his estate, or if there is no such guardian, representative, committee, manager or administrator, any person appointed by a court of competent jurisdiction on application made on behalf of the incapable person or of any other person interested, may make that declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do that act in the name and on behalf of the incapable person, and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted.

Notice of trusts  
not received.

87. No notice of any trust, express, implied or constructive, shall be entered in the register book or be receivable by the Registrar, and subject to any rights and powers appearing on the register book to be vested in any other person, the registered owner of a ship or of a share therein shall have power absolutely to dispose of the ship or share in the manner provided by this Act and to give effectual receipts for any money paid or advanced by way of consideration.

Definition of  
beneficial  
interest.

88. In this Part the expression "beneficial interest" includes interests arising under contract, and other equitable interest and without prejudice to –

- (a) the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the Registrar;
- (b) the powers of disposition and of giving receipts, conferred by this Act on registered owners and mortgagees;
- (c) the provisions of this Act relating to the exclusion of unqualified persons from the ownership of Guyana ships,

interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interests therein, in the same manner as in respect of any other personal property.

Liability of owners.

**89.** Where any person has any beneficial interest otherwise than by way of mortgage in any ship or share in a ship registered in the name of some other person, the person having the beneficial interest in the ship and the registered owner of the ship shall be subject to all pecuniary penalties imposed by this or any other Act on the owners of ships or shares therein and proceedings may be substituted for the enforcement of any such penalties against both or either of the aforesaid parties with or without joining the other of them.

Registration of managing owner, etc.

**90.** (1) The name and address of the managing owner for the time being of every ship registered in Guyana shall be entered in the register book.

(2) Where there is no managing owner, there shall be so registered the name of such other person to whom the management of the ship is entrusted by or on behalf of the owner, and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

(3) If default is made in complying, with the provisions of this section the owner, or if there is more than one owner each owner shall be guilty of an offence and on conviction thereof shall be liable, in proportion to his interest in the ship, to a fine not exceeding thirty thousand dollars in respect of each time the ship leaves any port in Guyana.

Power to dispense with declarations, etc.

**91.** When, under this Part, any person is required to make a declaration on behalf of himself or anybody corporate, or any evidence is required to be produced to the Registrar,

and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the Registrar may, on the production of such other evidence and subject to such terms as he may think fit, dispense with the declaration or evidence.

Mode of making declarations.

**92.** (1) Declarations required to be made under this Part shall be made before –

- (a) a Registrar,
- (b) a Magistrate or Justice of the Peace, or
- (c) a proper officer.

(2) Declarations required to be made under this Part may be made on behalf of a body corporate –

- (a) by the secretary, or
- (b) any other officer of the body corporate, authorized by that body for the purpose.

Admissibility of evidence of register book and certificate of registration, etc.

**93.** (1) Any person may, on payment of a fee of one hundred dollars or such other fee as may be prescribed and on application to the Registrar at any reasonable time during the hours of his official attendance, inspect any register book.

(2) The following documents shall be admissible in evidence in the manner provided by this Act –

- (a) any register book required to be kept or maintained under this Part, on its production from the custody of the Registrar or other person having the lawful custody thereof,

- (b) a certificate of registration issued under this Act, purporting to be signed by a Registrar or other, proper officer;
- (c) an endorsement on a certificate of registration purporting to be signed by a Registrar or other proper officer,
- (d) every declaration made in pursuance of this Part in respect of a Guyana ship.

Forgery of documents.

**94.** Any person who –

- (a) forges or fraudulently alters;
- (b) assists in forging or fraudulently altering, or
- (c) procures to be forged or fraudulently altered,

any of the following documents, namely, any register book, builder's certificate, surveyor's certificate, certificate of registration, declaration, bill of sale, instrument of mortgage or certificate of sale or mortgage under this Part, or any entry or endorsement required by this Part to be made in or on any such document shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding two years, and to a fine not exceeding fifty thousand dollars.

False declarations.

**95.** (1) Any person who, in any declaration made in the presence of or produced to a Registrar or proper officer under this Part, or in any document or other evidence produced to such Registrar or proper officer -

- (a) wilfully makes or assists in making or procures to be made any false statement concerning the title to or ownership of or the interest in any ship or share in a ship; or
- (b) utters, produces or makes use of any declaration or document containing any such false statement, knowing, the same to be false,

shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding two years and to a fine not exceeding, fifty thousand dollars.

(2) Without prejudice to the provisions of subsection (1) any person who wilfully makes a false declaration concerning the qualification of himself or of any other person or anybody corporate to own a Guyana ship shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding two years, and to a fine not exceeding fifty thousand dollars:

(3) Any ship or share therein which is the subject of any false declaration referred to in subsection (2) shall be subject to forfeiture under this Act, to the extent of the interest therein of the person making the declaration, unless it is proved that the declaration was made without the authority of the person or body corporate on behalf of whom the declaration was made.

Procedure on  
forfeiture of  
ship.

96. Where any ship has, either wholly or as to any share therein, become subject to forfeiture under this Part the ship may be seized and detained in accordance with section 440 and brought for adjudication before the High Court and the court may thereupon order the ship and its equipment to be forfeited to the Government, and make such order in the

case as to the court seems just, and may award to the officer bringing in the ship for adjudication such portion of the proceeds of the sale of the ship, or any share therein, as the court thinks fit.

## PART V NATIONAL CHARACTER AND FLAG

National character of ship to be declared on clearance.

97. (1) An officer of customs shall not grant a clearance to any ship until the master of such ship has declared to that officer the name of the country to which he claims that such ship belongs and the officer shall thereupon write such name on the clearance.

(2) If a ship attempts to proceed to sea without such clearance the ship may be detained until the declaration is made.

Right to fly national colours of Guyana.

98. (1) A ship registered or licensed in accordance with this Act shall be entitled to fly the national colours of a Guyana ship.

(2) Nothing in this section shall be construed to prohibit Guyana ships which are exempt from registration or licensing under this Act from displaying in Guyana waters the national colours of a Guyana ship.

(3) The national flag of Guyana constitutes the national colours of a Guyana ship.

Display of national colours.

99. (1) A Guyana ship shall hoist the Guyana national colours –

- (a) on a signal being made to the ship to such effect by a ship in the service of the Government and carrying out the provisions of this Act;

- (b) on entering or leaving any Guyana or foreign port;
- (c) when passing a warship of any navy; and
- (d) while in a Guyana port, from sunrise to sunset.

(2) If default is made on board any such ship in complying with the provisions of subsection (1) the master of the ship shall be guilty of an offence and on conviction thereof be liable to a fine not exceeding, ten thousand dollars.

(3) This section shall not apply to fishing vessels exclusively employed in fishing.

(4) Where there are hoisted on board any Guyana ship, any colours or pendant usually worn by ships of the Defence Force of Guyana, or the national colours of any other country, the master of the ship, or the owner thereof if he is on board the ship, and every other person hoisting, the pendant or colours, is guilty of an offence and is liable to a fine of fifty thousand dollars and to seizure of the colours or pendant.

Penalty for unduly assuming Guyana character.

**100.** (1) If a person uses the Guyana flag, and assumes the Guyana national character on board a ship owned in whole or in part by any person not qualified to own a Guyana ship, for the purpose of making the ship appear to be a Guyana ship, the ship shall be subject to forfeiture under this Act unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2) In any proceeding for enforcing any such forfeiture as is mentioned in subsection (1), the burden of proving the title to use the Guyana flag and assume the



Guyana national character shall lie upon the person using and assuming the same.

National flag  
on foreign ship.

**101.** (1) A person who uses or permits any person to use the Guyana flag on board a foreign ship for the purpose of making that ship appear to be a Guyana ship is guilty of an offence and liable to a fine of twenty thousand dollars and to imprisonment for three years.

(2) In any proceedings under this section the burden of proving the right to use the flag, and to assume the appearance of a Guyana ship is upon the person using the Guyana flag.

Penalty for  
concealing  
Guyana  
character or  
assuming  
foreign  
character.

**102.** (1) If the master or owner of a Guyana ship does anything or permits anything to be done or carries or permits to be carried any papers or documents with intent to conceal the Guyana character of the ship from any person entitled by the Law of Guyana to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be subject to forfeiture under this Act.

(2) Where the master of such ship commits or is privy to the commission of the offence referred to in subsection (1) he shall, on conviction thereof, be liable to imprisonment for a term not exceeding two years and to a fine not exceeding fifty thousand dollars.

Penalty for  
acquiring  
ownership if  
unqualified.

**103.** If an unqualified person acquires as owner, otherwise than by such transmission as is herein before provided any interest either legal or beneficial, in a ship using a Guyana flag and assuming a Guyana national character that interest shall be subject to forfeiture under this Act.

Liabilities of  
ship not  
recognized as a  
Guyana ship.

**104.** Where by this Act a ship which is owned wholly by persons qualified to own a registered ship is not recognised as a Guyana ship, that ship shall not be entitled to

any benefits, privileges, advantages or protection usually enjoyed by Guyana ships or to use the national colours or assume the national character of Guyana; but, as to the payment of dues, the liability to fines and forfeiture and the punishment of offences committed on board that ship, or by any persons belonging to it, the ship shall be dealt with in the same manner in all respects as if it were registered in Guyana and recognised as a Guyana ship.

**PART VI**  
**MANNING OF SHIPS AND CERTIFICATION OF**  
**SEAFARERS**

Regulations regarding safe manning and qualifications of persons serving in Guyana ships.

**105.** (1) Every Guyana ship and every ship seeking Guyana registration shall be manned by a crew sufficient and efficient from the point of view of safety of life for the purpose of the intended voyage, and shall remain so manned during such voyage.

(2) The Minister may make such regulations as he considers necessary or expedient to provide for the manning requirements for Guyana ships and the qualifications of officers and seamen of such ships and for matters connected therewith, and without prejudice to the generality of such powers, may make regulations –

- (a) determining the categories of Guyana ships by reference to their tonnage capacity, the nature of their cargo and the trading areas or voyages in which they are engaged;
- (b) respecting the manning requirements in relation to such classes or descriptions of ships as may be prescribed, trading in such areas as may be prescribed, and in particular, requiring ships to carry such number

of qualified officers of any description, qualified doctors and qualified cooks and such number of other seamen or qualified seamen of any description as may be specified in the regulations;

- (c) prescribing conditions as to the nationality of a person for service on board any Guyana ship, or any ship engaged in local trade in Guyana waters;
- (d) requiring that in any case a ship shall be under the charge of a properly certificated master and that watches at sea and in port are always kept by appropriately qualified officers;
- (e) requiring officers and seamen and other persons performing prescribed functions in relation to the operation and maintenance of ships to beholders of certificates of competency, proficiency, qualification, authorization or otherwise and to satisfy such other conditions as may be prescribed, including conditions as to nationality and providing for the grant, revocation, extension, validation, suspension, endorsement or variation and the form and recording of such certificates;
- (f) relating to the holding and conduct of examinations for such certificates, the qualifications of candidates for such

examinations and the qualifications of the examiners and the appointment, removal, reappointment and the remuneration of such examiners, the fees for such examinations, and all such matters as the Minister thinks necessary or expedient for the purpose of such examinations;

- (g) providing for the exemption of persons with prescribed qualifications or experience from the whole or parts of examinations for such certificates;
- (h) providing for the programmes of training and the curricula of study to be followed in the training of seafarers;
- (i) providing for the establishment, maintenance and operation of schools for the training of persons for certification as seafarers, and designating from time to time institutions as recognized or affiliated places of training;
- (j) prescribing the manner in which enquiries may be instituted before a tribunal appointed under section 108, the procedure to be followed in the conduct of such proceedings and matters incidental to or consequential on such proceedings;
- (k) prescribing any other matter which may be, or is required by this Act to be prescribed.

Power to  
exempt.

**106.** The Minister may exempt any ship or class of ship from the requirements of any regulation made under section 105 and such exemption may be confined to a particular period or to one or more particular voyages.

Approval of  
foreign  
certificate.

**107.** (1) The Director may approve in writing a certificate of competency issued in accordance with any law in force in such country as may be prescribed, and any certificate so approved shall remain approved so long as it remains valid in that country.

(2) Where a person holding certificate referred to in subsection (1) is desirous of serving on a Guyana ship as master, deck officer or engineer, the Minister may direct that

–

- (a) where the person is a citizen of Guyana he be granted a certificate of equivalent grade under this Act;
- (b) where the person is not a citizen of Guyana he may be issued with a licence, authorising him to serve on a 'Guyana ship in the same capacity as if his certificate had been granted under this Act,

subject to such conditions as the Minister may impose.

(3) A licence issued under subsection (2) shall –

- (a) during the currency have the same force as a certificate of competency granted under this Act and may be cancelled or suspended for like reason;
- (b) be valid for a period of up to five

years from the date of issue, and may be renewed upon such conditions as may be prescribed.

Tribunal.

**108.** The Minister may from time to time appoint a tribunal of three persons at least one of whom shall be a ship's senior officer, to enquire in accordance with such provisions as may be prescribed, into any question whether a seafarer –

- (a) is suffering from any habit or any mental or physical condition rendering him unfit to be a seafarer;
- (b) is guilty of dishonesty, incompetence or misconduct in the performance of his functions as a seafarer;
- (c) procured his certificate of competency as a result of any misleading, false or fraudulent misrepresentation,

and any tribunal appointed pursuant to this section shall, in respect of the matter enquired into, make such recommendations as it thinks fit to the Minister.

Court may recommend cancellation, etc., of certificate.

**109.** Where a court holding a formal investigation under this Act into a shipping casualty finds that loss of life or loss or abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a seafarer who holds a certificate issued or approved under this Act, the court may recommend to the Minister that such certificate be cancelled or suspended, or that the approval be withdrawn, as the case may be.

Cancellation, etc., of certificate by Minister.

**110.** The Minister, acting on a recommendation made by a tribunal pursuant to section 108 or by a court pursuant to section 109 or by the Director, consequent on the conviction of a seafarer for an indictable offence or such other offence as

may be prescribed –

- (a) may, by instrument in writing cancel or suspend a certificate issued under section 105 and order that it be surrendered at such place and within such time as he directs; or
- (b) with respect to a certificate approved under section 107, may, by instrument in writing withdraw the approval either indefinitely or for such temporary period as he may specify in such instrument.

Appeals  
against  
cancellation  
etc., of  
certificate.

**111.** (1) Any person who is aggrieved by an order of the Minister under section 110, cancelling or suspending a certificate, or withdrawing an approval under this Act, may, subject to subsection (3), appeal to the High Court against such order within such time and in such manner as may be prescribed.

(2) The High Court may –

- (a) dismiss the appeal and confirm the order;
- (b) allow the appeal and set aside the order;
- (c) vary the order as it thinks fit;
- (d) where the matter had been enquired into by a tribunal pursuant to section 108, allow the appeal and direct that the matter be re-heard by the same tribunal or by another tribunal appointed under that section.

(3) Where, pursuant to section 110, the Minister cancels or suspends a certificate or withdraws approval on the ground that the holder of such certificate has been convicted of an offence referred to in section 110, the decision of the Minister shall be final and conclusive and not subject to any right of appeal.

Offences.

**112.** (1) Any person –

- (a) who, serves as a seafarer on board a Guyana ship without being the holder of a valid certificate appropriate to the category in which he is engaged to serve; or
- (b) who, either on his own account or acting in the capacity of agent, engages any person as a seafarer without taking all necessary steps to ascertain whether such person is the holder of a valid certificate appropriate as aforesaid,

commits an offence under this Act and is liable on summary conviction to a fine not exceeding fifty thousand dollars and to imprisonment for a term not exceeding two years.

(2) For the purpose of paragraph (b) of subsection (1), whereit is established that a seafarer is engaged to serve in any category without being the holder of a valid certificate appropriate to that category, the onus shall be on the person who engages that seafarer to prove that he has taken all necessary steps to ascertain that the seafarer was at the time when was engaged, the holder of a valid certificate appropriate to the capacity in which he is engaged to serve.

(3) Any person who –



- (a) makes or procures or assists in making any false representation for the purpose of obtaining for himself, or for any other person any certificate or any certified copy thereof,
- (b) forges, assists in forging or procures the forging of such certificate or copy aforesaid;
- (c) fraudulently alters or assists in the fraudulent alteration of, such certificate or copy, or procures it to be fraudulently altered;
- (d) fraudulently makes use of any such certificate or copy aforesaid that is forged, altered, cancelled, or suspended or to which he is not entitled;
- (e) fraudulently lends his certificate to, or allows it to be used by, any other person; or
- (f) takes or has in his possession any document so closely resembling such certificates as to be calculated to deceive,

commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years.

(4) Any person-

- (a) who, not being the holder of a valid

certificate, or

- (b) who, during a period when, pursuant to section 110, his certificate is suspended or approval thereof is withdrawn, as the case may be,

takes or uses any title, addition or description implying or calculated to lead persons to believe that he is entitled to serve as a seafarer on a Guyana ship commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment not exceeding one year.

(5) Any seafarer who, without reasonable cause, fails to comply with a direction of the Minister under section 110 to surrender his certificate commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

Saving and transitional.

**113.** The provisions of this Act shall not affect the validity of any certificate issued pursuant to any other written law prior to the coming into force of this Act and the holder of such certificate shall, while the certificate remains valid, be regarded as a person holding a certificate under this Act.

## PART VII ENGAGEMENT AND WELFARE OF SEAMEN

### *ENGAGEMENT OF SEAMEN*

Functions of Registrar of Seamen.

**114.** The functions of the Registrar of Seamen are –

- (a) to conduct all business connected with the engagement and discharge of all persons who serve on board Guyana ships and all seamen being citizens of Guyana who serve on foreign ships;

- (b) to afford facilities for engaging and discharging seamen by keeping registers of the names and conduct of
- (i) seamen who apply to him for engagement;
  - (ii) seamen shipped or discharged by him;
  - (iii) seamen who produce certificates of continuous discharge in proof of service in foreign or Guyana ships;
  - (iv) seamen who serve in Guyana ships.
- (c) to cause copies of the certificates referred to in paragraph (b)(iii) to be kept at his office;
- (d) to perform such other duties relating to seamen, apprentices and ships as are by this or any other enactment relating to shipping entrusted to him.

Crew  
agreement.

**115.** (1) Subject to subsection (2) the master of a Guyana ship shall enter into an agreement with in accordance with this Act with every seaman whom he engages and carries to sea as one of his crew, and the master of any ship shall enter into such an agreement with every seaman whom he engages in Guyana or carries to sea from Guyana as one of his crew.

(2) Subsection (1) shall not apply in any case where the ship concerned does not exceed twenty-four metres, and which is not engaged on an international voyage.

(3) The Minister may waive the requirements

stipulated in sub-section (1), or he may vary the contents of the approved form of the crew agreement in respect of any ship if he considers it expedient to do so.

(4) The Minister may make regulations for the engagement of seamen and matters pertaining to the engagement of seamen in respect of vessels under twenty-four meters and which are not engaged on an international voyage.

Contents of  
crew  
agreements.

**116.** (1) A crew agreement shall be in the prescribed form and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs his name.

(2) The crew agreement shall show the place at which it is made, the surname and other names of the seaman, his birth-place, and his age or date of his birth, and shall state clearly the respective rights and obligations of each of the parties, and shall contain as terms thereof the following particulars –

- (a) the name of the ship in which the seaman undertakes to serve;
- (b) either the nature and, as far as is practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, which shall not exceed twelve months, and the port at which it is intended the crew shall be discharged, and the places or ports of the world, if any, to which the voyage or engagement is not to extend;
- (c) the number and description of the crew;

- 
- (d) if possible, the place and date at which each seaman is to be on board or to begin work;
  - (e) the capacity in which each seaman is to serve;
  - (f) the amount of wages which each seaman is to receive;
  - (g) the prescribed scale of the provisions which are to be furnished to seamen;
  - (h) the time that is to expire after arrival at the port of discharge before the seaman is discharged;
  - (i) any regulations as to conduct on board and as to fines, and other lawful punishment for misconduct which have been made by the Minister which the parties agree to adopt;
  - (j) a list of persons under the age of eighteen years and the dates of their births.

(3) The crew agreement shall be so drawn up as to admit of such stipulations to be adopted at the will of a master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4) An agreement made to employ a seaman under this section shall be terminated by-

- (a) mutual consent of thereto;

- (b) the death of the seaman; or
- (c) the loss or total unseaworthiness of the ship.

Regulations for disciplinary offences.

**117.** For the purpose of maintaining discipline on board Guyana ships, the Minister may make regulations for-

- (a) any misconduct on board as a disciplinary offence and enabling the master or such an officer as may be designated by the master to impose fines on seamen committing disciplinary offences;
- (b) the procedure for the hearing of appeals against fines for disciplinary offences;
- (c) the setting up of a disciplinary committee of persons employed in the ships and for the exercise by all or any of those members of the powers of the master in dealing with disciplinary offences;
- (d) the payment of fines for disciplinary offences.

Same offences.

**118.** Where any conduct is both a disciplinary offence and an offence against any of the provisions of this Act, then if it has been dealt with as a disciplinary offence it shall not be dealt with as an offence against that provision.

Procedures relating to certain crew agreements.

**119.** The following provisions shall have effect with respect to a crew agreement made in the case of ships trading from and beyond the waters of Guyana –

- 
- (a) the agreement shall, subject to the provisions of this Act as to substitutes, be signed by each seaman;
  - (b) the Registrar of Seamen shall cause the agreement to be read over and explained to each seaman or otherwise ascertain that each seaman understands the agreement before he signs it and shall attest each signature;
  - (c) when the crew is first engaged, the agreement shall be signed in duplicate, and one part shall be forwarded to the owner and the other shall be retained by the master and shall contain a special place for the descriptions and signature of substitutes or persons engaged subsequent to the first departure of the ship;
  - (d) where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services are, within twenty-four hours of the ship proceeding to sea, lost by death, desertion or other unforeseen cause, the master shall, before the ship proceeds to sea if practicable, and if not, as soon as possible thereafter, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness and the witness shall attest the signature;

- (e) an agreement may be made for a voyage or, if the voyage of the ship averages less than six months in duration, may be made to extend over two or more voyages, and an agreement as made to extend over two or more voyages is in this Act referred to as a "running agreement";
- (f) a running agreement shall not extend beyond the twelve month period of time next following the date of the making of the agreement or the first arrival of the ship at her port of destination after the termination of that period;
- (g) on every return to the port where the crew was engaged before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if the master wilfully makes a false statement in any such endorsement he is guilty of an offence;
- (h) the duplicate crew agreement retained by the owner on the first engagement of the crew shall be kept by the owner for a period of seven years after the expiration of the



agreement and shall be produced demand made therefore by the Registrar of Seamen or other proper officer;

- (i) except as provided in section 135 a crew agreement shall not purport to deprive any court of its jurisdiction to hear and determine disputes respecting the agreement.

Further provisions as to crew agreement.

**120.** (1) The master shall, at the commencement of every foreign voyage or engagement, cause a legible copy of the crew agreement omitting the signatures to be displayed in some part of the ship which is accessible to the crew.

(2) Every erasure, amendment or alteration in any crew agreement, except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship, shall be without effect unless proved to have been made with the consent of all persons interested in the erasure, amendment or alteration.

(3) In any proceedings, a seaman may introduce evidence to prove the contents of any crew agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

(4) Every person who fraudulently alters, makes any false entry in, or delivers a false copy of any crew agreement is guilty of an offence.

Stipulations not to be contrary to law of flag state.

**121.** In no case shall stipulations adopted by the parties be contrary to the laws of the flag state of the ship in matters relating to wages and conditions of employment of seamen and masters on board ships.

Seaman's  
certificate of  
discharge.

**122.** (1) Subject to section 177, the master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in an approved form specifying the period of his service and the time and place of discharge.

(2) A certificate of discharge under subsection (1) shall not contain any statement as to the wages or the quality of work of the discharged seaman.

(3) The master shall, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer.

Character  
report.

**123.** (1) When a seaman is discharged from a Guyana ship, the master thereof shall make and sign a report in the prescribed form, in this section called a "character report", in which the master –

- (a) shall report on the conduct, character and qualifications of the seaman who is being discharged; or
- (b) may state that he declines to give any report on the conduct, character and qualifications of the seaman who is being discharged.

(2) The master before whom the discharge of a seaman is being made shall, subject to section 177 and if the seaman so desires, give the seaman a copy of the character report on him.

(3) A person is guilty of an offence who–

- (a) makes a false report of character knowing the same to be false;

- (b) forges or fraudulently alters any certificate of discharge or character report or copy of a character report;
- (c) fraudulently uses any certificate of discharge or character report, that is forged or altered or that does not belong to him.

Discharge on change of ship registry.

**124.** Where a Guyana ship ceases to be registered as such, any seaman employed in the ship shall be discharged from the ship, unless he consents in writing to continue his employment in the ship and, in such a case provisions of this Part relating to the payment of a seaman's wages and the power of the Registrar of Seamen or other proper officer to decide disputes about wages shall apply in relation to his wages shall as if the ship had remained registered in Guyana.

Employment of children or persons under eighteen years.

**125. (1)** No person under the age of sixteen years shall be employed in any Guyana ship except –

- (a) upon work approved by the Director on board a school ship or training ship; or
- (b) where the Director certifies that he is satisfied, having due regard to the health and physical condition of the person and to the prospective and immediate benefit to him of the employment, that the employment will be beneficial to him.

(2) No person under the age of eighteen years shall be employed in any capacity in any Guyana ship unless there has been delivered to the Master of the ship a certificate granted by a duly qualified Medical Practitioner certifying that such person is fit to be employed in that capacity.

(3) Every medical certificate under subsection (2) –

- (a) shall be valid for one year from the date of issue, unless earlier revoked; and
- (b) may at any time be revoked by a duly qualified medical practitioner if he is satisfied that the person is no longer fit for work.

(4) No person under the age of eighteen years shall be employed to work in the engine-room of any ship, unless that person is an apprentice working under supervision.

Changes in crew of certain ships.

**126.** (1) The master of every ship trading from and beyond Guyana waters shall, before leaving Guyana, sign and send to the Director a full and accurate statement, in the prescribed form of every change which takes place in his crew before finally leaving Guyana and that statement shall be admissible in evidence.

(2) Any master who without reasonable cause fails to comply with this section is guilty of an offence.

Change of master.

**127.** (1) Where, during the progress of a voyage of a ship, the master is removed, superseded or for any other reason ceases to have command or charge of the ship, and, is succeeded in the command or charge of the ship, by some other person, he shall deliver to his successor the certificate of registration and the various documents relating to the navigation of the ship and to the crew thereof which are in his custody; and if he fails without reasonable cause to do so, he is guilty of an offence.

(2) The successor to every master shall, immediately on assuming the command of a ship, enter in the official log book a list of the documents so delivered to him.

Regulations for conditions of service.

**128.** (1) The Minister may make such regulations as he considers necessary or expedient to provide for –

- (a) the conditions of service of persons serving in Guyana ships and of Guyanese citizens serving in foreign ships;
- (b) matters connected therewith and, in particular, relating to –
  - (i) apprenticeship to sea service;
  - (ii) engagement by foreign ships of Guyana citizens;
  - (iii) the implementation of any international convention relating to the employment, welfare, security, certification or status of seafarers;
  - (iv) the avoidance agreements of made contrary to such regulations as may be prescribed;
  - (v) wages in general, and the rights related thereto of persons employed in Guyana ships, securing safe working conditions, health and welfare for seafarers and apprentices employed in ships;
  - (vi) the accommodation to be provided for seafarers and apprentices on board ships, the locations and standards of accommodation and all questions relating to the accommodating of seafarers and apprentices on board; and

- (c) the employment of persons under the age of eighteen years.

(2) In making such regulations, the minister shall have due regard to the following conventions of the International Labour Organization, namely-

- (a) Convention Concerning Minimum Standards in Merchant Ships (1976);
- (b) Convention Concerning Wages, Hours of Work on Board Ship and Manning (Revised 1958);
- (c) Convention Concerning the Medical Examination of Seafarers (1946);
- (d) Convention Concerning Crew Accommodation on Board Ship (Revised), 1959, and (Supplementary Provisions), 1970,

and any other Conventions and Recommendations of the said Organization as may be relevant.

Use of english language.

**129.** (1) Except where otherwise provided in this Act, all correspondence, documents, forms or other writings shall be in the English language, and in the case of the crew agreement, official log book and master lists, in a prescribed form save that a foreign language version of any document may be appended to the English language version thereof.

(2) All written signs displayed on board a Guyana ship shall be in the English language with, if it is considered to be necessary by the master, a foreign language version appended thereto.

Crew's  
knowledge of  
English.

**130.** (1) Where in the opinion of the Director the crew of a Guyana ship consists of, or includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of English and the absence of adequate arrangements for transmitting orders in a language of which they have sufficient knowledge, the Director shall inform the master of his opinion and the ship shall not proceed to sea, and may be detained.

(2) If a ship goes to sea or attempts to proceed to sea in contravention of this section both the owner and the master are guilty of offences.

Time and  
manner of  
payment of  
wages.

**131.** The master or owner of a Guyana ship trading from and beyond Guyana waters shall pay to each seaman belonging to that ship his wages, if demanded, within two days after the arrival of the ship at the port where the crew is to be discharged or upon the seaman's discharge, whichever first happens.

Account of  
wages.

**132.** (1) The master of every Guyana ship shall, before paying off or discharging a seaman, deliver at the time and in the manner provided by this Act a full and true account of the seaman's wages and of all deductions to be made therefrom for any reasons whatsoever.

(2) The account shall be delivered to the seaman not less than twenty-four hours before his discharge or paying off.

Deductions  
from wages.

**133.** (1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of section 203 except in respect of a matter happening after the delivery.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made in a book kept for that purpose, and shall if required produce

the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Settlement of wages.

**134.** (1) When a seaman is discharged, and the settlement of his wages completed, he shall sign a release, in an approved form, of all claims in respect of the past voyage or engagement; and the release shall be signed by the master or owner of the ship.

(2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) The release shall be delivered to and retained by the owner for a period of seven years after the expiration of the agreement and shall be produced on demand made therefor by the Registrar of Seamen or other proper officer.

Registrar's decision as to wages.

**135.** Where a question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before the Registrar of Seamen and both parties agree in writing to submit the same to him, the Registrar, shall hear and decide the question so submitted; and an award made by him on the submission shall be conclusive as to the rights of the parties; and a document purporting to be the submission of the award shall be admissible in evidence in the manner provided by this Act.

Registrar may require ship's documents.

**136.** (1) In any proceeding under this Act before the Registrar of Seamen relating to wages, claims or discharge of a seaman, the Registrar may require the owner or his agent or the master or any mate or other member of the crew to produce any log books or other documents in his possession or power relating to a matter in question in the proceedings and may require the attendance of and may examine any of those persons who are then at or near the place on the matter,



and may administer oaths.

(2) In any proceedings under this Act before the Registrar of Seamen relating to the wages, claims or disputes or discharge of seamen, all travelling and other expenses incurred by the Registrar shall be met by the owner or master of the ship in dispute.

Rate of  
exchange.

**137.** Where a seaman has agreed with the master of a Guyana ship for payment of his wages or any part thereof in a specific currency, any payment of or on account of his wages if made in any other currency than that stated in the agreement shall, notwithstanding anything in the agreement, be made at the rate of exchange for the amount stated in the agreement for the time being current at the place where the payment is made, and such rate of exchange shall be endorsed on the agreement by a proper officer at that place.

Registrar may  
settle wage  
disputes up to  
fifteen  
thousand  
dollars.

**138.** Where, before the Registrar of Seamen or a proper officer, a question as to wages is raised between the master or owner of a ship and a seaman, and the amount does not exceed fifteen thousand dollars, the Registrar or a proper officer may, on the application of either party, decide the question and the decision shall be final; but if the Registrar or a proper officer is of the opinion that the question is one which ought to be decided by a court, he may refuse to decide it.

Court may  
award interest  
on wages due  
where there is  
no crew  
agreement.

**139.** In any proceedings by the master of a ship or person employed in a ship otherwise than under a crew agreement for the recovery of any sum due to him as wages, the court, unless it appears to it that the delay in paying the sum was due to a mistake, to a reasonable dispute as to liability or to the act or default of the person claiming the amount or to any other cause not being the wrongful act or default of the person liable to make the payment or their servants or agents, may order them to pay in addition to the sum due, interest on it at the rate of twenty percent per

annum or such lower rate as the court may specify, for the period beginning seven days after the sum became due and ending when the sum is paid.

Allotment  
notes.

**140.** (1) Subject to this section, a seaman may, by means of an allotment note issued in accordance with regulations, allot a part of the wages to which he will become entitled in the course of his employment in a Guyana ship.

(2) The Minister may make regulations –

- (a) relating to the limitations to which a seaman's right to make an allotment are subject;
- (b) prescribing the form of allotment notes;
- (c) relating to the right of a person named in an allotment note to sue in his own name.

Wages where  
service  
terminated.

**141.** (1) Where the service of a seaman terminates before the date contemplated in the agreement by reason of his being left on shore at a place abroad by reason of his unfitness or inability to proceed on the voyage, such seaman shall be entitled to wages for time served up to such termination but not for any further period.

(2) Where the service of a seaman terminates before the date contemplated in his agreement by reason of the loss or foundering the ship on which he is employed, he shall be entitled to receive wages in respect of each day on which he is in fact unemployed during a period of two months from the date of termination of the service at the rate to which he was entitled at that date, except so far as he obtains other suitable employment.

Protection of  
seaman's rights  
and remedies.

**142.** (1) Subject to subsection (3) a seaman's lien on a ship, his remedies for the recovery of his wages, his right to wages in case of the wreck or loss of the seaman's ship, and any right he may have or obtain in the nature of salvage shall not be capable of being renounced by any agreement.

(2) Any stipulation in any agreement inconsistent with subsection (1) or any other provision of this Act shall be void.

(3) Subsection (1) does not affect any term of an agreement made with the seamen belonging to a ship which, in accordance with the agreement is to be employed on salvage service which then relates to the remuneration to be paid to them for salvage services rendered by that ship.

Claims against  
seaman's  
wages for  
maintenance.

**143.** (1) Where, during a seaman's employment in a ship, expenses are incurred by a Public Officer for the benefit of any of his dependants and the expenses are of a kind specified in the regulations made and such further conditions, as may be so specified are satisfied, the public officer may by notice in writing require the persons employing the seaman –

- (a) to retain for a period specified in the notice such proportion of his net wages as may be so specified, and
- (b) to give to the public officer notice in writing of the seaman's discharge from the ship,

and the persons employing the seaman shall comply with the notice, subject to subsection (3), and give notice in writing of its contents to the seaman.

(2) For the purposes of this section-

- (a) the following persons, and no others,

shall be taken to be a seaman's dependants, that is to say, his spouse and any person under the age of sixteen years, for whom he is liable for the purposes of any law to maintain, or in respect of whom he is liable under such law to make contributions to a local authority, and

- (b) expenses incurred for the benefit of any person include in addition to any payments made to him or on his behalf, expenses incurred for providing him with accommodation or care or for exercising supervision over him, but no expenses shall be specified in the regulations unless they are such that a magistrates court has power under any law to order the making of payments in respect thereof.

(3) No more than the following proportion of a seaman's net wages shall be retained under subsection (1) whether in pursuance of one or more notices that is to say—

- (a) one-half, if the notice or notices relate to one dependant only;
- (b) two-thirds, if the notice or notices relate to two or more dependants.

(4) Where a public officer has served a notice under this section on the persons employing a seaman, a magistrate court may, on the application of the officer, make an order for the payment to the officer of such sum, not exceeding the proportion of the seaman's wages which those persons were required by virtue of this section to retain, as

the court having regard to the expenses incurred by the officer and the seaman's means, thinks fit.

(5) Any sums paid out of a seaman's wages in pursuance of an order under this section shall be deemed to be paid to him in respect of his wages; and the service, on the persons who employed the seaman, of such an order or of an order dismissing an application for such an order shall terminate the period for which they were required to retain the wages.

(6) An application for an order under this section for the payment of any sum by the persons who employed a seaman shall be deemed, for the purposes of any proceedings, to be an application for an order against the seaman; but the order, when served on those persons, shall have effect as an order against them and may be enforced accordingly.

(7) Any notice or order under this section may be served by registered post.

(8) The Minister may make regulations specifying

—

- (a) the expenses in respect of which a notice may be served by a public officer under subsection (1);
- (b) any conditions that must be satisfied if such a notice is to be served;
- (c) the period that may be specified in such a notice being a period beginning with the service of the notice and ending a specified number of days after the seaman's discharge from his ship;

- (d) the form of such a notice and the information to be contained therein;
- (e) the amounts to be deducted from a seaman's wages in computing his net wages for the purposes of this section, and the amounts specified under this paragraph may include amounts allotted by allotment notes issued under section 140.

Master's remedies for remuneration and disbursements.

**144.** (1) The master of a Guyana ship, so far as circumstances permit, shall have the same rights, liens and remedies for the recovery of his wages as a seaman has for his wages under this Act or any other law.

(2) The master of a Guyana ship, and every person lawfully acting as master of a ship by reason of the death or incapacity from illness of the master of the ship, so far as circumstances permit, has the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) Where, in any proceedings regarding the claim of a master in respect of wages or of the disbursements or liabilities mentioned in subsection (2), any rights of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Wages not to depend on freight.

**145.** (1) The right to wages shall not depend on the earning of freight, and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served has earned freight, shall, subject to all other rules of law and conditions applicable to the case,

be entitled to demand and recover the same notwithstanding that the freight has not been earned; but in the event of wreck, or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim for wages.

(2) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in the same way as the wages of a seaman who dies during a voyage.

Refusal to  
work.

**146.** A seaman shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for him to begin work, or for any period during which he is lawfully imprisoned for any offence committed by him, unless the court hearing the case otherwise directs.

Illness caused  
by own default.

**147.** (1) Where a seaman is, by reason of illness, incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, or is a sickness or infirmity wilfully concealed at the time of engagement, he shall not be entitled to wages for the period during which he is, by reason of the illness, incapable of performing his duty.

(2) Subsection (1) does not affect the right of any seaman to any payment or other benefits to which, he may be entitled under any law providing for compensation to injured or sick workers.

Costs of  
procuring  
conviction.

**148.** When in any proceeding relating to a seaman's wages it is shown that the seaman has in the course of the voyage, been convicted of an offence and punished by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding one month's wages, to be applied in reimbursing any costs

properly incurred by the master in procuring the conviction and punishment.

Improper discharge.

**149.** Where a seaman who has signed an agreement is discharged otherwise than in accordance with the terms of the agreement –

- (a) before the commencement of the voyage; or
- (b) before one month's wages are earned,

without fault and without his consent, he is entitled to receive from the master or owner, in addition to any wages he might have earned, due for the damage caused to him by the discharge, not exceeding one month's wages; and he may recover that compensation as if it were wages duly earned.

Protection of wages.

**150. (1)** The following provisions apply to wages due or accruing to a seaman –

- (a) subject to section 143, and any law relating to maintenance wages are not subject to attachment by any court;
- (b) an assignment or sale of wages before they are due does not bind the person making it;
- (c) no power of attorney or authority for the receipt is irrevocable; and
- (d) a payment of wages to a seaman is valid in law notwithstanding that the wages have been assigned, or encumbered.

(2) Nothing in subsection (1) affects the provisions of this Act with respect to allotment notes.



(3) Nothing in this section applies to any disposition relating to the application of wages –

- (a) in the payment of contributions to a fund declared by regulations to be a fund to which this section applies;
- (b) in the payment of contributions in respect of the membership of a body declared by regulations to be a body to which this section applies.

Leave and holidays.

**151.** (1) Every person is entitled after twelve months of continuous service on a Guyana ship, or for the same employer, to an annual leave with pay, or to a proportionate part of the annual leave with pay, the duration of which shall be –

- (a) in the case of master and officers, not less than eighteen working days; and
- (b) in the case of other members of the crew, not less than twelve working days.

(2) For the purpose of calculating the time at which annual leave is due –

- (a) periods between consecutive crew agreements shall be included in the reckoning of continuous service referred to in subsection(1);
- (b) short interruptions of service not due to the act or fault of the employee and not exceeding a total of six weeks in any twelvemonths do not break the continuity of the periods of service that precede and follow them; and

- (c) continuity of service is not interrupted by any change in the management or ownership of the ships in which the person concerned has served.

(3) The following shall not be included in annual leave with pay –

- (a) interruptions of service due to sickness or injury; and
- (b) public holidays.

(4) In addition to the entitlement under subsection (1), every member of the crew of a Guyana ship is entitled to nine days annual leave with pay in lieu of public holidays; and if the length of continuous service is less than twelve months, then the annual leave with pay shall be pro-rated.

Seaman may  
sue for wages.

**152.** (1) Subject to section 142, a seaman or a person duly authorized on his behalf, may, as soon as any wages due to him become payable, sue for them in a court having jurisdiction in the place at which his service has terminated or at which he has been discharged, or at which any master or owner or other person upon whom the claim is made, resides.

(2) A court upon complaint on oath made to it for the purposes of proceedings under this section may summon the master or owner or other person to appear before the court to answer the complaint.

(3) Upon the appearance of the master, owner or other person, the court may examine upon oath the parties and their respective witnesses regarding the complaint and the amount of wages due, and may make such order for the payment of any wages found due as appears reasonable and

just.

(4) Where a master, owner or other person does not appear, the court, on due proof that the master, owner or other person was duly summoned, may examine on oath the complainant and his witnesses regarding the complaint and the amount of wages due, and may make such order for the payment of any wages found due as appears reasonable and just.

(5) Where an order under this section for the payment of the wages is not obeyed within twenty-four hours after the making thereof, the magistrate may issue a warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the person on whom the order is made together with all the charges and expenses incurred in connection with the distress and levy and the enforcement of the order.

(6) Where sufficient distress cannot be found the court may cause the amount of the wages, charges and expenses to be levied on the ship in respect of which the wages were earned or on the tackle and apparel thereof, save that if the ship is not within the jurisdiction of the court, no levy may be made on the ship but the court may cause the person upon whom the order for payment is made to be arrested and committed to prison for a term not exceeding three months.

Jurisdiction of High Court in the recovery of wages.

**153.** The High Court has jurisdiction to hear and determine any action, suit or proceeding instituted by or on behalf of any seaman or apprentice for the recovery of wages, where –

- (a) the owner of the ship is bankrupt;
- (b) the ship is under arrest or is sold by the authority of the High Court; or

- (c) a magistrates court refers the claim to the High Court.

Power to rescind contracts.

**154.** (1) Where proceedings are instituted in a court in relation to a dispute between an owner or master of a ship and a seaman, arising out of or incidental to their relationship as such, or is instituted for the purpose of this section, the court may, if, having regard to all the circumstances it thinks it just to do so, rescind any contract between the owner or master and the seaman, or any contract between the owner or master and seaman, or any contract or articles of apprenticeship, upon such terms as the court thinks just.

(2) The jurisdiction of a court under subsection (1) is in addition to any other jurisdiction that the court can exercise independently of this section.

*PROPERTY OF DECEASED SEAMAN*

Property of deceased seaman.

**155.** (1) Where any seaman belonging to a Guyana ship dies during a voyage, the master of the ship shall take charge of any money or effects belonging to the deceased seaman that are on board the ship.

(2) The master shall enter in the official log book -

- (a) a statement of the amount of the money and a description of the effects; and
- (b) a statement of the wages due to the deceased, the amount of deductions, if any, to be made from the wages and the balance of the wages due.

(3) The entry shall be signed by the master and attested by a mate or some other member of the crew.

(4) The master, if he thinks fit, may cause any of

the effects of a deceased seaman to be sold.

(5) The master of the ship shall without delay furnish the Registrar of Seamen with a statement of the property of the deceased seaman.

(6) The money, effects and balance of wages mentioned in sub-sections (1) to (3) and the proceeds of the sale mentioned in subsection (4) are in this Act referred to as the "property of the seaman".

Delivery of  
deceased  
seaman's  
property.

**156.**(1) Subject to subsection (2), the property of the seaman shall be delivered, by the master of a ship by the most practicable means, to the personal representative of the deceased; or, if there is no personal representative, to the Registrar of Seamen or to the proper officer as the case may be, for disposal –

- (a) in accordance with the law for determining the distribution or succession of personal property of deceased persons of the place in which the deceased was last resident; or
- (b) in accordance with the order of a court having jurisdiction to determine the distribution of the property of the deceased.

(2) A master may deduct from the property of the seaman any expenses properly incurred in complying with subsection (1).

(3) After complying with subsection (1), the master shall deliver a statement of account to the Registrar of Seamen respecting the property of the seaman.

Forgery of documents.

157. A person is guilty of an offence, who for the purpose of obtaining, either for himself or for any other person, any property of the seaman –

- (a) forges or fraudulently alters any document purporting to show or assist in showing any right to that property;
- (b) makes use of any document that has been forged or fraudulently altered as described in paragraph (a);
- (c) gives or assists in giving or procures to be given any false evidence knowing the same to be false;
- (d) makes any false representation knowing the same to be false; or
- (e) assists in procuring any false evidence or representation to be given or made knowing the same to be false.

OCCUPATIONAL SAFETY

Occupational safety regulations.

158. (1) The Minister may make regulations for securing, as far as is practicable, safe working conditions and safe means of access for masters and seamen employed in Guyana ships, and requiring the reporting of injuries sustained by them.

(2) Without prejudice to the generality of subsection (1), regulations under this section may –

- (a) require the maintenance, inspection and testing of any equipment and impose conditions on its use;

- (b) require, prohibit, or regulate the use of any material or process;
- (c) require the provision and use of any protective clothing or equipment;
- (d) limit the hours of employment of seamen in any specified operation or in any specified circumstances;
- (e) make provision for the discharge, by persons appointed from among the persons employed in a ship, of functions in connection with the arrangements to be made under regulations.

(3) In making regulations under this section, the Minister shall have due regard to the Convention Concerning the Prevention of Occupational Accidents to Seafarers (1970) of the International Labour Organization.

*PROVISIONS*

Provisions and water.

**159.** (1) The Minister may also make regulations requiring such provisions and water to be provided for seamen employed in Guyana ships or any class of ships as may be specified in the regulations.

(2) The Minister may exempt any ship from any requirement of regulations made under this section, either generally or in respect of a particular voyage.

(3) Where the provisions of any regulations made under this section are not complied with in the case of a ship the master or owner is guilty of an offence and is liable to a fine of one thousand dollars unless he proves that the failure to comply was not due to his neglect or default.

(4) Where a person empowered under this Act to inspect the provisions and water to be supplied to the seamen employed in a Guyana ship is not satisfied that they are in accordance with regulations made under this section the ship, if in Guyana may be detained.

Complaints as to provisions and water.

**160.** (1) Where three or more members of the crew of a Guyana ship consider that the provisions or water provided for the use of the crew are, at any time, of bad quality or deficient in quantity, they may complain thereof to the Registrar of Seamen or the proper officer or an inspector, who may either examine the provisions or water complained of, or cause them to be examined.

(2) Where the person making an examination under this section finds that the provisions or water are of bad quality or deficient of quantity, he shall communicate that fact in writing to the master of the ship, and if the master does not thereupon provide provisions or water, fit for human consumption he is guilty of an offence.

(3) The person making the examination shall enter a statement of the result of the examination in the official log book and send a report thereof to the Registrar of Seamen, and that report is, admissible in evidence in the manner provided by this Act.

(4) Where the person making the examination certifies in his statement that there was no reasonable ground for complaint, each of the complainants is liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

**161.** (1) If during the voyage of a Guyana ship the allowance of provisions provided for a seaman is less than that prescribed or any of those provisions are of bad quality, the seaman shall receive by way of compensation for the deficiency or bad quality, for so long as it lasts, such amounts



as may be prescribed to be paid to him in addition to, and to be recoverable as, wages.

(2) Where the deficiency occurred because the provisions could not be procured or supplied in proper quantities and proper equivalent substitutes were supplied in lieu thereof, those circumstances shall be taken into consideration for the purposes of subsection (1) and the compensation reduced or denied accordingly.

Weights and measures.

**162.** (1) The master of a Guyana ship in which provisions are supplied to the crew shall keep on board proper weights and measures of the several provisions and articles distributed; and the master shall allow the weights and measures to be used in the presence of a witness at the time of distribution of the provisions and articles whenever any dispute arises about the quantities.

(2) A master who fails without reasonable cause to comply with subsection (1) is guilty of an offence.

#### HEALTH AND WELFARE

Medical fitness regulations.

**163.** (1) The Minister may make regulations as appear to him to be necessary for the medical examination of all persons seeking employment in any capacity on board ships and the issue of medical certificates in respect of such persons.

(2) In making regulations under this section, the minister shall have due regard to Convention Concerning the Medical Examination of Seafarers (1946), of the International Labour Organization.

Crew accommodation regulations.

**164.** (1) The Minister may make regulations with respect to the crew accommodation to be provided in Guyana ships.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may, in

particular –

- (a) prescribe the minimum space per person which shall be provided by way of sleeping accommodation for seamen and the maximum number of persons by whom a specified part of such sleeping accommodation may be used;
- (b) prescribe the equipment to be provided for the sleeping accommodation, mess rooms, sanitary accommodation and galleys in a ship;
- (c) regulate the spaces in the ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;
- (d) provide for the protection of the crew against injury, condensation, heat, cold and noise on a ship;
- (e) prescribe the water, heating, lighting, ventilation and sanitary facilities to be supplied on a ship;
- (f) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation and authorize the surveyor to inspect

any such works;

- (g) provide for the maintenance and repair of any such accommodation and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed; and
- (h) provide for the inspection, measuring and marking of crew accommodation on a ship and its certification for the purpose of ascertaining tonnage.

(3) Regulations made under this section may exempt any particular ship or any class of ship from any requirements of the regulations.

(4) Regulations made under this section may require the master of a ship or any officer authorized by him for the purpose to carry out such inspections of the crew accommodation as may be prescribed.

(5) Where the provisions of any regulations made under this section are contravened in the case of a ship, the owner or master is guilty of an offence and the ship, if in Guyana, may be detained.

(6) In this section "crew accommodation" includes sleeping accommodation, mess rooms, sanitary accommodation, store rooms and catering accommodation provided for the use of seamen, but does not include any accommodation which is also used by, or provided for the use of passengers.

(7) In making regulations under this section, the Minister shall have due regard to the requirements of the Convention Concerning Crew Accommodation On Board

Ship (Revised 1949) and (Supplementary Provisions, 1970) of the International Labour Organization.

Certificated cook to be carried.

**165.** (1) Every Guyana ship of one thousand gross tons or more trading from beyond the waters of Guyana shall carry a duly certificated ship's cook.

(2) Where in the opinion of the Minister there is an inadequate supply of certificated ships, cooks he may exempt a particular ship from the requirements of this section for a specified period.

Medical stores regulations.

**166.** (1) The Minister may make regulations requiring Guyana ships to carry such medicines, medical stores, appliances and books containing instructions and advice, as may be specified in the regulations.

(2) The owner and master of every ship shall ensure that the ship carries medicines, medical stores, appliances and books in accordance with the scales laid down under subsection (1).

(3) Where an inspector is of the opinion that the medicines medical stores, appliances and books on a Guyana ship are deficient in quantity or quality or are placed in improper receptacles, he shall give notice thereof in writing to the master, owner or agent of the ship, and the ship may be detained.

Expenses for medical treatment and burial.

**167.** (1) Where the master of, or a seaman belonging to a Guyana ship receives any surgical or medical treatment, or such dental or optical treatment including the repair or replacement of any appliance, as cannot be postponed without impairing the efficiency of the master or seaman, the reasonable expenses thereof shall be borne by his employer.

(2) Where the master or seaman dies and is buried or cremated outside his country of residence, the expenses of

his burial or cremation shall be borne by his employer.

Medical-  
practitioners to  
be carried.

**168.** (1) Every Guyana ship trading from and beyond Guyana waters that proceeds from a port with not less than one hundred persons on board shall carry on board as part of her complement a duly qualified medical practitioner.

(2) The owner of a Guyana ship is guilty of an offence and liable to a fine of one thousand dollars in respect of each day every voyage of the ship on which is in contravention of subsection (1).

Welfare Board  
for seaman's  
welfare.

**169.** (1) The Minister may, by regulations constitute an advisory board to be called the National Seamen's Welfare Board for the purpose of advising him on the measures to be taken for promoting the welfare of seamen.

(2) Regulations made by the Minister pursuant to subsection (1) may contain such provisions as he may think fit for the proper functioning of the Board.

Facilities for  
making  
complaints.

**170.** (1) Where a seaman while on board a Guyana ship informs the master of the ship that he wishes to make a complaint to a magistrate, the proper officer or the Registrar of Seamen, against the master or any of the crew, the master shall, as soon as the service of the ship will permit, allow the complainant to go ashore, so that he can make, his complaint

- 
- (a) if the ship is then at a place where there is a magistrate, proper officer or the registrar of seamen, at that place; or
  - (b) if the ship is not then at such a place, upon her arrival at such a place.

(2) A master of a ship who fails, without reasonable cause, to comply with this section is guilty of an offence and liable to a fine of five thousand dollars.

*PROTECTION OF SEAMEN FROM IMPOSITION*

Assignment and sale of salvage.

**171.** Subject to this Act, an assignment or sale of any salvage payable to a seaman that is made before the salvage accrues does not bind the person making the assignment or sale, and a power of attorney or authority for the receipt of any such salvage may be revoked regardless of its terms.

Seaman's debts.

**172.** A debt exceeding a prescribed percentage of a seaman's total earning as indicated in the crew agreement, if incurred by the seaman after he is engaged to serve, is not recoverable until the service agreed for is concluded.

*PROVISIONS AS TO DISCIPLINE*

Endangering life or ship.

**173.** The master or any member of the crew of a Guyana ship who by wilful breach or by neglect of duty, or by reason of being under the influence of alcohol or drugs –

- (a) does any act tending to cause the immediate loss, destruction or serious damage of the ship, or tending to endanger immediately the life or limb of a person belonging to, or on board, the ship; or
- (b) refuses or omits to do any lawful act, proper and requisite, to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board ship, from immediate danger to life or limb,

is guilty of an offence and is liable to a fine of ten thousand

dollars and to imprisonment for twelve months.

General  
offences against  
discipline.

174.(1) Where a seaman or apprentice engaged on a Guyana ship –

- (a) leaves the ship without leave, after its arrival at a port and before it is placed in security, he is liable to forfeit out of his wages a sum not exceeding one week's pay;
- (b) wilfully disobeys any lawful command, he is liable to imprisonment for one month, and to forfeit out of his wages a sum not exceeding two days' pay;
- (c) continually disobeys any lawful command, or continually and wilfully neglects his duty, he is guilty of an offence and is liable to imprisonment for three months, and to forfeit for every twenty-four hours continued disobedience or neglect either a sum not exceeding two days' pay or any expenses properly incurred in hiring a substitute;
- (d) assaults the master or any mate or officer of the ship, he is guilty of an offence and is liable to imprisonment for one year;
- (e) combines with any of the crews to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage, he is guilty of an offence and is liable to imprisonment

for one year;

- (f) wilfully damages his ship, or dishonestly misappropriates or converts to his own use, or commits criminal breach of trust in respect of, or wilfully damages, any of its stores or cargo, he is guilty of an offence and is liable to imprisonment for one year and to forfeiture out of his wages a sum equal to the loss thereby sustained;
- (g) commits an act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, is guilty of an offence and is liable to pay to the master or owner a sum sufficient to reimburse the loss or damage and the whole or a proportionate part of wages may be retained in satisfaction or on account of that liability without prejudice to any further remedy;
- (h) aids or procures a person to stow away on his ship, and that person is afterwards convicted of the offence, he is guilty of an offence and is liable to imprisonment for three months, and to pay to the master or owner of the ship a sum sufficient to reimburse the expenses occasioned to that master or owner in respect of the stowaway, and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without



prejudice to any further remedy.

(2) A seaman or an apprentice shall not be guilty of an offence under subsection (1) by reason only of his refusing duty during a lawful strike after his ship has arrived and has been secured in good safety to the satisfaction of the master and the port authority at a port in Guyana.

(3) A forfeiture or other payment imposed in respect of an offence under subsection (1) shall not exceed one-half of one month's salary in any one month, and shall leave the seaman a sum which is sufficient for his maintenance and that of his dependants.

Conviction not to affect other remedies.

175. Where a seaman lawfully engaged or an apprentice belonging to a Guyana ship –

- (a) deserts from his ship, he is guilty of the offence of desertion and is liable to imprisonment for three months, and in addition he is liable to forfeit all or any part of the effects he leaves on board and the wages which he has then earned and, where the master or owner of the ship has engaged a substitute in his place at a higher rate of wages than the rate at which wages had been stipulated to be paid to him, to satisfy that excess;
- (b) neglects or refuses without reasonable cause to join his ship or to proceed to sea in his ship, or is absent without leave at any time within the period of twenty-four hours immediately before the ship sails for a port either at the commencement or during the progress of a voyage, or is absent at

any time without leave and without sufficient reason from his ship or his duty, and the act or omission does not constitute or is not treated by the master as constituting the offence of desertion, he is guilty of the offence of absence without leave and is liable to imprisonment for two months, and in addition is liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute.

Improper  
negotiation of  
advance note.

**176.** (1) Where a seaman belonging to a Guyana ship being lawfully engaged has received under his agreement an advance note, and after negotiating his advance note wilfully or through misconduct fails to join his ship or deserts therefrom before the note becomes payable, he is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for two months.

(2) This section shall not limit or otherwise prejudice any remedy, by suit or otherwise –

- (a) of any person in respect of the negotiation of the advance note; or
- (b) which an owner or master would otherwise have for breach of contract.

Certificate of  
discharge may  
be withheld.

**177.** Where it is shown to the satisfaction of the Registrar of Seamen that a seaman lawfully engaged in and belonging to a Guyana ship has wilfully or through misconduct failed to join his ship, the Registrar may direct that the seaman's certificate of discharge shall be withheld for

such period as he may think fit, and while the seaman's certificate of discharge is so withheld, any person having the custody of the documents may notwithstanding anything in this Act or any other enactment refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character.

False statement  
as to last ship.

**178.** Where a seaman on or before being engaged wilfully and fraudulently makes a false statement of his own name, he is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for two months.

Deserters from  
foreign ships.

**179.** (1) Where it appears to the Minister that due facilities will be given by the government of a foreign country for apprehending and recovering a seaman who deserts in that country from a Guyana ship, the Minister may, by order, declare that this section shall apply in the case of such foreign country subject to any limitations, conditions and qualifications contained in the Order.

(2) Where a seaman or apprentice deserts in Guyana a ship registered in a country to which this section applies, the master of the ship may apply to a court for assistance in apprehending the deserter, and the court and its officers shall give all assistance within their power, and for that purpose the court may, on information given on oath, issue a warrant for the deserter to be conveyed on board the ship, or delivered to the master or mate of the ship or to the owner of the ship or his agent to be so conveyed.

Proof of  
desertion when  
wages are to be  
forfeited.

**180.** Whenever a question arises as to whether the wages of a seaman or apprentice are forfeited under this part for desertion from a Guyana ship, it shall be sufficient for the person attempting to enforce the forfeiture to show that –

- (a) the seaman or apprentice was duly engaged in or belonged to the ship;
- (b) he left the ship before the completion

of the voyage or engagement; and

- (c) an entry of his desertion was duly made in the official log book,

and the desertion shall thereupon be deemed to be proved so far as it relates to any forfeiture of wages under this Part, unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeiture.

**181.** (1) Where any wages or effects are forfeited under this Part for desertion from a ship, the effects may be sold, and the wages or effects or the money arising from sale of the effects shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and any balance remaining shall be paid to the Registrar of Seamen.

(2) Where any wages are forfeited under this Part for any cause other than desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be in favour of the master or owner by whom the wages are payable.

Question of forfeiture decided in suit for wages.

**182.** Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice under this Part, may be determined in any proceedings instituted with respect to those wages, notwithstanding that the seaman or apprentice has not been prosecuted for the offence that gives rise to the question.

Deduction of fine from wages.

**183.** A fine imposed on a seaman for any act of misconduct for which his agreement imposes the fine, shall be subject to the following –

- (a) on the offender being discharged, and the offence and the entry in the

official log book required by this Act to be made in respect thereof being proved to the satisfaction of the Registrar of Seamen or proper officer, the master or owner shall deduct the fine from the wages of the offender; and the fine so deducted shall be paid to the Registrar and if the master or owner of the ship fails without reasonable cause so to pay the fine he is guilty of an offence;

- (b) an act of misconduct for which a fine is imposed and paid by or deducted from the wages of the seaman shall not be otherwise punished under this Act.

Persuading seaman to desert, and harbouring deserter.

**184.** Where a person by any means whatever persuades a seaman or an apprentice to neglect or refuse to join or proceed to sea in his ship, or to desert his ship, or otherwise to absent himself from his duty, he is guilty of an offence, and is liable to a fine of ten thousand dollars.

Penalty on stowaways.

**185.** (1) Where a person secretes himself and goes to sea in a ship without the consent of either the owner, master, or a mate or of the person in charge of the ship or of any other person entitled to give that consent, he is guilty of an offence and is liable to a fine of five thousand dollars and to imprisonment for three months.

(2) Every person who goes to sea in a ship without a consent mentioned in subsection (1) shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws for preserving discipline, and to the same fines and punishments for offences constituting or encouraging a breach of discipline, as if he were a member of the crew and had signed the crew agreement.

Trade disputes involving seamen.

**186.** (1) Notwithstanding anything in any agreement, a seaman employed in a Guyana ship may terminate his employment in that ship by leaving the ship in contemplation or furtherance of a trade dispute after giving to the master not less than forty-eight hours' notice of his intention to do so, and shall not be compelled unless the notice is withdrawn to go to sea in the forty-eight hours following the giving of such a notice; but such a notice shall be of no effect unless at the time it is given the ship is in Guyana and securely moored in a safe berth.

(2) In this section "trade dispute" means any dispute between employers and seamen, or between seamen and seamen which is or connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.

Offences to be entered in official log book.

**187.** Where on or in respect of a Guyana ship –

- (a) an offence is committed under section 174 or 175; or
- (b) an act of misconduct is committed for which the agreement of the person committing it provides for a fine, and it is intended to enforce the fine –
  - (i) an entry of the offence or act shall be made in the official log book and signed by the master and also by an officer or one of the crew;
  - (ii) the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port; or if it is at the time in port,

before its departure from port, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit;

- (iii) a statement that a copy of the entry was so furnished or that the entry was so read over, and in either case the reply, if any, then made by the offender, shall likewise be entered and signed in the manner aforesaid; and
- (iv) in any subsequent legal proceedings, the entries made under this section, shall, if practicable, be produced or proved, and if they are not the court hearing the case may in its discretion refuse to receive evidence on the offence or act of misconduct.

*RELIEF AND REPATRIATION*

Repatriation of  
seaman.

**188.** (1) Except as otherwise provided in this Act, it is an implied term of every agreement entered into for the employment of a seaman in a Guyana ship that, where the agreement terminates at a port other than the port of engagement, the seaman will be returned to a proper return port at the expense of the master or owner of the ship.

(2) The owner, master or agent of the ship shall make such arrangements as are necessary to defray all expenses incurred for the return of a seaman pursuant to subsection (1).

(3) The responsibility of the owner, master or agent under this section includes an obligation –

- (a) to pay the cost of maintenance and medical treatment that is necessary for the seaman until his arrival at his proper return port; and
- (b) to ensure that the seaman does not become a charge upon the state.

(4) Subsection (1) applies whether an agreement terminates –

- (a) by effluxion of time;
- (b) by an act of the parties;
- (c) by shipwreck
- (d) by sale of ship
- (e) by the inability of the seaman to proceed in the ship by reason of sickness or injury; or
- (f) by any other cause.

Seaman to bear expenses of repatriation in certain cases.

**189.** (1) A seaman who has been left behind or discharged from his ship as a result of his –

- (a) desertion;



- (b) imprisonment; or
- (c) inability to proceed to his ship because of an illness or infirmity that was wilfully concealed at the time of his engagement,

is not entitled to be returned at the expense of the master or owner under section 188.

(2) The owner, master or agent of the ship from which a seaman mentioned in subsection (1) has been left behind or discharged, shall make all arrangements necessary to defray all expenses incurred for the return of the seaman to a proper return port as if the seaman were entitled thereto.

(3) An owner, master or agent may be reimbursed for any expenses incurred pursuant to, subsection (2) out of any wages owing to the seaman at the time he left the ship or out of the proceeds from the sale of any of his effects left on board the ship.

(4) Notwithstanding subsection (1) or (3), the owner, master or agent shall ensure that the seaman does not become a charge upon the state.

Duty of  
registrar.

**190.** (1) Where a seaman is to be left behind or discharged from his ship at a port other than his port of engagement, the Registrar of Seamen or proper officer may demand from the owner, master or agent, a guarantee for the proper discharge of any obligations imposed by section 188 or 189.

(2) Where a guarantee required under this section is refused the Registrar of Seamen or proper officer may withhold his consent to the discharge of the seaman concerned.

Effect of  
workman's  
compensation.

**191.** Where a seaman is eligible to receive and receives medical aid or periodical payments at the expense of his employer under the terms of any enactment providing for compensation to injured or sick workers, the receipt thereof –

- (a) removes any right of the seaman to receive medical treatment under section 188, to the extent that he receives that medical aid; and
- (b) removes any right of the seaman to receive maintenance under section 188, to the extent and for so long as he receives the periodical payments.

Application to  
foreign vessels.

**192.** Sections 188 to 191 inclusive apply in respect of a foreign vessel that engages a seaman or apprentice in Guyana; and "owner" in such a case includes any person appointed or nominated by the owner, or the charterer if the vessel is on demise charter, to act as his agent and who was so acting at the time the seaman or apprentice was engaged.

Wages and  
effects of  
seaman left  
behind.

**193.** (1) Where a seaman belonging to a Guyana ship is left at a place other than a proper return port, the master of the ship shall, subject to this section and as soon as practicable, enter in the official log book a statement of the effects left on board by the seaman and an account of wages due to him at the time when he was left behind.

(2) On the termination of the voyage during which the seaman was left behind, the master shall furnish to the Registrar of Seamen or proper officer, within forty- eight hours after the arrival of the ship at the port at which the voyage terminates, a delivery account and a retention account.

(3) The master shall, if required by the Registrar of Seamen or proper officer, furnish such vouchers as may be

reasonably required to verify the delivery and retention accounts.

(4) The master of a ship shall deliver to the Registrar of Seamen or proper officer, if he will receive them, the effects of a seaman as shown in a delivery account and, subject to any reimbursement allowed under subsection (5), the amount due on account of wages as shown in that account, and the Registrar or proper officer shall give to the master a receipt for any effects or amount so delivered.

(5) The master of a ship is entitled to retain out of the wages any sums shown in a retention account that appear to the Registrar of Seamen or proper officer to be owing or payable to the master of the ship and for that purpose the Registrar or proper officer shall allow those sums to be retained by the master out of the amount due on account of wages shown in the delivery account and, so far as that amount is not sufficient, to be raised and paid to the master out of the effects.

(6) Before allowing any sum to be retained or to be raised and paid, the Registrar of Seamen or proper officer may be require that evidence be provided by statutory declaration or otherwise that the sums are owing or payable to the master of the ship.

(7) The Registrar of Seamen or proper officer shall deliver the remainder of the wages and effects to such person at such time and in such manner as may be prescribed, and shall render such accounts in respect thereof as the Minister may direct.

(8) In this section –

- (a) “delivery account” means an account of the effects and wages of a seaman left behind or owing at the time a

seaman leaves or is discharged from the ship; and

- (b) “retention account” means an account of any expenses caused to the master or owner of a ship by the absence of a seaman from the ship due to his desertion, neglect to join his ship, or conduct constituting an offence under section 174 or 175, including, in the case of a seaman who is not entitled to be repatriated at the expense of the master or owner of the ship any provision made for the return of the seaman to a proper return port.

Liability of master.

**194.** The master of a Guyana ship is not liable for any loss of effects or for any damage to the effects of a seaman left behind or discharged at a port other than his proper return port, if the master proves to the Registrar of Seamen or proper officer that the loss or damage occurred without the master's neglect or consent after the seaman left his ship.

Liability of Government.

**195.** (1) The Government is not liable with respect to anything done under section 193 except that, if after the wages or effects of a seaman have been dealt with under section 193 any legal proceedings are instituted by the seaman against the owner, master or agent of the ship, or by the master or owner of the ship against the seaman, in respect of those wages, the Minister shall if notice is given to him of the proceedings and a reasonable opportunity afforded him of appearing, comply with any order of the court made with respect to the wages or effects so far as he can do so out of the wages and effects remitted to him in respect of the voyage of the ship.

(2) The Minister is entitled to appear and be heard in any proceedings referred to in subsection (1).

(3) The Minister may, if and so far as he thinks fit, meet any claim by a seaman against the owner, master or agent of the ship in respect of any wages or effects dealt with under section 193 although legal proceedings are not actually taken in respect thereof, if the Minister has given notice to the master or owner of the ship and the master or owner of the ship has not given written notice of objection within ten days of the notice being given, and any expense incurred by the Minister under this subsection is recoverable by the state as a civil debt.

(4) For the purpose of this section, any legal proceedings or any claim made by a person in whose favour an allotment note has been made are to be treated as proceedings taken or claim made by the seaman.

Payment to  
Government.

**196.** (1) Any sums remitted under section 193 or arising from the sale of effects under that section, and not disposed of in accordance with that section, shall be retained by the state.

(2) The master of a ship who, without reasonable cause, contravenes section 193 is guilty of an offence without prejudice to any other liability to which the ship might be subject.

Non-  
application of  
section 193.

**197.** Section 193 does not apply in the case of an absent seaman where –

- (a) the master of a ship satisfies the Registrar of Seamen or proper officer that none of the effects of the seaman have to his knowledge been left on board the ship and that he has paid all wages due to the seaman;
- (b) the amount of wages earned by the seaman, after taking into account any

deduction made in respect of allotments or advances for which provision is made by the crew agreement, appears from the agreement to be less than one thousand dollars;

- (c) the master of the ship satisfies the Registrar or proper officer that the net amount due to the seaman on account of wages, after taking into account any deductions lawfully made in respect of allotments, advances or otherwise, is less than one thousand dollars; or
- (d) the question of forfeiture of the wages and effects of the seaman has been dealt with in proceedings lawfully instituted before the termination of the voyage or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

Sale of seaman's effects.

**198.** (1) The effects of a seaman described in section 193 may be sold by the Registrar of Seamen or proper officer in such manner as he thinks fit when they are delivered to him unless the Minister directs to the contrary.

(2) Where the effects are not sold pursuant to subsection (1), they may be sold by the Minister as and when he thinks fit unless they are delivered to the seaman.

(3) For the purposes of section 193 "effects" includes the proceeds of any sale of the effects of a seaman.

Maintenance and return of seaman involuntarily

**199.** (1) Where during the currency of his agreement the service of a seaman belonging to a Guyana ship terminates otherwise than by the consent of the seaman, the

terminating  
service.

master of the ship shall, in addition to –

- (a) giving the seaman a certificate of discharge required by this Act; and
- (b) paying to the seaman the wages to which he is entitled,

make adequate provision in accordance with this Act for maintenance and return of the seaman to a proper return port; and the master shall record the details of these provisions in the official log book.

(2) Where a master fails without reasonable cause to comply with subsection (1), the expenses of maintenance and of the journey to the proper return port –

- (a) if defrayed by the seaman, are recoverable as wages due to him; and
- (b) if defrayed by the Registrar of Seamen or proper officer or any other person, are a charge upon the ship to which the seaman belonged.

(3) A charge upon a ship under subsection (2) (b) may also be recovered –

- (a) from the person who is the owner of the ship for the time being;
- (b) if the ship has been lost from the person who was the owner of the ship at the time of the loss;
- (c) if the ship has been transferred to some person, from the owner for the time being; or

- (d) from the person who was the owner of the ship at the time of the transfer,

at the suit of the Registrar of Seamen or proper officer or other persons defraying the expenses, or, if the expenses, have been defrayed out of public moneys, as a debt due state.

Discharge on change of ownership.

**200.** (1) Where a Guyana ship is transferred or disposed of, any seaman belonging to that ship shall be discharged unless he consents in writing to complete the voyage of the ship if it is continued.

(2) Where a seaman is discharged under this section the provisions of this Part relating to the certificate of discharge and the return of the seaman to a proper return port apply as if his service had terminated otherwise than by his consent to be discharged during the currency of the agreement.

Certificate when seaman left behind.

**201.** (1) The master of a Guyana ship shall not leave a seaman behind at any foreign port or place except when the seaman is discharged in accordance with this Act, unless the master has had the certificate of the Registrar of Seamen or proper officer endorsed on the crew agreement certifying the cause of the seaman being left behind; and, the cause is unfitness or inability to proceed to sea, desertion, disappearance or otherwise.

(2) The Registrar of Seamen or proper officer to whom an application is made for a certificate under this section may examine the grounds on which a seaman is to be left behind and, for that purpose, may, if he thinks fit, administer oaths and grant or refuse the certificate as he thinks just, but a certificate may not be unreasonably withheld.

Offences.

**202.** (1) Where the master of the ship fails to comply



with section 199, 200, or 201 he is, without limiting his liability under any other provision of this Act, guilty of an offence and is liable to a fine of ten thousand dollars.

(2) In a prosecution for an offence under section 201 the onus of proving that the certificate was obtained or could not be obtained without reasonable delay to the ship or was unreasonably withheld is upon the master of the ship.

Account of wages of seaman left behind.

**203.** (1) Where the master of a Guyana ship leaves a seaman behind at any foreign port or place on the ground of his unfitness or inability to proceed to sea, the master shall deliver to the person signing the certificate required by section 201 a full and true account of the wages due to the seaman; and, if that person is the proper officer, the master shall deliver the account induplicate.

(2) A master who fails without reasonable cause to deliver the account required under subsection (1) is guilty of an offence and is liable to a fine of thirty thousand dollars.

Payment of seaman's wages to proper officer.

**204.** (1) The master shall pay to the proper officer the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, if such officer will receive the wages.

(2) Where a payment is made under this section, the proper officer, if satisfied with the account, shall furnish a receipt for the payment.

(3) A payment under this section shall be made, whenever practicable, in cash, and where not so practicable, by bank draft.

(4) A master who fails without reasonable cause to pay wages as provided by this section is guilty of an offence and is liable to a fine of thirty thousand dollars.

Application of wages of seaman left behind.

**205.** Where the wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea are paid to and accepted by the Registrar of Seamen or proper officer, that officer shall deal with them in the following manner –

- (a) where the seaman subsequently obtains employment at or leaves the port at which the payment has been made, the officer shall obtain out of the money any expenses such as the owner or master is by this Act required to defray, and pay the remainder to the seaman and deliver to him an account of the money received and expended on his behalf,
- (b) where the seaman dies before his ship leaves port, the officer shall deal with the money as part of the property of a deceased seaman; and
- (c) where the seaman is sent to a proper return port at public expense under this Act, the officer shall account for the money to the Minister, and after retaining any expenses duly incurred in respect of the seaman except such expenses as the owner, master or agent of the ship is required by this Act to defray, the money shall be dealt with as wages of the seaman.

Relief of distressed seaman.

**206. (1)** Where a seaman –

- (a) is found in any place outside Guyana after having been shipwrecked from a Guyana ship; or

- (b) by reason of having been discharged or left behind from a Guyana ship in any place outside Guyana is in distress in that place,

the Registrar of Seamen or proper officer may provide relief to that seaman in accordance with this Act.

(2) Relief is provided to the seaman when provision is made –

- (a) for the return of the seaman at the expense of the Government, to a proper return port and also for his necessary clothing and maintenance until his departure for such a port;
- (b) in the case of death, for funeral expenses; and
- (c) in addition, in the case of a shipwrecked seaman, for the repayment of any expenses incurred in his conveyance to port after his shipwreck and his maintenance while being so conveyed.

(3) A seaman for whom relief is provided under subsection (1)(a) is included within the expression "distressed seaman" in this Act.

Repayment of relief and return expenses.

**207.** (1) Where any expenses are incurred by a consular officer on behalf of the Government under section 206 or are incurred by the government of a foreign country and are to be paid to, such foreign country by the Government the Minister may pay to the consular officer or foreign government the amount of the expenses out of any moneys available for the purpose or out of any money

appropriated for that purpose by the National Assembly.

(2) All monies paid by the Minister under subsection (1) together with the wages, if any, due to a distressed seaman, is a charge upon the ship to which the seaman belonged, and is a debt due to the Government –

- (a) from the owner, master or agent of the ship at the time of the loss;
- (b) where the ship has been transferred, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer;
- (c) and where the ship is a foreign ship, from the person, who engaged the seaman for service in the ship.

(3) A debt under this section, in addition to any fines and consular fees incurred, may be recovered by the Minister on behalf of the Government by ordinary process of law in the manner in which wages are recoverable by the seaman.

(4) In any proceedings for recovery of a debt under this section, the production of an official account of the expenses incurred in accordance with this Act, and proof of payment of the expenses by or on behalf of the Government is *prima facie* proof that the expenses were incurred or repaid under this Act by or on behalf of the Government of Guyana.

Forcing ashore.

**208.** A person is guilty of an offence who, being the master or crew of a Guyana ship, wrongfully forces a seaman ashore and leaves him behind, or otherwise causes a seaman to be wrongfully left behind at any place.

Proper return port.

**209.** For the purposes of this Part, a proper return port

is either –

- (a) the port at which a seaman was shipped or engaged;
- (b) a port in the country to which he belonged; or
- (c) in the case of a discharged seaman, some other port agreed to by the seaman at the time of his discharge.

Manner of  
return.

**210.** (1) A seaman may be sent to a proper return port by any reasonable route.

(2) Provision may be made for the return of a seaman either by –

- (a) providing him with suitable employment on board a ship that is proceeding to a proper return port and that is in need of seamen to make up its complement; or
- (b) providing the seaman with a passage in any ship or aircraft or in other public transport and by providing for his maintenance during the journey.

(3) Where the master of a ship is required under this Part to provide for the return of a discharged seaman to a proper return port, the master may, instead of providing the seaman's passage or the expenses of his journey, deposit with a proper officer such sum as the proper officer considers sufficient to defray the expenses of the return of the seaman to a proper return port.

(4) Where a seaman is repatriated as a member of a

crew, he is entitled to the appropriate remuneration for work done during the voyage.

Return of  
seaman to  
proper return  
port.

**211.** (1) When any question arises as to what return port a seaman is to be sent, or as to the route by which he should be sent, the question shall be decided by the Registrar of Seamen or proper officer.

(2) In deciding the question of a seaman's return port, the Registrar of Seamen or proper officer shall have regard both –

- (a) to the convenience of the seaman and to the expense involved; and
- (b) to the fact that a ship is in need of seamen to make up its complement and is about to proceed to a proper return port or to a port in the vicinity thereof, if such is the case.

(3) Nothing in this section relieves the owner from the obligation and expense of returning the seaman to his proper return port.

Minister may  
provide  
temporary  
relief.

**212.** (1) The Minister may, whenever he deems it necessary, spend money on the temporary relief in such manner as he thinks advisable, of a shipwrecked, destitute or otherwise distressed seaman –

- (a) not otherwise entitled to relief under this Act or under the laws of the country to which his ship belongs;
- (b) who is a citizen of Guyana employed on a foreign vessel and discharged or left behind in a foreign country.

(2) Any expenses incurred for a shipwrecked, destitute or otherwise distressed seaman under this section, shall be repaid to the Minister by the owner, master or agent of the vessel to which the distressed seamen belonged and may be recovered by the Minister on behalf of the country in the same manner as expenses incurred outside Guyana for distressed seamen of Guyana ships are recoverable.

Unauthorised  
presence on  
board ship.

**213.** Where a ship registered in Guyana or any other country is in a port in Guyana and a person who is neither a public officer nor authorized by law to do so –

- (a) goes on board the ship without the consent of the master thereof or of any other person authorized to give consent; or
- (b) remains on board the ship after being requested to leave by the master, a marine officer, a police officer or an officer of customs,

such person shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten thousand dollars.

### PART VIII SHIP'S LOG BOOKS

Official log  
book.

**214.** (1) An official log book in prescribed form shall be kept in every Guyana ship of not less than two hundred gross tons, and every Guyana ship trading from and beyond the waters of Guyana.

(2) The Minister may make regulations prescribing –

- (a) the form of official log books;
- (b) the particulars to be entered in official

log books;

- (c) the persons by whom such entries are to be made, signed or witnessed; and
- (d) the procedure to be followed in the making of such entries and in their amendment or cancellation.

(3) The official log book may, at the discretion of the master, be kept distinct from or combined with the ordinary ship's log, but in all cases the spaces in the official log book shall be duly filled with entries.

(4) Any entry required to be made in an official log book –

- (a) shall be made as soon as possible after the occurrence to which it relates,
- (b) if it is not made on the same day as the occurrence it shall be made and dated to show the dates of the occurrence and the entry respecting it;
- (c) if it is made in respect of an occurrence happening before the arrival of the ship at her final port of discharge, it shall not be made more than twenty-four hours after that arrival.

(5) Every entry in the official log book shall be signed by the master and by an officer or some other member of the crew, and if it is an entry of illness, injury or death, it shall also be signed by the medical practitioner on board if any.



(6) Every entry made in an official log book in the manner provided by this Act is admissible in evidence to prove the facts stated therein.

Entries in  
official log  
book.

**215.** The master of a ship for which an official log book is kept shall, subject to any regulations made under section 214, enter or cause to be entered in the official log book particulars of –

- (a) every conviction by a court of a member of his crew and the punishment imposed;
- (b) every offence committed by a member of his crew for which it is intended to prosecute or to make a forfeiture or to impose a fine, together with the statement concerning the furnishing of a copy, or reading over, of the entry and concerning the reply, if any, made to the charge, as required by this Act;
- (c) every offence for which punishment is imposed on board, and the punishment imposed;
- (d) the conduct, character and qualifications of each member of his crew or a statement that he declines to give an opinion on these particulars;
- (e) every case of illness or injury happening to a member of the crew, with the nature thereof and the medical treatment given, if any;
- (f) every refusal of a member of the crew

- to take antiscorbutics or medicines;
- (g) every birth and death whenever occurring;
  - (h) every marriage taking place on board, with the names and ages of the parties,
  - (i) the name of every seaman who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof,
  - (j) the wages due to any seaman who dies during the voyage, and the gross amount of all deductions to be made from those wages;
  - (k) the sale of the effects of any seaman who dies during the voyage, with a statement of each article sold and the sum received for it;
  - (l) every collision with any other ship and the circumstances in which it occurred;
  - (m) the date and the time of the display in the ship of a notice containing particulars of the ship's draught and freeboard; and
  - (n) any matter directed by this Act to be entered.

Delivery of log  
book to  
Director.

**216.** (1) The master or owner of every Guyana ship which is required to carry an official log book under section

214 shall, subject to subsection (2), deliver or transmit such log book or books for the period covering the previous crew agreement to the Director within seven days of the discharge of the crew and the closing of such crew agreement.

(2) Where the crew of a Guyana ship referred to in subsection (1) is engaged under a running agreement as referred to in section 119 the master or owner shall deliver or transmit the official log book to the Director within twenty-one days of such log book being completed.

(3) A master or owner of a ship who fails without reasonable cause to comply with this section is guilty of an offence.

Delivery of log book where ownership is transferred or ship is lost.

**217.** (1) Where, by reason of transfer of ownership or change of employment of a ship, the official log book ceases to be required in respect of the ship, the master or owner of the ship shall, if the ship is then in a Guyana port within one month or if she is elsewhere, within six months after such cessation, deliver or transmit to the Director the official log book and the agreement with the crew duly made out to the time of the cessation.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Director the official log book duly made out to the time of the loss or abandonment.

(3) The owner or master of a ship who fails, without reasonable cause, to comply with this section is guilty of an offence.

Offence in respect of official log book.

**218.** (1) If an official log book is not kept in the manner required by this Act or if any entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master of the ship is guilty of an offence and, except as otherwise expressly provided in this

Act in respect thereof, is liable to a fine of thirty thousand dollars.

(2) Any person who makes, procures to be made, or assists in making an entry in an official log book in respect of any occurrence happening before the arrival of the ship at its final port of discharge of the crew, more than twenty-four hours after that arrival, is guilty of an offence and is liable to a fine of fifteen thousand dollars.

(3) Any person who wilfully destroys, mutilates or renders illegible an entry in an official log book, or wilfully makes, procures to be made or assists in making a false or fraudulent entry in, or omission from, an official log book is guilty of an offence.

Ordinary ship's  
log.

**219.** (1) All Guyana ships shall carry on board an ordinary ship's log within which shall be recorded the daily activities of the ship and such other particulars as may be prescribed.

(2) The ordinary ship's log shall comprise a deck log and engine room, log where appropriate.

(3) Where a ship is not required by this Act to carry an official log book, or where it is not practicable for a ship to produce the official log book, the ordinary log book of the ship shall be admissible in evidence.

Returns of crew  
lists.

**220.** (1) Every master of a Guyana ship of not less than two hundred gross tons shall make out and sign a list of the crew of the ship in the prescribed form containing the following particulars –

- (a) the number and date of the ship's register and its net tonnage;
- (b) the length and general nature of the

voyage or employment;

- (c) the names, ages and places of birth of all the crew, their ratings on board, their last ships or other employment and the dates and places of their last ships or other employment and the dates and places of their joining the ship;
- (d) the names of any of the crew who have ceased to belong to the ship, with the times, places, causes and circumstances thereof;
- (e) the names of any members of the crew who have been maimed or hurt, with the time, place, cause and circumstances thereof;
- (f) the wages due at the time of death of any of the crew who have died;
- (g) particulars of the property belonging to any of the crew who have died, with a statement of the manner in which the property has been dealt with, and the money for which any part of it has been sold; and
- (h) details of any marriage that has taken place on board, with the date thereof and the names and ages of the parties.

(2) The list of the crew –

- (a) in the case of ships trading exclusively within the waters of Guyana or

between Caricom ports shall be delivered or transmitted by the master or owner to the Director not later than twenty-one days after the 30th day of June and the 31st day of December in each year; and

(b) in the case of ships other than those referred to in paragraph (a) shall be delivered or transmitted by the master to the owner of the ship who shall retain the list for a period of seven years after receipt and who shall produce the same on demand made therefor by the Director or other proper officer –

- (i) within forty-eight hours after the arrival of the ship at its final port of destination in Guyana; or
- (ii) upon the discharge of the crew, whichever first happens.

(3) Where a Guyana ship is lost or abandoned, the ship's master or owner shall, if practicable and as soon as possible, deliver to the Director the list of the crew duly made out to the time of the loss or abandonment.

(4) For the avoidance of doubt, "crew" in this section includes the master and apprentices.

Returns of  
births and  
deaths in  
Guyana ships.

**221.** (1) The master of a Guyana ship, upon the ship's arrival at a port or at such other time and place as the Director may, with respect to any ships or class of ships direct shall deliver to the Director or proper officer, in the prescribed form, a return of the facts relating to births and deaths which

the master is required by section 215 to record.

(2) In respect of any death recorded pursuant to subsection (1) the master shall notify such death to such person, as the deceased may have named as his next-of-kin.

(3) When the return is made elsewhere than Guyana the proper officer shall send a certified copy of the return to the Director.

Returns of births and deaths of Guyana citizens in foreign ships.

**222.** The master of any ship not registered in Guyana, which calls at a port shall, upon arrival at such port make a return of births and deaths of citizens of Guyana occurring in any such ship to the Director.

Returns to be sent to Registrar of Births and Deaths- penalties of Master.

**223.** (1) The Director shall cause information contained in any return referred to in section 221 or 222 to be sent to the Registrar of Births and Deaths.

(2) The master of any ship who fails to comply with any requirement of section 221 or 222 is guilty of an offence and upon summary conviction is liable to a fine of ten thousand dollars.

## PART IX PREVENTION OF COLLISIONS AND NAVIGATIONAL SAFETY

Collision Regulations.

**224.** The Minister may make regulations, hereinafter referred to as "collision regulations"-

- (a) for the prevention of collisions at sea,
- (b) respecting the lights to be carried and exhibited;
- (c) respecting the steering and sailing

rules to be observed by ships,

and in making such regulations shall have regard to any international convention or treaty for the time being in force for the prevention of collisions at sea.

Guyana ships to observe collision regulations.

**225.** (1) All owners and masters of Guyana ships shall obey the collision regulations and shall not carry or exhibit any other lights or use any other fog signals than such as are prescribed by those regulations.

(2) If an infringement of the collision regulations is caused by the wilful default of the master or owner of a ship he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding thirty thousand dollars.

(3) Subsections (1) and (2) shall apply to the owners and pilots of seaplanes on the surface of water as they apply to the owners and masters of ships.

Foreign ships in Guyana waters.

**226.** The collision regulations shall be observed by all ships and seaplanes of foreign registry within Guyana's waters, and in any case before a court in Guyana concerning a breach of the collision regulations arising within Guyana's waters, foreign ships and seaplanes shall be treated as if they were ships and seaplanes registered in Guyana.

Collision liability.

**227.** (1) Liability for collision damage including damage to vessels, their cargoes, the effects or other property of the crew, passengers or other persons on board, or to third parties shall be based on the degree of fault of each ship involved in a collision.

(2) Where it is not possible to determine the degree of fault of each vessel, or if it appears that the faults are equal, liability shall be apportioned equally.



(3) There shall be no presumption of fault against a ship for a contravention of the collision regulations without proof of fault or negligence.

(4) If the collision is accidental or caused by *force majeure*, or if the cause is left in doubt, the damages shall be borne by those who have suffered them, notwithstanding that the vessels, or any one of them, may have been at anchor, or was otherwise made fast, at the time of the casualty.

(5) If the collision is caused by the fault of one of the vessels liability to make good the damages shall attach to the one which has committed the fault.

(6) In respect of damages caused by death or personal injuries, the vessels in fault shall be jointly and severally liable to third parties, without prejudice, however, to the right of the vessel which has paid a larger part than that which, in accordance with the provisions of subsections (1) and (2), she ought ultimately to bear and to obtain a contribution from the other vessel or vessels at fault.

(7) Collision liability shall attach in accordance with this section in cases where the collision may be caused by the fault of a pilot whether or not the pilot is required, by law.

(8) The right of action for the recovery of damages resulting from a collision is not conditional upon the entering of a protest or the fulfilment of any other special formality.

(9) Where no collision has actually taken place, liability for damage caused to the vessels involved in the incident, or to goods or persons on board the vessels resulting from the execution or non-execution of a manoeuvre or a contravention of the collision regulations shall be determined in accordance with this section.

Inspection to enforce compliance with collision regulations.

**228.** A surveyor of ships or any other marine officer may inspect a ship of any nationality in a port of Guyana to determine whether the ship is properly provided with lights and shapes and the means of making sound signals as required by the collision regulations; and if the surveyor or other marine officer finds that the ship is not so provided, he shall specify in writing the action required to rectify the deficiency and shall detain the ship until such deficiency is rectified to his satisfaction.

Duty to render assistance following collision.

**229.** (1) After a collision between ships, the master of each ship shall, if and so far as he can do so without damage to his own ship, crew and passengers, if any –

- (a) make his best efforts to give to the other ship, the master, crew and passengers, if any, thereof such assistance as may be practicable and as may be necessary to save them from any danger caused by the collision;
- (b) stand by the other ship, until he has ascertained that such ship has no need for further assistance;
- (c) give the master of the other ship the name and port of registry of his ship, and the names of the ports from which his ship sailed and to which his ship is bound.

(2) If the master of a ship fails, without reasonable cause, to comply with any provision of subsection (1), he shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding two years and to a fine not exceeding twenty-five thousand dollars.

Obligation to  
notify hazards  
of navigation.

**230.** (1) The master of any Guyana ship upon encountering dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by any means of communication at his disposal and in accordance with the regulations to all ships in the vicinity or to such authorities ashore as may be prescribed.

(2) Every person in charge of a radio station in Guyana or on board any Guyana ship, shall, on receiving the signal prescribed in the regulations for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and if so required by regulations made under subsection (1) shall transmit the message in the prescribed manner.

(3) For the purposes of this section, a "tropical storm" means a hurricane, typhoon, cyclone or other storm of a similar nature, and a master of a ship shall be deemed to have encountered a tropical storm if he has reason to believe that there is such a storm in the vicinity.

(4) A transmission of messages in pursuance of this section shall be without charge.

Master to  
proceed  
moderately in  
danger area.

**231.** (1) The master of a Guyana ship, when ice is reported on or near his course, shall at night either proceed at a safe speed adapted to the prevailing circumstances or change his course so as to keep amply clear of the ice reported and of the area of danger.

(2) The master of a ship who fails to comply with this section is guilty of an offence and is liable to a fine of fifteen thousand dollars.

Obligation to  
assist ships in  
distress.

**232.** (1) The master of a Guyana ship on receiving at sea a signal from any source that a ship or aircraft or survival

craft thereof is in distress, shall go with all speed to the assistance of the persons in distress, informing them if possible that he is doing so, and if –

- (a) he is unable to do so; or
- (b) in the special circumstances of the case he considers it unreasonable or unnecessary to proceed to their assistance,

he shall enter in the log of the ship the reason for failing to proceed to the assistance of the persons in distress.

(2) The master of a ship shall be released from the obligation imposed by subsection (1) when he learns that one or more ships, other than his own, have been requisitioned under section 233 and are complying with the requisition.

(3) If a master fails to comply with the provisions of this section he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty-five thousand dollars.

Right to  
requisition  
ships when in  
distress.

**233.** (1) The master of a ship in distress, after consultation, so far as may be possible, with the masters of the ships which answer his call for assistance, has the right to requisition one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master or masters of the ships requisitioned to comply with the requisition by going with all speed to the assistance of persons in distress.

(2) The master of a ship shall be released from the obligation imposed by subsection (1) of section 232 and, if his ship has been requisitioned, from the obligation imposed by subsection (1), if he is informed by the persons in distress or by the master of another ship which has reached such persons

that assistance is no longer necessary.

Obligation to assist persons in danger at sea.

**234.** (1) The master of a ship shall, so far as he can do so without serious danger to his own ship, render assistance to every person, including an enemy, who is found at sea in danger of being lost.

(2) If the master of a ship fails to comply with the provisions of subsection (1), he shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding two years, to a fine not exceeding ten thousand dollars.

Salvage rights not affected.

**235.** Compliance by a master with any of the provisions of this Part shall not affect his right or that of any other person to salvage.

Regulations for signals of distress.

**236.** (1) The Minister may make regulations relating to signals of distress and urgency and the signals prescribed by the regulations shall be deemed to be signals of distress and urgency.

(2) Where a master of a ship uses or displays or causes or permits any person under his authority to use or display –

- (a) any signal except in circumstances and for the purposes prescribed, and
- (b) any signal that is liable to be mistaken for any prescribed signal,

he is guilty of an offence and, in addition to any penalty imposed upon him on conviction, he is liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency; and such compensation may, without prejudice to any other remedy, be recovered in

the same manner in which salvage is recoverable.

(3) Where the master who contravenes subsection (2) is an officer certificated or licensed under this Act, he shall be subject to an enquiry into his conduct as provided in section 108.

Reports of accidents to ships.

**237. (1)** When a ship –

- (a) has sustained or caused any accident occasioning loss of life or any serious injury to any person; or
- (b) has sustained any material damage affecting her sea-worthiness or her efficiency, either in her hull or in any part of her machinery,

the owner or master thereof shall, within twenty-four hours after the happening of the accident or causing of the damage or as soon as possible thereafter, transmit to a Marine officer the ship in a port, or otherwise to the Director, a report of the accident or damage.

(2) Every report of accident or damage to a ship made under subsection(1) shall be signed by the owner or master of the ship, and shall state –

- (a) the name of the ship, the port which the ship belongs, the official number, if any, of the ship and the place where the ship is located;
- (b) the circumstances in which the accident or damage occurred; and
- (c) the probable cause of the accident or damage.

(3) If the managing owner, or in the event of there being no managing owner or no such owner resident in Guyana, the agent of any ship to which this section applies has reason to believe that the ship has sustained or caused any such accident or received any such damage as is mentioned in subsection (1), he shall satisfy himself that the accident or damage has been reported to the Director by the master; and, where any such managing owner or agent has reason to believe that the accident or damage has not been so reported, he shall as soon as possible, send to the Director notice in writing stating the name of the ship, its official number, and its Port of Registry or the port to which it belongs, and stating to the best of his knowledge and belief, the nature and extent of the accident or damage, the probable cause thereof and the location of the ship.

(4) The master or managing owner or agent who fails, without reasonable cause to comply with this section is guilty of an offence and is liable to a fine of ten thousand dollars.

(5) This section applies to all Guyana ships and to all foreign ships carrying passengers between places in Guyana.

Apprehended  
loss of ship.

**238.** (1) If the managing owner or agent of any Guyana ship has reason, owing to the non-appearance of the ship or to any other circumstance, to believe that the ship has been wholly lost, he shall cause a reasonable search to be made for the ship and shall, as soon as conveniently may be, send to the Director a notice in writing signed by him and stating –

- (a) the name of the ship, the port to which the ship belongs and the official number, if any, of the ship, and

- (b) a report of the loss of the ship and the circumstances and probable cause of such loss.

(2) Any managing owner or agent of a ship who fails without reasonable cause, to comply with this section within a reasonable period from the time when he has reason to believe such ship to have been lost, shall be guilty of an offence and on conviction thereof shall be liable to a fine of twenty-five thousand dollars.

Record of boat drill or fire drill to be kept in official log book.

**239.** (1) The master of every Guyana ship shall enter a statement in the official log book of every occasion on which life boat and fire drill is practised on board, and on which the appliances and equipment required to be carried are examined to see whether they are fit and ready for use, and of the result of any such examination.

(2) Where in the case of a passenger ship, lifeboat drill or fire drill was not practised in any week; in the case of any other ship, lifeboat drill or fire drill was not practised in any two weeks; in the case of any ship, the said appliances and equipment were not examined in any such period as prescribed, the master shall state the reasons thereof in the official log book.

Notices to mariners and navigational warnings.

**240.** (1) The Director shall take appropriate steps to inform the seafaring community and the public of any developing or existing situation which may adversely affect maritime safety.

(2) Such information may take the form of Notice to Mariners and navigational warnings may be issued and communicated by any means as the circumstances may warrant.

(3) The Director may require the assistance of any person in the communication of such information.



## AIDS TO NAVIGATION

Interpretation.

**241.** In this Part, "aids to navigation" and "aids" mean all light-houses, buoys, beacons, radio aids, or any other light, signal or mark established to aid marine navigation and include all buildings, moorings and other works associated therewith.

Establishment and management of aids.

**242.** (1) There shall be established in Guyana such aids to navigation as may be necessary to facilitate the safe navigation of ships within the waters of Guyana.

(2) No aid shall be established without the prior authorization of the Director and unless it conforms to such specifications as may be stipulated.

(3) No aid shall be discontinued or have its fighting characteristics or any other distinguishing feature altered, without the prior authorisation of the Director.

(4) The Director shall exercise general supervision over all aids, and in particular, shall be responsible for overseeing the establishment and maintenance of all aids; ensure that all aids are established in compliance with the stipulated conditions and specifications and are maintained in working order; and bring to the attention of the public information on changes to or deficiencies in any aid to navigation.

Nautical publications.

**243.** (1) The Minister may cause the publication and updating of aids to navigation and declare any other publications to be approved nautical publications.

(2) In any legal proceedings, the production of an approved nautical publication authenticated by the Minister shall be *prima facie* evidence of the matters appearing therein.

Prosecution of offences relating to aids.

**244.** A person who –

- (a) contravenes section 242;
- (b) wilfully or negligently damages, destroys or allows a ship to foul an aid;
- (c) wilfully or negligently does anything which causes the view of an aid to be obstructed in such a manner as to lessen its efficiency;
- (d) wilfully, negligently or without lawful authority does anything which interferes with an aid so as to hinder the effective use of an aid;
- (e) trespasses on or without lawful excuse, is found in or on an aid, or any land upon which an aid is situated,

is guilty of an offence and, in addition to the expenses of making good any damage so occasioned, is liable to a fine of fifty thousand dollars.

Detention of ships.

**245.** Where a ship damages, destroys or fouls an aid, the ship may be detained until the cost of repairing or replacing the aid or rendering the aid effective again is paid.

Fire and lights detrimental to navigation.

**246.** (1) When a fire or light is burned or exhibited in such a place or manner as to mislead persons navigating in Guyana waters, the Director may, by written notice, require the person placing or using the fire or light to screen, alter, extinguish, or remove it within a reasonable time specified in the notice.

(2) Where a person to whom notice is given under subsection (1) fails to comply with the notice within the time stated therein, such person shall be guilty of an offence and liable to a fine not exceeding twenty-five thousand dollars.

(3) The Director may cause to be extinguished any fire or light in respect of which notice is given under this section where the person to whom the notice has been given fails to comply within the time specified therein.

(4) For the purpose of extinguishing false or unauthorized lights, a marine officer may enter the place where the fire or light is situated and forthwith extinguish the same without causing unnecessary damage, and recover the expense thereby incurred.

Characteristics  
of aids.

**247.** The Director may prescribe the system of lighting and other characteristics, marks and features of navigational aids and in doing so shall have due regard to the International Association of Lighthouse Authorities Harmonized Buoyage "System B", or any other international system of buoyage which may replace it.

## PART X SAFETY OF LIFE AT SEA

Interpretation.

**248.** In this Part –

"certificate" means a certificate issued in accordance with the Safety Convention as defined therein;

"fishing vessel" means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

"short international voyage" means an international voyage –

- (a) in the course of which a ship is not more than 200 nautical miles from a

port or place in which the passengers and crew could be placed in safety, and

- (b) which does not exceed 600 nautical miles in length between the last port of call in the country where the voyage begins and the final destination,

no account being taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the ship could reasonably have prevented or forestalled;

"Safety Convention" means the International Convention for the Safety of Life at Sea, 1974 and its Protocol of 1978, together with such amendments thereof or replacements therefor as the Minister may, by Order declare to be in effect in respect of Guyana;

"Safety Convention Certificate" means a certificate that is required to be issued to a Safety Convention ship that complies with the relevant provisions of the Safety Convention and includes a safety certificate, safety construction certificate, safety equipment certificate, safety radio certificate, and any such certificate that is limited, modified or restricted by an exemption certificate;

"Safety Convention Country" means a country the government of which has accepted the Safety Convention and which has not denounced that Convention or a territory of such country to which the Convention extends and remains extended;

"surveyor" includes any person or organization, duly

authorized by the Minister to act as surveyor for the purpose of surveying ships and issuing Safety Convention certificates.

List of Safety Convention Countries.

**249.** The Minister may by notification published in the *Gazette* provide a list of countries, including territories thereof, that have ratified, acceded to or denounced the Safety Convention.

Application of Safety Convention.

**250.** The Safety Convention shall, unless exempted by this Act, apply to all Guyana ships and all other ships while they are in Guyana waters.

Regulations relating to safety at sea.

**251.** (1) The Minister may make such regulations relating to safety at sea as he considers necessary or expedient to give effect to and for the better carrying out of the objects and purposes of this Part and to provide generally for safety at sea and for giving effect to the Safety Convention.

(2) Every omission or neglect to comply with, and every act done without reasonable cause and contrary to the provision of, any regulation made under this section shall be an offence and in respect of any such offence the offender shall, subject to the provisions of this Act and such regulations, or convention be liable to a fine not exceeding fifty-thousand dollars.

Ships in port through stress of weather, etc.

**252.** Notwithstanding that any provision of this Part or of any regulations made hereunder is expressed to apply to ships that are not Guyana ships while they are without any port in Guyana, such provision shall not apply to a ship that would not be within any such port but for such stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the ship could have prevented or forestalled.

Appointment of surveyors.

**253.** (1) The Minister may, from time to time appoint at such places as he deems advisable, persons as surveyors of

ships competent to inspect –

- (a) the boilers and machinery of ships;
- (b) the equipment of ships, including ships' tackle, apparel and appurtenances;
- (c) the hulls and superstructures of ships;
- (d) the life-saving, fire-fighting and other safety equipment of ships;
- (e) the radio-telegraphy and radio-telephony installations of ships;
- (f) the stowage and manner of loading of ships' cargoes and the stowage of dangerous goods in ships.

(2) A surveyor of ships may be appointed in several capacities to perform different functions.

(3) The survey and inspections of ships, so far as regards the enforcement of the regulations made under this Part, shall be carried out by the surveyors or, subject to such conditions as the Minister may impose, by any corporation or society for the survey and classification of ships authorized by the Minister.

Surveyor's powers of inspection.

**254.(1)** A surveyor of ships may at all reasonable times inspect any ship for the purpose of ensuring that it is in compliance with the Safety Convention, the Load Line Convention, the Collision Regulations and the relevant regulations made under this Act.

(2) Where the surveyor finds that the said convention or the regulations have not been complied with,

he shall give written notice to the owner or master of the ship stating in what respect there is deficiency and what action in his opinion, is required to rectify such deficiency.

(3) Every notice so given shall be communicated in a manner directed by the Minister to the Customs Officer of any port at which the ship may seek a clearance and such clearance shall not be granted and the ship shall be detained.

(4) Where the surveyor considers such ship unsafe, or, where a passenger ship is unfit to carry passengers, or the machinery or equipment defective in any way so as to expose persons on board to serious danger, he shall detain that ship, and a surveyor may also detain any ship in respect of which any of the provisions of this Act have not been complied with, if in his opinion such detention is warranted in the circumstances.

(5) Where, under this section, a surveyor visits any ship he may ask the owner or his agent, the master or chief engineer or any other person on board and in charge or appearing to be in charge, of the ship any questions concerning the ship as he thinks fit and every such person shall fully and truthfully answer every such question.

(6) A surveyor may reasonably require of the owner or his agent the master or chief engineer or any other person on board or in charge, or appearing to be in charge of the ship that the machinery of the ship be activated or dismantled so that he may satisfy himself as to its condition and every person of whom such a request is made capable of so doing, shall comply with the requirement.

(7) A person who contravenes subsection (5) or (6) is guilty of an offence and is liable to a fine of ten thousand dollars.

Surveyor's  
report to  
Director.

**255.** A surveyor, when satisfied on inspection that he can with propriety do so, shall forward a report to the Director which shall contain a statement showing –

- (a) that the hull and machinery are sufficient for the service;
- (b) that the hull and machinery are constructed, arranged and fitted in accordance with any regulations made under this Part;
- (c) that the equipment required under any regulations is on board and in good condition;
- (d) that the ship's officers are persons duly certificated as required under this Act and that the crew is sufficient and efficient;
- (e) the class of voyage for which the ship is fit to ply and the time, if less than one year, for which the hull, equipment and machinery will be sufficient;
- (f) if the ship is a passenger ship the number of passengers which it may carry; and
- (g) the steam pressure that may be carried on the boilers.

Surveyor's  
record of  
inspections and  
certificates.

**256.** A surveyor shall keep a record of the inspections he makes and certificates he issues in such form and with such particulars respecting them as the Director may direct, and shall furnish copies thereof and any other information



pertaining to the duties of his office which the Director may require.

Surveys of  
passenger  
ships.

**257.** Every Guyana passenger ship shall be subjected to the surveys specified namely –

- (a) a survey before the ship is put into service;
- (b) a periodic survey at intervals of not more than twelve months;
- (c) additional surveys as required under this Act.

Initial survey of  
passenger ship.

**258.** (1) The survey made before a passenger ship is put into service shall include a complete inspection of the hull, machinery and equipment.

(2) The survey shall be such as to ensure that the general arrangement, material and scantling of the hull, boilers and other pressure vessels, the main auxiliary machinery, electrical installations, radio installations, radio installations in motor life boats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders, and other equipment fully comply with the requirements of the Safety Convention and with any regulations made under section 251.

(3) The survey shall also be such as to ensure that the workmanship of all parts of the hull, machinery and equipment is satisfactory, and that the ship is provided with such lights and sound signals and distress signals as are required by the Safety Convention and the Collision Regulations.

Periodic  
surveys of  
passenger

**259.**(1) The periodic survey shall be such as to ensure that the hull, boiler and other pressure vessels, the main and

ships.

auxiliary machinery, electrical installations, radio installations, radio installations in motor life boats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders, and other equipment are in a satisfactory condition and fit for the service for which they are intended and that they comply with the requirements of the Safety Convention and any regulations made under section 251.

(2) The lights and sound signals and the distress signals carried by the ship shall also be subject to the survey.

Additional surveys of passenger ships.

**260.** (1) A survey, either general or partial, as the circumstances require, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment or whenever important repairs, renewals or replacement are made.

(2) The surveys shall be such as to ensure that the necessary repairs, renewals or replacements have been effectively made, that the material and workmanship of such repairs, renewals or replacements are in all respect, satisfactory and that the ship complies in all respect: with the provisions of the Safety Convention and the Collision Regulations and any regulations made under this Act.

Passenger ship Certificate.

**261.** (1) Where the Minister or such other person as he may authorize for the purpose, on receipt of the surveyor's report referred to in section 255 is satisfied that a Guyana ship is in compliance with –

- (a) the requirements of the Safety Convention as regards construction, life-saving appliances, radio and direction finders; and
- (b) such of the rules relating to safety of

life at sea as are applicable to the ship and to such international voyages as it is to be engaged on, and that it is properly provided with the lights, shapes and means of making signals required by the Collision Regulations,

he shall on the application of the owner, issue the appropriate Safety Certificate, hereinafter referred to as "a Passenger Ship Safety Certificate" and an Inspection Certificate, in respect of that ship.

(2) A Passenger Ship Safety Certificate may together with any other Safety Certificate required under this Act be contained in one document.

Short Voyage  
Certificates for  
passenger  
ships.

**262.** Where the voyages on which a ship is to be engaged are short international voyages and it complies only with such of the regulations as are applicable to those voyages the Director shall issue a certificate, hereinafter referred to as a "Short Voyage Certificate" showing that the ship complies with the requirements of the Safety Convention applicable to such short international voyages.

Exemption and  
Qualified  
Certificates for  
passenger  
ships.

**263.** Where the Minister or such other person as he may authorize for the purposes, on receipt of the surveyors report in respect of any passenger ship as aforesaid is satisfied

- (a) that the ship is eligible for exemption, under this Act, from any of the requirements of the regulations or of the Safety Convention applicable to the ship and to such international voyages on which it is to be engaged;
- (b) that it complies with the remainder of those requirements and that it is

properly provided with the lights, shapes and means of making sound signals required by the Collision Regulations,

he shall, on the application of the owner, issue in respect of the ship –

- (i) an Exemption Certificate stating from which of the requirements of the Safety Convention the ship is exempt, and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trades and complying with the other conditions, if any, specified in the certificates, and
- (ii) a certificate hereinafter referred to as "a Qualified Safety Certificate" or a Qualified Short Voyage Certificate, as the case may be, showing that the ship complies with those requirements from which it is not exempt.

Validity of  
passenger ship  
Short Voyage  
Certificates.

**264.** The Minister or such other person as he may authorize for the purpose, may permit any passenger ship in respect of which there is in force a Short Voyage Certificate,

or a Qualified Short Voyage Certificate, to proceed to sea on an international voyage from a port not exceeding twelve hundred nautical miles between that port and the final port of destination, and for the purposes of this section, such Certificate shall be endorsed for the voyage on which the ship is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between those ports.

Passenger Ship  
Safety  
Certificate to be  
carried on  
board

**265.** (1) Every passenger ship shall, before plying or proceeding to sea from any port in Guyana have on board a valid Passenger Ship Safety Certificate which shall show –

- (a) the limits, if any, beyond which the ship is not fit to ply, and
- (b) the number of passengers which the ship is fit to carry distinguishing, if necessary, the number to be carried in each part of the ship, and any conditions and variations to which the number is subject.

(2) Where in the case of a foreign passenger ship, the Minister or such other person as he may authorize for the purpose, is satisfied upon the production of a Passenger Ship Safety Certificate that the provisions of this Act have been substantially complied with; the ship shall be deemed to have satisfied the requirements of subsection (1).

Penalty for  
carrying excess  
passengers.

**266.** Where a passenger ship has on board a number of passengers which, having regard to the time, occasion and circumstances of the case, is greater than the number allowed by the Passenger Ship Safety Certificate, the owner or master of the ship shall, without prejudice to any other remedy or penalty under this Act, be liable to a fine of ten thousand dollars for every excess passenger.

Safety  
equipment  
survey on  
cargo ships.

**267.** (1) The life-saving appliances and fire-fighting appliances of Guyana cargo ships shall be subject to survey before the ship is put into service and thereafter at intervals of not more than two years.

(2) The fire control plans in Guyana ships and the pilot ladders, lights and sound signals and distress signals in new and existing Guyana cargo ships shall be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the Safety Convention and, where applicable, the Collision Regulations.

Cargo ship  
Safety  
Equipment  
Certificate.

**268.** Where the Minister or such person as he may authorise for the purpose is satisfied, on receipt of the surveyor's report in respect of a Guyana cargo ship, that the ship complies with the requirements of the Safety Convention as regards life-saving appliances and with such of the regulations relating to safety of life at sea as are applicable to the ship in regard to such life-saving appliances and to such voyages as it is to be engaged on, and, that it is properly provided with the lights, shapes and means of making sound-signals required by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship –

- (a) where it is not less than five hundred gross tons and is to be engaged on international voyages, a certificate in the form prescribed by the Safety Convention;
- (b) in any other case, a certificate showing that it complies with the said requirements,

and any such certificate is in this Act referred to, as a Safety Equipment Certificate.

Cargo ship  
exemption and

**269.** Where the Minister or such person as he may

Qualified  
Safety  
Equipment  
Certificate.

authorize for the purpose, on receipt of the surveyor's report in respect of a cargo ship, is satisfied that the ship is exempt by this Act or from any of the requirements of such regulations or of the Safety Convention, applicable to the ship and to such voyages as it is to be engaged on, and that the ship complies with the remainder of those requirements and is properly provided with the lights, shapes and means of making sound signals required by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship –

- (a) where it is not less than five hundred tons gross tonnage and is to be engaged on international voyages,
  - (i) an exemption certificate stating from which of the requirements of the Safety Convention the ship is exempt and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trade and complying with any other conditions, specified in the certificate, and
  - (ii) a certificate showing that the ship complies with those requirements from which it is not exempt;
- (b) in any other case, a certificate showing that the ship complies with such of the requirements of the Safety Convention from which it is not

exempt and to the voyages on which it is to be engaged,

and any certificate issued under paragraph (a) (ii) or (b) is in this Act referred to as a Qualified Safety Equipment Certificate.

Cargo ship  
radar and radio  
installations  
surveys.

**270.** The radar installations of Guyana cargo ships and any radio-telegraph installations in a motor-life boat or portable radio apparatus for survival craft which is carried in compliance with any regulations made under section 251, shall be subject to survey before the ship is put into service and thereafter at intervals of not more than twelve months.

Issue of cargo  
ship Radio  
Certificate.

**271.** Where the Minister or such person as he may authorize for the purpose is satisfied on receipt of the surveyor's report in respect of a cargo ship that the ship complies with the requirements of the Safety Convention as regards radio-telegraphy, radio telephony and direction finders and with such of the regulations relating to safety of life at sea as are applicable to the ship in regard to such radio-telegraphy, radio-telephony and direction finders and to such international voyages, as it is to be engaged on, he shall, on the application of the owner, issue in respect of the ship –

- (a) a certificate in the form prescribed by the Convention where the ship of not less than three hundred gross tons and is to be engaged on international voyages;
- (b) a certificate showing that it complies with the said requirements,
- (c) a certificate showing that the ship complies with those requirements from which it is not exempt;



- (d) in any other case, a certificate showing that the ship complies with such of the requirements of the Safety Convention from which it is not exempt and the voyages on, which it is to be engaged,

and any such certificate is in this Act referred to as a Radio Certificate.

Cargo ship  
Exemption and  
Qualified  
Radio  
Certificate.

**272.** Where the Minister or such person as he may authorize for the purpose, on receipt of the surveyor's report in respect of a cargo ship, is satisfied that the ship is eligible for exemption under this Act, from any of the requirements of those of the regulations or of the Safety Convention applicable to the ship as regards radio-telegraphy, radio-telephony and direction finders and to such voyages as it is to be engaged on, and that the ship complies with the remainder of those requirements and is properly provided with the lights, shapes and means of making sound signals requires by the Collision Regulations, he shall, on the application of the owner, issue in respect of the ship –

- (a) where it is not less than five hundred gross tons and is to be engaged on international voyages –
- (i) an exemption certificate stating from which of the requirements of the Safety Convention the ship is exempt and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trade

and complying with the other conditions, specified in the certificate, and

- (ii) a certificate showing that the ship complies with those requirements from which it is not exempt;

- (b) in any other case, a certificate showing that the ship complies with such of the requirements of the Safety Convention from which it is not exempt and the voyages on which it is to be engaged,

and any certificate issued under paragraph (a) (ii) or paragraph (b) is in this Act referred to as a Qualified Radio Certificate.

Radio exemption Certificate.

**273.** Where any Guyana ship is wholly exempted by the Minister or such other person authorized by him for the purpose from the requirements of the regulations relating to the Safety Convention as regards radio-telegraphy, radio-telephony and direction finders there shall be issued upon application by the owner, an exemption certificate, hereinafter referred to as a Radio Exemption Certificate specifying the voyages and trades for and conditions on which, the ship is so exempt.

Cargo ship safety construction surveys.

**274.** (1) Subject to subsections (2) and (3) the hull, machinery and equipment other than items in respect of which Cargo Ship Safety Equipment Certificates, or Cargo Ship Radio Certificates are issued a Guyana cargo ship shall be surveyed before being put into service and thereafter in such a manner and at such intervals as may be prescribed under this Part.

(2) A survey, either general or partial, as the circumstances require shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment or whenever important repairs, renewals or replacements are made.

(3) The survey shall be such as to ensure that the necessary repairs, renewals or replacements have been effectively made, that the material and workmanship of such repairs, renewals or replacements are in all respects satisfactory and that the ship complies in all respect with the provisions of the Safety Convention and of the Collision Regulations and any regulations made under this Act.

Regulations for  
cargo ship  
safety  
construction  
requirements  
and surveys.

**275.** (1) The Minister may make regulations under this Act referred to as Cargo Ship Construction and Survey Regulations prescribing requirements for the hull, equipment and machinery of ships to which this section applies and requiring any Guyana ship to be surveyed to such an extent, in such a manner and at such intervals as may be prescribed.

(2) The said regulations shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention in relation to the hull, equipment and machinery of such ship.

(3) This section applies to –

- (a) Guyana ships of not less than five hundred gross tons;
- (b) Guyana ships of such lower tonnage and of such description as the Minister may specify; and
- (c) foreign ships while they are within

Guyana waters and while they are not exempted under this Act,

but does not apply to passenger ships, troopships, pleasure craft, fishing vessels and ships not propelled by mechanical means.

Issue of Ship  
Safety  
Construction  
Certificate.

**276.** (1) Where the Minister or such person as he may authorize for the purpose is satisfied on receipt of the surveyor's report in respect of a Guyana cargo ship to which section 275 applies, that the ship complies with the Cargo Ship Construction and Survey Regulations applicable to the ship and to such voyage as it is to be engaged on, he shall, on the application of the owner, issue in respect of the ship –

- (a) a certificate in the form prescribed by the Safety Convention where it is not less than five hundred gross tons and is to be engaged on international voyages; and
- (b) in any other case a certificate showing that it complies with the said regulations,

and any such certificate is in this Act referred to as a Cargo Ship Safety Construction Certificate.

Cargo ship  
Exemption and  
Qualified  
Safety  
Construction  
Certificate.

**277.** Where the Minister or such person as he may authorize for the purpose, on receipt of the surveyor's report in respect of a cargo ship, is satisfied that the ship is eligible for exemption under this Act from any of the requirements of those of the regulations applicable to the ship and to such voyages as it is to be engaged on, and that it complies with the remainder of those requirements, he shall, on the application of the owner, issue in respect of the ship -

- (a) where it is of not less than five hundred gross tons and is to be engaged on international voyages –
- (i) an exemption certificate stating from which of the requirements of the Safety Convention, the ship is exempt and that the exemption is conditional on the ship plying only on the voyages and being engaged only in the trades and complying with the other conditions specified in the certificate, and
  - (ii) a certificate showing that the ship complies with those requirements from which it is not exempt;
- (b) in any other case, a certificate showing that the ship complies with such of the requirements of the Cargo Ship Construction and Survey Regulations from which it is not exempt and to the voyages on which it is to be engaged,

and any certificate issued under paragraph (a) (ii) or (b), is in this Act referred to as a Qualified Cargo Construction Certificate.

Validity period  
of Cargo Ship  
Safety  
Construction

**278. (1)** A certificate issued under section 276 and a certificate issued under section 277, other than an exemption certificate, shall remain in force for five years or such shorter

Certificate. period as may be specified in it, but without prejudice to the power of the Minister to cancel it, and an exemption certificate issued under this section shall remain in force for the same period as the corresponding qualified certificate.

(2) Without prejudice to the power of extension conferred under this Act, where a certificate under this section is in force in respect of a ship and the certificate was issued for a shorter period than is allowed under this section, the Minister or any person authorized by him for the purpose may, if satisfied, on receipt of declarations of survey in respect of the ship that is proper to do so, grant an extension of the certificate for a period not exceeding one year and not exceeding, together with the period for which it has been previously extended under this subsection, the longest period for which it could have been issued under this Act.

Appeals against withholding of ship's certificates or detention.

**279.** Where following the survey of a ship, the owner feels aggrieved by the withholding of any certificate required to be carried on board the ship under this Act, or by his ship being detained in accordance with section 254, he may appeal to the Court of Survey constituted under section 422.

Periods of validity of certificates.

**280.** (1) A Passenger Ship Safety Certificate, a Radio Certificate or an exemption certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radio telegraphy, radio-telephony and direction finders shall be in force for one year and a Safety Equipment Certificate, shall be in force for two years from the date of its issue or for such shorter period as may be specified in the certificate; save that no such certificate shall remain in force after notice is given by the Minister to the owner, master or agent of the ship, in respect of which it has been issued that the Minister has cancelled the certificate.

(2) An exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radio-telegraphy, radio

telephony and direction finders, shall be in force for the same period as the corresponding qualified certificate.

(3) Any certificate issued by the Minister under this Act, and any Passenger Ship Safety Certificate, whether or not combined in one document with any other safety certificate, shall be admissible in evidence.

Extension of period of validity of certificates.

**281.** (1) Where a Guyana ship is not in a port of Guyana on the date of expiry of any certificate issued to that ship under this Act, the Minister or any such person as he may authorize for the purpose, may extend the validity of that certificate in the first instance by a period not exceeding one month from its initial date of expiry up to a maximum of three months in the aggregate.

(2) The extension referred to in subsection (1) shall be granted only for the purpose of enabling the ship to proceed to a Guyana port or a port where it is to be surveyed for the purpose of renewal of such certificate, and then only where it appears proper and reasonable to grant the extension.

Validity of qualified certificates.

**282.** A qualified certificate shall not be deemed to be in force in respect of a ship unless there is in force in respect of the ship the corresponding exemption certificates; and an exemption certificate shall be of no effect unless it is, by its terms, applicable to the voyage on which the ship is about to proceed.

Penalty for non-compliance with conditions of Exemption Certificates.

**283.** Where an exemption certificate, issued in respect of any Guyana ship specifies conditions on which the certificate is issued and any of those conditions is not complied with, the owner or the master of the ship is guilty of an offence and is liable to a fine of ten thousand dollars.

Posting up of certificates on board ship.

**284.** (1) All certificates or certified copies thereof issued under this Act, except exemption certificates or

certified copies thereof, shall be posted in a prominent and accessible place in the ship for the information of all persons on board; and the certificates or copies thereof shall be kept so posted while they are in force and the ship is in use.

(2) The owner or master of a ship who fails without reasonable cause to comply with the section is guilty of an offence and is liable to a fine of five thousand dollars.

Survey to  
verify Safety  
Certificates and  
compliance  
with conditions  
of issue.

**285.** A surveyor of ships or any other marine officer may board any ship for the purpose of verifying –

- (a) that there is in force in respect of a foreign Safety Convention ship, a valid Safety Convention Certificate;
- (b) that the condition of the hull, equipment and machinery of any such Safety Convention ship corresponds substantially with the particulars shown in such a certificate.
- (c) that the number, grades and qualifications of radio officers or operators on board correspond with those shown in that certificate, except where the certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radio- telegraphy and radio-telephony; or
- (d) that any conditions subject to which such a certificate, being the equivalent of an exemption certificate, is issued, are complied with.



Production of  
Safety  
Convention  
Certificate.

**286.** (1) The master of every foreign Safety Convention ship, shall produce to the appropriate authorities from whom a clearance for the ship is demanded in respect of an international voyage from a Guyana port, valid Safety Convention Certificates that are the equivalent of the Safety Convention Certificates issued by the Minister that would be required to be in force in respect of the ship if it was a Guyana ship, and a clearance shall not be granted, and the ship may be detained until those certificates are so produced.

(2) The production of a valid Safety Convention Certificate being the equivalent of –

- (a) a qualified certificate; or
- (b) an exemption certificate, other than a certificate stating that the ship is wholly exempt from the provisions of the Safety Convention,

shall not avail for the purpose of section 287 unless there is also produced the corresponding exemption certificate or qualified certificate as the case may be.

Inspection of  
ships holding  
Safety  
Convention  
Certificates.

**287.** (1) Where a valid Safety Convention Certificate is produced in respect of a foreign Safety Convention ship it shall be accepted and the ship shall be exempt from surveys or inspection under section 285, unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of the certificate or that the ship and its equipment are not in compliance with regulations made under this Act respecting the maintenance of conditions of ships and their equipment after survey.

(2) Where a certificate is not acceptable due to the circumstances referred to in subsection (1), or if a certificate has expired or ceased to be valid, the ship shall not be granted

clearance and shall be detained until it can proceed to sea or to the appropriate repair yard without causing danger to the ship or persons on board, and the following persons shall be notified in writing of the circumstances, namely –

- (a) the local Consul of the ship's flag state or, in his absence, the nearest diplomatic representative of the ship's flag state;
- (b) nominated surveyors or recognized organizations responsible for the issue of the certificates referred to in subsection (1).

(3) Where any ship referred to in subsection (2) is unduly detained or delayed, it shall be entitled to compensation for any loss or damage suffered as a direct result of such undue detention or delay.

Ship not to proceed to sea without appropriate certificate.

**288.** (1) No Guyana ship shall proceed to sea on an international voyage from a port in Guyana unless there is in force in respect of the ship –

- (a) where it is a passenger ship, a Passenger Ship Safety Certificate, or a Short Voyage Safety Certificate, or a Qualified Short Voyage Safety Certificate which, subject to the provisions of this section relating to Short Voyage Certificates, is applicable to the voyage on which the ship is about to proceed and to the trade in which it is for the time being engaged;
- (b) where it is not a passenger ship –

- (i) a cargo Ship Safety Construction Certificate or a Qualified Cargo Ship Safety Construction Certificate;
- (ii) a Safety Equipment Certificate or a Qualified Safety Equipment Certificate; or
- (iii) a Radio Certificate, or a Qualified Radio Certificate, or an Exemption Radio Certificate.

(2) Notwithstanding subsection (1), a Guyana ship that is not a passenger ship may proceed to sea, if there is in force in respect of that ship, such certificates as would be required if it were a passenger ship, namely, the certificates referred to in paragraph (a) of subsection (1).

Detention of ship for non-production of certificates.

**289.** The master of every Guyana ship shall produce to the appropriate authorities from whom a clearance for the ship is demanded for an international voyage the certificates required by this Part to be in force when the ship proceeds to sea and a clearance shall not be granted, and the ship may be detained, until the certificates are so produced.

Ships to carry stability information.

**290.** (1) Every Guyana passenger ship, regardless of size and every Guyana cargo ship having a length of twenty-four meters and upwards shall carry on board such information about the ship's stability as may be prescribed.

(2) The information, a copy of which shall be sent to the Minister, shall be based on the determination of the ship's stability by means of an inclining test of the ship but the Minister may allow the information to be based on a similar determination of the stability of a sister ship.

(3) Where any ship proceeds or attempts to proceed to sea without having on board the information as required by subsections (1) and (2), the owner or master is guilty of an offence and is liable to a fine of ten thousand dollars.

Penalty for forgery of survey report or certificate.

**291.** Any person who –

- (a) knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent survey report under this Part; or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering any such report or certificate, or anything contained in or any signature to any such report or certificate,

is guilty of an offence.

Notice of accident, defect or alterations affecting the efficiency or sea-worthiness of the ship.

**292.** (1) The condition of any ship in respect of which a Safety Convention Certificate issued under this Act is in force, including the equipment of such ship, shall be maintained at all times to comply in all respects with the provisions of the Safety Convention and of the Collision Regulations and any regulations made under this Act.

(2) Whenever an accident occurs to a ship or a defect is discovered, or any alteration is made to the ship's hull, equipment, appliance or machinery which affects the safety of the ship or the efficiency, completeness or seaworthiness thereof, the owner or master shall, as soon as practicable following such accident, discovery of defect, or alteration, give written notice to the Director describing full particulars of the accident, defect or alteration, as the case may be.

(3) Where notice is not given as required by this section, the owner or master of the ship is guilty of an offence and is liable to a fine of ten thousand dollars.

Re-survey of a ship following alterations or damages.

**293.** (1) Where the Director has reason to believe that since the making of the last survey report in respect of any ship –

- (a) any alteration has been made as is mentioned in section 292;
- (b) the hull, equipment, appliance, or machinery of the ship has sustained any damage or is otherwise defective or insufficient,

the Director may require the ship to be again surveyed to such extent as he thinks fit, and if such requirement is not complied with, may cancel any certificate issued in respect of the ship under this Act.

(2) For the purpose of this section "alteration" in relation to anything includes the renewal or replacement of any part of it.

Application of this Part to foreign ships.

**294.** (1) The Minister may direct that this Part or any of the provisions thereof shall apply to any foreign ship or class of ship while within Guyana waters.

(2) Notwithstanding anything in this Part, the Minister may relieve any foreign ship or the owner of any such ship from compliance with any of the provisions of this Part or regulations made thereunder relating to inspection, in any specific case of emergency where the Minister may deem it necessary or advisable in the public interest, to such extent and in such manner and upon such terms as he may consider proper in the circumstances; but the Minister shall not relieve

any ship or the owner thereof from compliance with any such provisions to such manner as would permit any ship to proceed to sea or to make any voyage in an unseaworthy condition.

Survey of foreign ships and issue of Safety Convention Certificates.

**295.** (1) The Minister may, at the request of the Government of a country to which the Safety Convention applies, cause a ship to be surveyed, and if satisfied that the requirements of the said Convention are complied with, shall issue certificates to the ship in accordance with the Safety Convention.

(2) Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the country in which the ship is or will be registered, and it shall have the same force and receive the same recognition as a certificate issue under this Part.

Survey of Guyana ships by other Convention countries.

**296.** The Minister may request the Government of a country to which the Safety Convention applies or any organization authorized to act in that behalf by the Minister to issue in respect of a Guyana ship any certificate the issue of which is required under this Act; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Minister and not by the Government of that country.

Exceptions.

**297.** Nothing in this Part or in any regulations made thereunder, unless it is expressly otherwise provided by such regulations, shall apply to –

- (a) ships of war and troop ships;
- (b) cargo ships of less than five hundred tons gross tonnage;
- (c) ships not propelled by mechanical

means;

- (d) wooden ships of primitive build;
- (e) pleasure yachts not engaged in trade;
- (f) fishing vessels.

Regulations for safety requirements and issue of local certificates.

**298.**The Minister may make regulations prescribing safety requirements and providing the survey and issue of local safety certificates in respect of any ship or class of ship to which the Safety Convention does not apply.

## PART XI LOAD LINES

Interpretation.

**299.**For the purposes of this Part –

"Convention Country" means a country, the Government of which is a party to the Local Line Convention and which has not denounced that Convention, or a territory of such country to which the Convention extends and remains extended;

"existing ship" means a ship which is not a new ship;

"fishing vessels" means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

"international voyage" means a voyage between -

- (a) in a case of a ship registered in or flying the flag of a country other than Guyana which is a Convention country, the date from which it is declared that the Government of that country has ratified or acceded to the

Load Line Convention, or that it is a country to which that Convention applies;

- (b) in the case of any other ship, the date of the coming into force of this Act.

"Load Line Convention" means the International Convention on Load Lines 1966 and any amendments thereto which the Minister may, by order declare to be in effect for Guyana;

"Load Line convention ship" means an international Load Line ship belonging to a country to which the Load Line Convention applies;

"Load Line Regulations" means the regulations made by the Minister to give effect to the Load Line Convention;

"Load Line ship" means –

- (a) an international Load Line ship, that is to say, an existing ship of not less than one hundred and fifty gross tons or a new ship of twenty-four metres or more in length which carries cargo or passengers on international voyages; and
- (b) a local Load Line ship, that is to say, a ship, other than an international Load Line ship, which carries cargo or passengers;

"new ship" means a ship whose keel is laid or which is at a similar stage of construction on or after.

Exceptions.

**300.** This Part shall not apply to –



- (a) ships of war;
- (b) pleasure craft not engaged in trade;
- (c) fishing vessels.

Countries to which Load Line Convention applies.

**301.** The Minister may from time to time by Notice publish a list of countries that have ratified, acceded to or denounced the Load Line Convention.

Load Line Regulations.

**302.** The Minister may make such regulations hereinafter referred to as the "Load Line Regulations" as appear to him to be necessary for the purpose of giving effect to the Load Line Convention, and without prejudice to the generality of the foregoing, such Regulations may also prescribe Load Line requirements and provide for the issue of local Load Line Certificates in respect of ships to which the Load Line Convention does not apply.

Certificates issued under the Load Line Convention.

**303.** (1) An International Load Line Certificate may be issued to every ship which has been surveyed and marked in accordance with the Load Line Convention.

(2) An International Load Line Exemption Certificate may be issued to any ship to which an exemption has been granted in accordance with the Load Line Convention –

- (a) a port or place in Guyana and a port or place outside Guyana; or
- (b) a port in a Convention Country other than Guyana and a port in any other country or territory thereof (whether or not a Convention Country) which is outside Guyana:

Provided however, that in determining the ports between which a voyage is made, no account shall be taken of any deviation by a ship from her intended voyage which is due solely to stress of weather or other circumstances that neither the master nor the charterer, if any, of the ship could have prevented or forestalled.

International  
and Local Load  
Line  
Certificates.

**304.** (1) Where a Guyana ship has been surveyed and marked in accordance with the Load Line Regulations, the appropriate certificate shall be issued to the owner of the ship, on his application.

(2) For the purpose of this section the appropriate certificate –

- (a) in the case of an existing ship of not less than one hundred and fifty gross tons, and in the case of a new ship of twenty-four metres or more in length is to be called an International Load Line Certificate (1966) and
- (b) in the case of any other ship, is to be called a Guyana Local Load Line Certificate.

Certificates  
issued by other  
governments.

**305.** (1) The Minister may request the Government of a country which is a party to the Load Line Convention to issue an International Load Line Certificate in respect of a Guyana ship and a certificate so issued and containing a statement that it was so issued shall have effect for the purposes of this Part as if it had been issued by the Minister.

(2) Where a valid Load Line Certificate issued in pursuance of subsection (1) is produced in respect of a ship, that ship shall, for the purposes of this Part, be deemed to have been surveyed under the Load Line Regulations, and if the deck line and Load Line correspond with the marks

specified in the certificate, the ship shall be deemed to be marked as required by this Part.

Certificates issued at the request of other governments.

**306.** The Minister may, at the request of the Government of a country to which the Load Line Convention applies, issue an International Load Line Certificate in respect of a ship of that country, if he is satisfied that, as in the case of a Guyana Ship, he can properly issue the certificate and where a certificate is issued at such a request, it shall contain a statement to the effect that it has been so issued.

Regulations as to the validity of foreign certificates.

**307.** (1) With a view to determining the validity in Guyana of certificates purporting to have been issued in accordance with the Load Line Convention in respect of foreign ships the Minister may make such regulations as appear to him to be necessary.

(2) For the purposes of the provisions of this Part relating to foreign ships the expression "a valid Load Line Certificate" means a certificate complying with such of those regulations made under subsection (1) as are applicable in the circumstances.

Power to make exemption orders.

**308.**(1) Where in the opinion of the Minister the sheltered nature and conditions of international voyages between ports in Guyana and ports in neighbouring countries make it unreasonable or impracticable to apply the provisions of this Act to ships plying on such a voyage and the Minister is satisfied that the Governments of the other countries concur in that opinion, the Minister may, by order, specifying those ports, direct that ships plying on such voyages be exempt from the provisions of this Part.

(2) The Minister may, by order, direct that vessels under twenty-four metres in length engaged solely in the coasting trade, or any class of such ships specified in the order be exempt from the provisions of this Part.

(3) Any order under this section may be made subject to such conditions as the Minister thinks fit, and where any such order is made subject to conditions, the exemption granted by the order shall not have effect in relation to a ship unless the ship complies with those conditions.

Further powers  
to exempt ships  
of novel design.

309. (1) On the application of the owner of a Guyana ship to which this Part applies and the ship is either an existing ship of not less than one hundred and fifty gross tons or a new ship of not less than twenty four metres in length, the Minister may exempt the ship if in his opinion the ship embodies features of a novel kind or that a nature if the ship had to comply with all the requirements of this Part, the development of those features and their incorporation, in the ship might be seriously impeded.

(2) On the application of the owner of a Guyana ship to which this Part applies, and which is neither –

- (a) an existing ship of less than one hundred and fifty gross tons or a new ship of less than twenty-four metres in length; or
- (b) a ship, not falling within paragraph (a), which does not ply on international voyages,

the Minister may exempt the ship.

(3) Without prejudice to subsection (2), where a Guyana ship to which this Part applies is either an existing ship of not less than one hundred and fifty gross tons or a new ship of not less than twenty-four metres in length, does not normally ply on international voyages but is in exceptional circumstances, required to undertake a single

international voyage, the Minister, on the application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.

(4) Any exemption granted under this section may be granted subject to such conditions as the Minister thinks fit; and any such exemption shall not have effect unless those conditions are complied with.

Extent of exemption.

**310.** In this Part, any reference to exempting a ship is an exemption -

- (a) from all the provisions of this Part and of the Load Line Regulations; or
- (b) from such of those provisions as are specified in the instrument granting the exemption.

Issue of Exemption Certificates.

**311.** (1) Where the Minister exempts a ship under section 308 or 309 the Director shall issue the appropriate certificate to the owner of the ship.

(2) For the purposes of this section, the appropriate certificate -

- (a) where the exemption is granted under subsection (1) or (3) of section 309 is to be called an International Load Line Exemption Certificate; and
- (b) where the exemption is granted under subsection (2) of that section is to be called a Guyana Local Load Line Exemption Certificate.

(3) Any certificate issued under this section shall be issued in such manner, as may be prescribed by the Load Line Regulations.

Duration and extension of exemption.

**312.** (1) The Load Line Regulations shall make provision for determining the period of which any exemption granted under section 308 or 309 or any certificate issued under section 303 is to remain in force including -

- (a) provision enabling the period for which any such exemption or certificate is originally granted or issued to be extended within such limits and in such circumstances as may be prescribed by the Regulations; and
- (b) provision for terminating any such exemption and for cancelling any such certificate in such circumstances as may be prescribed.

(2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to -

- (a) periodical inspections of the ship in accordance with the Load Line Regulations; and
- (b) any extension of the period for which the certificate was issued as may be prescribed by the Regulations.

Effect of Load Line Certificates.

**313.** Where a valid Load Line Certificate issued under this Part is produced in respect of the ship to which the certificate relates -

- (a) the ship shall be deemed to have been surveyed in accordance with the Load Line Regulations; and

- (b) where lines are marked on the ship according in number and description to the deck line and load lines as required by the Load Line Regulations, and the positions of those lines so marked correspond to the positions the deck line and load lines as specified in the certificate, the ship shall be deemed to be marked as required by those Regulations.

Duration,  
renewal and  
cancellation of  
Load Line  
Certificate.

**314.** (1) Every Load Line Certificate issued by or under the authority of the Minister shall, unless it is renewed in accordance with the provisions of subsection (2), expire at the end of such period as specified therein but not exceeding five years from the date of its issue.

(2) Any such Load Line Certificate may, after a survey that is not less effective than the survey required by the Load Line Regulations before the issue of the certificate, be renewed from time to time by the Director or by any person authorized by him to issue a load line certificate for such period not exceeding five years on any occasion as the Director or other authorized person renewing the certificate thinks fit.

(3) The owner of every ship in respect of which any such certificate remains in force, shall cause the ship to be surveyed in the prescribed manner at least once in every period of twelve months after the issue of the certificate should remain in force, having regard to subsection (2), and if the ship is not so surveyed, the Minister shall cancel the certificate, but may, if he thinks fit extend the said period by a maximum of three months.

Ships not to  
proceed to sea  
without Load

**315.** (1) Subject to any exemption granted by or under this Part, no Guyana ship being an international load line ship

Line Certificate. shall proceed to sea on an international voyage unless there is in force in respect of such ship an International Load Line Certificate.

(2) No Guyana ship, being a local load line ship, shall proceed to sea unless there is in force in respect of such ship a Local Load Line Certificate

(3) The master of every Guyana load line ship shall produce to the customs officer from whom a clearance for the ship is demanded the certificate that is required by this section to be in force when the ship proceeds to sea; and a clearance shall not be granted and the ship shall be detained until that certificate is produced.

Deck cargo regulations.

**316.** (1) The Minister may make regulations, in this section referred to as the Deck Cargo Regulations, prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a load line ship.

(2) Where the Load Line Regulations provide for assigning special freeboards to ships which are to have effect when carrying only timber deck cargo, then, without prejudice to the generality of subsection (1), the Deck Cargo Regulations may prescribe special requirements to be complied with in circumstances where any such special freeboard has effect.

(3) In prescribing any such special requirements as are mentioned in subsection (2), the Minister shall have regard in particular to the provisions of Chapter IV of Annex I to the Load Line Convention.

(4) Where any provisions of the Deck Cargo Regulations are contravened –

- (a) in the case of a Guyana ship; or
- (b) in the case of any other ship while the



ship is within any port in Guyana,

the master of the ship is, subject to subsection (5), guilty of an offence and is liable to a fine of ten thousand dollars.

(5) Where a person is charged with an offence under subsection (4) it shall be a valid defence if proven to the satisfaction of the court that the contravention was due solely to deviation or delay caused by stress of weather or any other cause of *force majeure* which neither the master nor the owner nor the charterer, if any, could have prevented or forestalled.

(6) For the purpose of securing compliance with the Deck Cargo Regulations, any person authorized in that behalf by the Director may inspect any ship to which this Part applies which is carrying cargo in any uncovered space on its deck; and for the purpose of any such inspection any such person shall have all the powers of a surveyor under this Act.

Inspection of Guyana load line ships.

**317.** A surveyor of ships or other marine officer may inspect any Guyana load line ship for the purpose of ensuring that the provisions of this Part have been complied with.

Notice to be given of alterations affecting position of ship's Load Line.

**318.** (1) The owner or master of a ship in respect of which a load line certificate issued under this Part is in force shall, as soon as practicable after any structural alteration which affects the load line marks is made in the hull or superstructures of the ship, give notice in writing to the Director containing full particulars of the alteration.

(2) Where notice of any alteration is not given as required by subsection (1), the owner and the master are guilty of an offence and each is liable to a fine of ten thousand dollars.

(3) The Director may exercise with respect to any such ship his powers specified in subsection (4) where he has reason to believe that –

- (a) material alterations have taken place in the hull or superstructure of the ship which affect the load line marks; or
- (b) fittings and appliances for the protection of openings, guard rails, the freeing ports or the means of access to the crews, quarters have not been maintained on the ship in as effective a condition as they were when the certificate was issued.

(4) In any such case the Director may -

- (a) cancel the Load Line Certificate; or
- (b) require the owner to have the ship surveyed again to such an extent as the Director thinks fit; and, if that requirement is not complied with, he may cancel the Load Line Certificate.

(5) Where a load line certificate has expired or has been cancelled, the Director may require the owner or master of the ship to which the certificate relates to deliver up the certificate and the ship may be detained and if the owner or master fails without reasonable cause to comply with such requirement he is guilty of an offence and liable to a fine of fifteen thousand dollars.

Submersion of  
load lines.

**319.** (1) No ship shall be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being permitted under the Load Line Regulations to be loaded.

(2) Where any ship is loaded in contravention of this section, the owner or master of the ship is guilty of an offence and liable to a fine of one hundred thousand dollars and to such additional fine, as specified in subsection (3), as the court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been increased by reason of the submersion.

(3) The said additional fine shall not exceed fifty thousand dollars for every centimetre or part thereof by which the appropriate load line on each side of the ship was submerged if the ship had been in salt water and without any list.

(4) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a valid defence that the contravention was due solely to deviation or delay caused by stress of weather or any cause of *force majeure* which neither the master, the owner, nor the charterer, if any, could have prevented or forestalled.

(5) Without prejudice to any proceedings under this section, any ship which is loaded in contravention of this section may be detained until it ceases to be so loaded.

Alteration or defacement of load line marks.

**320.**(1) The owner or master of a Guyana load line ship who fails without reasonable cause to keep the ship marked in accordance with this Part is guilty of an offence and is liable to a fine of ten thousand dollars.

(2) Any person who conceals, removes, alters, defaces or obliterates or permits any person under his control to conceal, remove, alter, deface or obliterate any mark placed on the ship in accordance with this Part, except with the authority of a person entitled under the Load Line Regulations to authorize the alteration of the mark is guilty of an offence and is liable to a fine of fifty thousand dollars.

Ships not to  
proceed to sea  
unless  
complying with  
Load Line  
Regulations.

**321. (1)** No Guyana load line ship shall proceed to sea unless –

- (a) the ship has been surveyed in accordance with the Load Line Regulations either by a surveyor of ships or by any organization authorized to act in that behalf by the Minister or at his request by the Government of any Convention Country;
- (b) the ship complies with the conditions for the assignment of load lines prescribed in the Load Line Regulations;
- (c) the ship is marked on each side with a mark hereinafter referred to as deck-line indicating the position of the uppermost deck and with marks hereinafter referred to as load lines, indicating the several maximum depths to which the ship is permitted to load in various circumstances prescribed by the Load Line Regulations; and
- (d) the deck-line and load lines are of the descriptions and in the positions required by the Load Line Regulations.

(2) Where the ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof is liable to a fine of one hundred thousand dollars and the ship may be detained until it has been so surveyed and

marked.

Production of  
Load Line  
Certificates of  
Guyana ships.

**322.** The master of every load line convention ship shall, upon request produce a valid Load Line Certificate to the Customs Officer from whom a clearance for the ship a port in Guyana is demanded and a clearance shall not be granted and the ship may be detained until the certificate is produced.

Production of  
Load Line  
Certificates of  
foreign ships.

**323.** Unless a valid Load Line Certificate is produced in respect of a foreign ship, the provisions of section 313 shall apply to that ship proceeding or attempting to proceed to sea from a port in Guyana as they apply to a Guyana ship.

Submersion of  
Load Lines of  
foreign ships.

**324.** Section 319 shall apply to foreign ships while they are in Guyana waters as they apply to Guyana ships, subject to the following –

- (a) no load line convention ship shall be detained and no proceeding shall be taken against the owner or master thereof, by virtue of that section, except after an inspection by a surveyor as provided for in this Part;
- (b) the expression "the appropriate load line" means –
  - (i) in the case where a valid load line convention certificate in respect of the ship is produced on such an inspection as aforesaid, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the

- time being permitted under the Load Line Convention to be loaded;
- (ii) in the case where a valid load line convention certificate is not so produced, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being permitted in accordance with the Load Line Regulations to be loaded.

Posting up of Load Line Certificate and entry of Load Line details in ship's log book.

**325. (1)** Where a Load Line Certificate has been issued under this Part in respect of a Guyana load line ship –

- (a) the owner of the ship shall forthwith upon receipt of the certificate, cause it to be framed and displayed in some conspicuous place on board the ship, and the certificate shall be kept so framed and displayed and shall be legible so long as the certificate remains in force and the ship is in use, and
- (b) the master of the ship before making any other entry in any official log book, shall enter therein the particulars as to the marking of the deck-line and load line specified in the certificate.

(2) Before any Guyana load line ship proceeds to sea, the master thereof shall –

- (a) enter in the official log book the draught and freeboard relating to the depth to which the ship is for the time being loaded, the density of the water in which the ship is floating and all other particulars relating thereto in the form as set out in the official log book;
- (b) cause a notice in the prescribed form to be displayed in some conspicuous place on board the ship and the notice shall remain displayed and shall be legible while the ship is at sea.

(3) The master or owner of any Guyana load line ship who fails to comply with the provisions of this section is guilty of an offence and is liable to a fine of ten thousand dollars.

Inspection of  
ships regarding  
Load Lines.

**326.** (1) A surveyor of ships or other marine officer may board any ship when such ship is within Guyana waters and may demand the production of any Load Line Certificate for the time being in force in respect of that ship.

(2) Where a valid Load Line Certificate is produced to the surveyor his powers of inspecting the ship with respect to load lines shall be limited to ensuring –

- (a) that the ship is not loaded beyond the limits allowed by the certificate;
- (b) that the markings of the load line on the ship correspond with those specified in the certificate;
- (c) that no material alterations have taken

place in the hull or superstructure of the ship which affect the markings of the load lines;

- (d) that the fittings and appliances for the protection of openings, guard rails, freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were when the certificate was issued.

(3) Where a valid Load Line Certificate is not produced to the surveyor, he shall have the same power of inspecting the ship as provided for in section 317 as if the ship were a Guyana load line ship.

Contravention of Load Line Regulations and detention of ship.

**327.** (1) Where it is found upon an inspection referred to in section 326 that a ship is loaded in contravention of section 319, the ship may be detained and proceedings may be taken, against the master or owner thereof under section 319.

(2) Where the load lines on the ship are not marked as specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(3) Where on an inspection a ship is found to have been so materially altered in respect of the matters referred to in section 326(2)(c) or (d) that it is manifestly unfit to proceed to sea without danger to human life, the ship shall be detained; but where the ship has been so detained the Director shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.



**PART XII**  
**CARRIAGE OF BULK CARGOES AND DANGEROUS**  
**GOODS**

*BULK CARGOES*

Bulk cargo  
regulations.

**328.** The Minister may make regulations relating to –

- (a) the safe carriage and stowage of bulk cargoes having due regard to the Code of Safety Practice for Bulk Cargoes issued by the International Maritime Organization and amendments thereto or replacement thereof;
- (b) the safe carriage and stowage of grain in compliance with the International Convention for the Safety of Life at Sea, 1974 and amendments thereto or replacements thereof.

Precautions  
regarding grain  
cargoes.

**329.** (1) Where grain is loaded on board any Guyana ship, or is loaded at any port in Guyana on any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting; and, if such precautions are not taken, the owner or the master or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, is guilty of an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(2) Where any ship, loaded with grain outside Guyana without necessary and reasonable precautions having been taken to prevent the grain from shifting, enters any port in Guyana so laden, the owner or master is guilty of an offence and the ship shall be deemed for the purposes of this Act to be unsafe by reason of improper loading.

(3) No offence is committed under subsection (2) where the ship would not have entered any such port but for stress of weather or any other cause of *force majeure*, which neither the master, the owner nor the charterer, could have prevented or forestalled.

(4) Any person authorized by the Director to ensure the observance of provisions of this section may inspect the grain, and the mode in which it is stowed and shall have all the powers of a surveyor of ships under this Act.

Offences.

**330.** Any person who contravenes this Part is guilty of an offence and is liable to a fine of fifty thousand dollars.

*DANGEROUS GOODS*

Regulations as to dangerous goods.

**331.** (1) The Minister may by regulations establish which goods, articles or materials to be carried in a ship are dangerous goods in accordance with the International Convention for the Safety of Life at Sea, 1974 relating to the carriage of dangerous goods and to amendments thereto or replacements thereof, and such regulations shall have regard to the International Maritime Dangerous Goods (IMDG) Code of the International Maritime Organization.

(2) Without restricting the generality of the foregoing, the Minister may by regulations prescribe –

- (a) the method of packing and stowing such goods;
- (b) the quantity of such goods which may be carried in any ship;
- (c) the place or places within a ship in which they may be carried;
- (d) the marking that is to be placed on

any package or container in which goods may be placed for shipment;

- (e) the precautions that shall be taken with respect to the carriage of such goods and the powers of inspection to determine compliance with the provisions of the regulations.

Carriage and marking of dangerous goods.

**332.** (1) No person shall send by or carry in a Guyana ship, except in accordance with regulations made pursuant to section 331, any dangerous goods, save that this section shall not apply to ships, distress signals nor to the carriage of military stores under conditions authorized by the Minister.

(2) No person except the owner or master shall send by or carry in a Guyana ship any dangerous goods without first distinctly marking their nature on the outside of the outermost package containing the same in accordance with such regulations as the Minister may make and without first giving written notice of the nature of such goods and of the name and address of the sender thereof to the master or owner of the ship.

(3) This section shall apply to all foreign ships while loading at any place in Guyana as, they apply to Guyana ships.

Offences.

**333.** A person who contravenes this Part is guilty of an offence and is liable to a fine of fifty thousand dollars and the ship shall be deemed, for the purposes of this Act, to be unsafe by reason of improper loading.

Rejection and disposal of dangerous goods by ship.

**334.** (1) The master or owner of any ship may refuse to take on board any package or parcel that he suspects might contain any dangerous goods and may require the package to be opened to ascertain its nature.

(2) When any dangerous goods, or any goods that, in the opinion of the master or owner of the ship, are dangerous goods, have been sent on board any ship without the marking or the written notice described in section 332, the master or owner of the ship may cause the goods, together with any package or container thereof, to be thrown overboard; and neither the master nor the owner of the ship is subject to civil or criminal liability in any court in respect of such action.

Forfeiture of dangerous goods.

**335.** (1) Where any dangerous goods have been sent by or carried in any ship in a manner that would constitute an offence under this Part, a court having admiralty jurisdiction may order the goods, and any packaging or container thereof, to be forfeited.

(2) A court may exercise the powers conferred by subsection (1) notwithstanding –

- (a) that the owner of the goods concerned has not committed any offence in respect of the goods, or is not before the court, or has had no notice of the proceedings; and
- (b) that there is no evidence to show to whom the goods belong,

but the court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

### PART XIII SEAWORTHINESS OF SHIPS

Unseaworthy ship.

**336.** In this Part "unseaworthy ship" means a ship that is by reason of the defective condition of its hull, equipment and machinery or by reason of under manning, overloading

or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which the ship is intended.

Sending ship to sea in unseaworthy state.

**337.** (1) Any person who sends or attempts to send any Guyana or foreign ship to sea from any port in Guyana in such an unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of an offence, unless he proves either –

- (a) that he used all reasonable means to ensure that the ship was sent to sea in a seaworthy state; or
- (b) that sending the ship to sea in such an unseaworthy state was in the circumstances reasonable and justifiable.

(2) Any master of a ship, Guyana or foreign, who knowingly takes such ship to sea from any port in Guyana in such an unworthy state that the life of any person is likely to be thereby endangered, shall be guilty of an offence, unless he proves that taking the ship to sea in such an unworthy state was in the circumstance reasonable and justifiable.

Owner's obligation to crew regarding seaworthiness.

**338.** (1) In every contract of service express or implied, between the owner of a ship and the master or any seaman thereof, or in any instrument of apprenticeship whereby any person is bound to serve on board 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 the ship for sea, or the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship at the time when the voyage commences and to keep the ship in a seaworthy condition during the voyage.

(2) 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 circumstance, the sending of the ship to sea in such a state was reasonable and justifiable.

Detention of unseaworthy ship.

**339.** (1) Where, whether on a complaint or representation made to him or otherwise, the Director or a surveyor has reason to believe that any Guyana ship, or any foreign ship at a port in Guyana, is an unseaworthy ship, he shall, if the complaint or representation is made in sufficient time before the sailing of the ship, ascertain whether or not the ship ought to be detained.

(2) Where the Director or surveyor is satisfied that the ship is an unseaworthy ship, he may –

- (a) in the case of any ship, cause the ship to be detained; and
- (b) in the case of a Guyana ship, cause its Safety Certificates to be suspended, until he is satisfied that the ship is fit to proceed to sea.

(3) Where the ship is detained pursuant to subsection (2), the Director may adopt any measure or means he thinks suitable or necessary to prevent the ship from sailing while it is an unseaworthy ship.

(4) Where a foreign ship has been detained under this section, a consular officer for the country to which the ship belongs shall be informed forthwith.

(5) Where a ship has been dealt with under this section, the ship may be inspected or surveyed by a surveyor or other marine officer to investigate any defect or deficiency

believed to exist.

(6) The owner or master of a ship or a consular officer referred to in subsection (4) may require that a person of his choice accompany any person making an inspection or survey under this section.

(7) The surveyor or any other marine officer acting under this section, shall as soon-as practicable after action is completed in connection therewith forward a full report thereof to the Director together with copies of any report made upon inspection or survey.

(8) Any complaint in respect of the seaworthiness of a ship shall be in writing, stating the name and address of the complainant, and shall be given to the owner or master of the ship if action is taken under this section.

Liability for  
costs and  
damages.

**340.** (1) If it appears that there was no reasonable and probable cause, by reason of the condition of a ship or the act or default of the owner thereof, for the detention under this Part of a ship as an unseaworthy ship, the Government shall be liable to pay to the owner of the ship –

- (a) his costs of and incidental to the detention and survey of the ship, and
- (b) compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is detained under this Act, and the ship was at the time of such detention unseaworthy, the owner of the ship shall be liable to pay to the Government the costs of and incidental to the detention and survey of the ship; and such costs shall, without prejudice to any other remedy, be recoverable in the same manner as salvage.

Power to  
require  
complainant to  
give security  
for costs.

**341.** (1) Where a complaint is made to the Director, a marine officer or a surveyor, that a Guyana ship is unseaworthy, such officer may require the complainant to give security to the satisfaction of such officer, for any costs and compensation which he may become liable to pay as mentioned in subsection (3).

(2) The security referred to in subsection (1) shall not be required where the complaint relating to a ship –

- (a) is made by one-fourth, being not less than three of the seamen belonging to the ship; and
- (b) is not in the opinion of the Director, marine officer or surveyor, as the case may be, frivolous or vexatious,

but in such case the Director, marine officer or surveyor, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint under subsection (1), and the circumstances are such that the Government is liable under section 340 to pay to the owner of the ship any cost or compensation, the complainant shall be liable to pay to the Government all such cost and compensation as the Government incurs or is liable to pay in respect of the detention and survey of the ship.

#### PART XIV WRECK AND SALVAGE

##### WRECK

Appointment  
and powers of

**342.** (1) The Minister shall appoint a receiver of wrecks for Guyana who shall exercise general direction and



receiver of  
wreck.

supervision over all matters relating to wreck and salvage.

(2) Where the receiver is absent, there may be designated by the Minister any person to act as a receiver of wreck in any specified area and to perform the duties of a receiver under this Part.

Fees of  
receiver.

**343.** (1) There shall be paid to the receiver the expenses properly incurred by him in the performance of his duties and such fees in respect of such other matters as may be prescribed, and the receiver shall not be entitled to any other remuneration.

(2) The receiver shall, in addition to all other rights and remedies for the recovery of the expenses and fees referred to in subsection (1), have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him and may, if the property in respect of which any such expenses and fees are due is not under arrest in any court, seize or detain the property until his expenses and fees are paid, or until security is given therefor to his satisfaction.

(3) Whenever any dispute arises as to the amount payable to the receiver in respect of expenses or fees, such dispute shall be determined by the Minister whose decision shall be final.

(4) All fees received by the receiver in respect of any services performed by him as such receiver, shall be accounted for to the Government, and shall be applied in defraying any expense duly incurred in carrying this Act into effect and, subject to such application, shall be paid into the Consolidated Fund.

Duty of  
receiver where  
ship is in  
distress.

**344.** (1) Where any vessel is wrecked, stranded or in distress in Guyana waters or on the shores of Guyana, the receiver shall, upon being made acquainted with the

circumstances, forthwith go to such place, and upon his arrival there take command of all persons present, and assign such duties and give such directions, to each person present as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel, and of its cargo and apparel.

(2) The receiver shall not interfere in any matter arising between the master and crew of the vessel concerning the management of the vessel, unless he is requested to do so by the master.

Power of receiver in case of ship in distress

**345.** (1) The receiver may, with a view to preserving shipwrecked persons or a vessel, its cargo or apparel –

- (a) require such persons as he thinks necessary to assist him;
- (b) require the master or other person having the charge of any vessel near at hand to give such aid with his crew or vessel as is in his power; and
- (c) require the use of any available machinery, vehicle or equipment.

(2) Any person who refuses, without reasonable excuse, to comply with any requisition or demand made under subsection (1) or wilfully impedes or obstructs the receiver or any person acting under his orders in the execution of his duties shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten thousand dollars.

Power of receiver to use force to suppress plunder and disorder.

**346.** (1) Whenever any vessel is wrecked, stranded or in distress in Guyana waters or on the shores of Guyana, and any person plunders, creates disorder or obstructs the preservation of the ship or of the shipwrecked persons or of

the cargo or apparel of the ship, the receiver may cause such person to be apprehended and kept in custody until he can be taken before a magistrate to be dealt with according to the law.

(2) The receiver may use such force as may be necessary for the suppression of any plundering, disorder or obstruction referred to in subsection (1), and may order any person to assist him in so doing.

(3) If any person loses his life or limb or sustains injury by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties entrusted to the receiver by this Part, neither the receiver nor the person acting under his orders shall be liable to any punishment or to pay any damages by reason of the person losing his life or limb or sustaining any injury.

Power to pass  
over adjoining  
lands.

**347.** (1) When a vessel is wrecked, stranded or in distress any person may for the purpose of rendering assistance to the vessel, its cargo or apparel, or of saving the life of any person –

- (a) pass and repass, with or without vehicles, machinery or equipment, over any adjoining lands unless there is some public road equally convenient, and
- (b) deposit on those lands any cargo or other articles recovered from the vessel,

without being impeded or hindered or being subject to liability for trespass by the owner or occupier, but such person may not cause any more damage to the adjoining lands than is reasonably necessary for the purpose of rendering that assistance.

(2) Any damage sustained by the owner or occupier of any land in consequence of the exercise of the rights conferred by subsection (1) shall be a charge on the vessel, cargo or articles in respect of or by which the damage is occasioned and the amount payable in respect of the damage shall, in case of dispute, be determined, and shall, in default of payment, be recoverable, in the same manner as salvage is determined and recovered under this Part.

(3) Any owner or occupier of any land who –

- (a) impedes or hinders any person in the exercise of the rights conferred upon him by this section, whether by locking his gates or refusing upon request to open such gates, or otherwise;
- (b) impedes or hinders the deposit of any cargo or other articles recovered from a vessel as aforesaid, on the land; or
- (c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit,

shall be guilty of an offence and upon conviction be liable to a fine not exceeding ten thousand dollars.

Duties of  
person who  
finds wreck.

**348.** (1) Where any person finds or takes possession of any wreck within Guyana, or where any wreck found or taken possession of outside Guyana is brought within Guyana, the person finding such wreck and taking possession thereof shall –

- (a) if he is the owner thereof, give notice to the receiver, stating that he has found or taken possession of such wreck and describing the marks by which the wreck may be recognized; or
- (b) if he is not the owner thereof, as soon as possible deliver the wreck to the receiver.

(2) The Minister may dispense with a delivery required under subsection (1) in the case of any wreck upon such condition as he thinks fit.

(3) Any person who fails, without reasonable cause, to comply with provisions of subsection (1) relating to any wreck shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten thousand dollars, and in addition shall, if he is not the owner thereof -

- (a) forfeit any claim to salvage in respect thereof,
- (b) be liable to pay to the owner of the wreck if it is claimed, or if it is unclaimed to the person entitled thereto, double the value of the wreck, to be recovered in the same way as a fine of like amount under this Act.

Penalty for taking wreck at the time of casualty.

**349.** (1) Where a vessel is wrecked, or in distress in Guyana waters or on the shores of Guyana, any cargo or other articles belonging to or separated from the vessel which are washed ashore or otherwise lost or taken from the vessel shall be delivered to the receiver.

(2) Any person whether or not the owner of any cargo or article referred to in the preceding subsection, who conceals or keeps possession of any such cargo or article or refuses to deliver any such cargo or article to the receiver or any person authorized by the receiver to demand such cargo or article, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding fifty thousand dollars.

(3) The receiver or any person authorized by him to demand the delivery to him of any cargo or article, referred to in subsection (1) may take such cargo or article by force from any person refusing to deliver it to him.

Notice of wreck to be given by receiver.

**350.** Where the receiver takes possession of any wreck, he shall within forty-eight hours –

- (a) cause to be posted at the nearest police station, and otherwise published in such manner as he may deem fit, a description of the wreck and of any marks by which it is distinguished; and
- (b) if in his opinion the value of the wreck exceeds ten thousand dollars, send a copy of such description to the Director.

Delivery of wreck to owner.

**351.** (1) The owner of any wreck in the possession of the receiver upon establishing his claim thereto to the satisfaction of the receiver within six months from the time when the wreck came into the possession of the receiver shall, on paying the salvage fees and other expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2) Where any wreck or other articles belonging to or forming part of a foreign vessel which has been wrecked in

Guyana waters or on the shores of Guyana, or belonging to and forming part of the cargo thereof, is found on or near the shores of Guyana or is brought into any port in Guyana, the consular officer of the country to which the vessel belongs or, in the case of cargo, the consular officer of the country of which the owners of such cargo are citizens shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wreck or such other article.

Immediate sale of wreck by receiver in certain cases.

**352.** (1) The receiver may at any time sell any wreck in his custody, if in his opinion –

- (a) it is under the value of fifty thousand dollars;
- (b) it is so damaged or of so perishable a nature that it cannot with advantage be kept;
- (c) it is not of sufficient value to pay for storage; or
- (d) it has not been removed within a time specified by the receiver.

(2) The proceeds of any sale made under subsection (1) shall, after defraying the expenses thereof, be held by the receiver for the same purposes, and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

Wrecked goods subject to duties.

**353.** (1) All wreck, being foreign goods brought or coming into Guyana, shall be subject to the same duties as those to which such goods would be subject if they were imported into Guyana.

(2) If any question arises as to the origin of any goods referred to in subsection (1), they shall be deemed to be the produce of such country as the Commissioner - General may on investigation determine.

(3) The Commissioner-General shall permit –

- (a) all goods, wares or merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination; and
- (b) all goods, wares or merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which they were shipped, but the Commissioner General shall take security for the due protection of the Consolidated Fund in respect of those goods.

(4) For the purposes of this section “Commissioner-General” means the Commissioner General of the Revenue Authority.

Right to unclaimed wreck.

**354.** (1) The Government of Guyana is entitled to all unclaimed wreck found within any part of Guyana or found or taken possession of outside Guyana and brought within Guyana, except in any place where the Government has granted to any person the right to any such wreck.

(2) Where no owner establishes a claim to any wreck which –

- (a) has been found in Guyana or found or taken possession of outside Guyana and brought into Guyana; and



- (b) has been in the possession of the receiver of wrecks for six months,

the receiver shall sell such wreck and pay to the Government the proceeds thereof after deducting therefrom the expenses of the sale, the fees payable to him and such amount of salvage payable to salvors as the Minister in each case may determine.

Delivery of unclaimed wreck by receiver not to prejudice title.

**355.** Upon delivery of any wreck or payment the proceeds of sale of any wreck by the receiver of wreck pursuant to this Part, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck.

Removal of wreck by port, harbour or other authority.

**356.(1)** Where any vessel is sunk, stranded, wrecked or abandoned in any port or harbour, or in any approaches thereto, in such manner as in the opinion of the Director, to be likely to be an obstruction or danger to navigation or to life boats engaged in life boat service in that harbour or port or in any approach thereto, the Department may –

- (a) take possession of, and raise, remove or destroy the whole or any part of the vessel;
- (b) light or buoy the vessel or part of such vessel until the raising, removal or destruction thereof,
- (c) subject to subsections (2) and (3), sell in such manner as it thinks fit the vessel or the part thereof so raised or removed, and also any other property recovered in the exercise of its powers under this section, and out of the

proceeds of the sale reimburse itself for the expenses incurred, and hold the surplus, if any, in trust for the persons entitled thereto:

Provided, however, that such surplus shall be paid into the Consolidated Fund unless such persons establish a claim thereto within one year of the sale.

(2) Except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, a sale shall not be made under this section, until at least seven clear days' notice of the intended sale has been given in the *Gazette* or by advertisement in a local newspaper.

(3) At any time before any property is sold under this section, the owner thereof shall be entitled to have such property delivered to him on payment to the Department of the fair market value thereof, and such value shall be ascertained by agreement between the Director and such owner or, failing such agreement, by some person to be named for the purpose by the Director.

(4) If the proceeds of sale of any property sold under this section are less than the costs incurred by the Department may recover such difference from the owner of the vessel concerned by civil action.

Breaking and  
removal of  
wrecks.

357. (1) If any person, being the owner of any vessel or any wrecked, submerged, sunken or stranded vessel or being the agent or servant of such owner, wishes to break up such vessel prior to the removal thereof from Guyana, such person shall before commencing salvage or breaking up operations, obtain the written permission of the receiver.

(2) On receiving any application for permission to break up any vessel under this section, the receiver may grant such permission and may, in granting such permission –

- (a) stipulate such conditions as he considers necessary to minimise the risks, or effects of any pollution; and
- (b) require security in such reasonable amount as he may consider necessary to ensure the safe and effective removal of such vessel or any portion thereof.

(3) Any person who, without the previous written permission of the receiver does or causes to be done any salvage or breaking up operations on any vessel or any wrecked, submerged, sunken or stranded vessel lying within Guyana, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding fifty thousand dollars, and to imprisonment for a term not exceeding one year.

Extent of power of removal of wreck.

**358.** The provisions of this Part relating to the removal of wrecks shall apply to every article or thing being or forming part of the tackle, cargo, stores or ballast of a vessel.

Taking wreck to a foreign port.

**359.** Any person who takes into any foreign port and sells there any vessel, whether stranded, derelict or otherwise in distress, found in Guyana, or any part of the cargo or apparel thereof or anything belonging thereto, or any wreck found in Guyana, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding fifty thousand dollars and to imprisonment of a term not exceeding three years.

Unauthorised boarding of wreck.

**360.** (1) A person shall not, without the leave of the master, board or endeavour to board any vessel which is wrecked, stranded or in distress, unless he acts under the authority of the receiver or a person lawfully acting as such.

(2) Any person who contravenes subsection (1)

may be removed by the master of the vessel, if necessary by force, and shall also be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five thousand dollars.

(3) Where a person refuses to allow any person duly authorized by the receiver to board any wreck, he is guilty of an offence and is liable to a fine of five thousand dollars.

Interfering with wreck, etc.

**361.(1)** A person shall not –

- (a) impede or hinder or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded or otherwise in distress or any part of the cargo or apparel thereof, or any wreck;
- (b) conceal any wreck or deface obliterate any marks thereon; or
- (c) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded or otherwise in distress, or any part of the cargo or apparel thereof, or any wreck.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and on conviction therefore shall be liable to a fine not exceeding ten thousand dollars.

Summary procedure for concealment of wreck

**362.** Where the receiver suspects or receives information that any wreck is secreted or is in the possession of some person who is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to a Magistrate for a search warrant under this section.

## SALVAGE

Interpretation.

**363.** For the purpose of sections 364 to 397 'damage to the environment' means a substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major accidents;

"maritime casualty" means a collision of vessels, stranding or other incident of navigation or other occurrence on board a vessel or external to it, resulting in material damage or imminent threat of material damage to a vessel or cargo;

"payment" means any reward, remuneration or compensation due under this Part;

"salvor" means any person rendering salvage services;

"salvage operation" means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters;

"services salvage " means services rendered in direct connection with salvage operations;

"property" means any property not permanently and intentionally attached to the shoreline and includes freight at risk;

"Salvage Convention" means the International Convention on Salvage 1989.

Non-application to platforms and drilling.

**364.** Sections 363 to 397 shall not apply to fixed floating platforms or to mobile off-shore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

Non-  
application to  
foreign state-  
owned vessel.

**365.** (1) Sections 363 to 397 shall not apply to warships or other non-commercial vessels owned or operated by a foreign State and entitled at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State has decided to apply the Convention to such ships or vessels.

(2) For the purposes of any proceedings under this Act, a certificate signed by the Secretary-General of the International Maritime Organization, setting out a State's decision to apply the Salvage Convention to ships and vessels referred to in subsection (1) and the terms and conditions of such application, shall be *prima facie* evidence of the facts stated therein.

Life salvage.

**366.** (1) Where services are rendered –

- (a) wholly or in part in Guyana waters in saving life from any vessel or aircraft;  
or
- (b) outside Guyana waters, in saving life from any Guyana vessel,

the owner of the vessel, aircraft, cargo or apparel saved shall pay to the salvor a reasonable amount of salvage to be determined in the manner set out in this Part.

(2) Salvage in respect of the preservation of life, when payable by the owners of a vessel, shall have priority over all other claims for salvage.

(3) Under no circumstances shall salvage be due from a person whose life has been saved.

Salvage of  
cargo.

**367.** (1) Where any vessel or aircraft is wrecked, stranded or in distress in Guyana waters or on the shores of Guyana and services are rendered –

- (a) by any person assisting the vessel or aircraft or saving the cargo or apparel of the vessel or any part thereof,
- (b) by any person other than the receiver in saving any wreck,

the owner of the vessel, aircraft, cargo, apparel or wreck shall pay to the salvor, a reasonable amount of salvage, to be determined in the manner set out in this Part.

(2) A salvor of human life, who has participated in services rendered in the event of a maritime casualty giving rise to salvage, shall be entitled to an appropriate share of the remuneration awarded to the salvor for salvaging the vessel or other property or preventing or minimizing damage to the environment.

Services  
excluded from  
salvage  
remuneration.

**368.** Nothing in this Part shall entitle any person to salvage remuneration –

- (a) in respect of salvage services rendered contrary to any express and reasonable prohibition of such services on the part of the vessel or aircraft or by the owner of property to which such services are rendered;
- (b) in respect of services rendered by a tug to, or in respect of the vessel or aircraft which she is towing or the cargo thereof, except where such services are of an exceptional character such as are outside the scope of the contract of towage ;
- (c) if he has caused the distress giving

rise to the salvage, either intentionally or through negligence;

- (d) if and to such extent as it appears that he has concealed or unlawfully disposed of any property salvaged.

Conditions for salvage remuneration.

**369.** (1) Except as otherwise provided in section 378 no remuneration shall be due under this Act if the salvage operations had no useful result.

(2) A salvor shall be entitled to remuneration under this Part notwithstanding that the vessel, or aircraft performing the salvage operation and the vessel, aircraft, cargo or other property salvaged belong to the same owner.

Salvage contracts.

**370.** (1) Sections 363 to 397 shall apply to any salvage operation unless a contract expressly or by implication provides otherwise.

(2) The master of a Guyana vessel shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel, and the master and the owner of a Guyana vessel shall have the authority to conclude contracts on behalf of the owner of property on board the vessel.

(3) Nothing in this section shall affect the application of Section 371 or the duties to prevent or minimize damage to the environment provided in paragraph (b) of section 372 and paragraph (b) of section 373.

Annulment or modification of contracts.

**371.** Any contract relating to salvage or any terms thereof may be annulled or modified by a competent Court, where it appears to the Court, that –

- (a) the contract had been entered into under undue influence or the



influence of danger and its terms are inequitable; or

- (b) the payment under the contract is too large or too small for the services actually rendered.

Duties of  
Salvor.

**372.** The salvor shall owe a duty to the owner of the vessel or other property in danger to –

- (a) carry out the salvage operation with due care;
- (b) exercise due care to prevent or minimize damage to the environment in performing the duty specified in paragraph (a);
- (c) seek assistance from other salvors whenever the circumstances reasonably so require; and
- (d) accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or of other property in danger provided that the amount of his reward shall not be prejudiced where he proves that such a request was unreasonable.

Duties of  
owner and  
master.

**373.** The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor –

- (a) to co-operate fully with him during the course of the salvage operations;
- (b) in performing the duty specified in

paragraph (a) to exercise due care to prevent or minimize damage to the environment; and when the vessel or other property has been brought to a place of safety to accept redelivery when reasonably requested to do so by the salvor.

Powers of Director.

374.(1) The Director may –

- (a) give directions in relation to any salvage operation; and
- (b) take measures in accordance with generally recognized principles of international law to protect the environment from pollution following a maritime casualty or acts relating to such casualty which may reasonably be expected to result in harmful consequences.

(2) The Director shall, in giving directions and taking measures under subsection (1) take into account the need for co-operation between salvors, other interested parties and the Department in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

(3) Any public officer or other person acting under directions of the Director as referred to in this section shall be under a duty to exercise due care in preventing or minimizing damage to the environment.

(4) Any public authority or an officer thereof who is reasonably within the vicinity of a vessel or person in distress or danger of being lost at sea shall render assistance

to save the vessel and life by co-operating in –

- (a) the procurement and provision of facilities to salvors;
- (b) the admittance to the port of vessels in distress;
- (c) ensuring the efficient and successful performance of the, salvage operation for the purpose of saving life or property; and
- (d) preventing or minimizing damage to the environment.

Criteria for fixing salvage reward.

**375.** Salvage reward shall be fixed with a view to encourage salvage operations, taking into account the following criteria without regard to the order in which they are listed –

- (a) the salvaged value of the vessel and other property;
- (b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;
- (c) the measure of success achieved by the salvor;
- (d) the nature and degree of the danger;
- (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
- (f) the time used and the expenses and

losses incurred by the salvors;

- (g) the risk of liability and other risks run by the salvors or their equipment;
- (h) the promptness of the services rendered;
- (i) the availability and use of vessels or other equipment intended for salvage operations; and
- (j) the state of readiness and efficiency of the salvors' equipment and the value thereof.

Responsibility  
for payment of  
reward.

**376.** (1) Payment of a reward fixed in accordance with Section 375 shall be made by all of the owners of the vessel and other property interests in proportion to their respective salvaged values.

(2) For expediency the shipowner shall pay the reward on behalf of all interests referred to in subsection (1) subject to his retaining the right to be reimbursed by these other interests.

(3) The shipowner who makes the payment under subsection (2) may require the other interests to provide security not exceeding the values of their respective salvaged interests until he has been fully reimbursed.

Quantum of  
reward.

**377.** The salvage reward excluding any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property salvaged.

Special  
compensation.

**378.** (1) Where a salvor has carried out salvage operations in respect of a vessel which by itself or its cargo

threatened damage to the environment and has failed to earn a reward under this Part equivalent at least to the special compensation assessable under subsection (2), he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as defined in subsection (3).

(2) Where in the circumstances set out in subsection (1), the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under subsection (1) may be increased up to a maximum of thirty per cent of the expenses incurred by the salvor; and the court or person determining the award may where it or he deems it fair and just, increase such special compensation further; bearing in mind the criteria set out in section 375; but in no event shall the total increase be more than one hundred per cent of the expenses incurred by the salvor.

(3) For the purposes of subsection (1) and (2), "salvor's expenses" means the out of pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in paragraphs (h), (i) and (j) of Section 375.

(4) The total special compensation assessable under this section shall be paid only if and to the extent that such compensation is greater than any reward recoverable under section 375.

(5) Where the salvor, in carrying out the salvage operations, has acted negligently and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or a part of any special compensation payable under this section.

(6) Nothing in this section shall affect any right of

recourse available to the owner of the vessel.

Services rendered under existing contracts.

**379.** No payment is due under this Act unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger giving rise to the salvage operations arose.

Apportionment between salvors.

**380.** (1) The apportionment between salvors of a reward, fixed under section 375 shall be made on the basis of the criteria listed in that section.

(2) The apportionment between the owner, master and other persons in the service of each salvaging vessel shall be determined by the law of the State in which such vessel is registered.

(3) Where the salvage referred to in subsection (1) has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servant; and in the absence of formal contract the court or person determining the apportionment and disbursement shall apply general principles of law and equity according to the merits of the cases in order to reach a just and equitable decision.

Salvor's misconduct.

**381.** A salvor may be deprived of the whole or part of the payment due to him under this Part to the extent that the salvage operation has become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

Maritime lien.

**382.** Nothing in this Part shall affect the salvor's maritime lien under Part IV, provided however that the salvor may not enforce his maritime lien when reasonable security for his claim, including interest and costs, has been tendered or provided.

Duty to  
provide  
security.

**383.** (1) A person liable for a payment under this Act shall, upon the request of the salvor, give security to the satisfaction of the salvor for the claim, including interest and costs of the salvor.

(2) Without prejudice to subsection (1), the owner of the salvaged vessel shall take all reasonable steps to ensure that the owner of the cargo provides security to the satisfaction of such owner of the vessel or of the salvor for the claims against them, including interest and cost, before the cargo is released.

(3) The salvaged vessel and property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operation, until security to the satisfaction of the salvor has been put up for the salvor's claim against the relevant vessel or property.

(4) In the event of any dispute between the salvor and a person liable for a payment under this Act, or between the owner of the vessel and the owner of the cargo referred to in subsection (2), relating to the security to be provided under this section, the Court having jurisdiction over the salvors' claim may, upon the application of any such party in that behalf, decide the amount and the terms of such security.

Interim  
payment.

**384.** (1) The Court or person adjudicating the claim of the salvor may, upon the application of the salvor, make an interim order for payment to the salvor of such amount as the Court or person may deem fair and just, and on such terms including terms as to security where appropriate, as may be fair and just in the circumstances of the case.

(2) In the event of any interim payment under subsection (1) the security provided under section 383 shall be reduced accordingly.

State-owned  
cargoes.

**385.** Non-commercial cargoes owned by a State and entitled at the time of salvage operations, to sovereign immunity under generally recognized principles of international law, shall not be subject to seizure, arrest or detention by any legal process, or to any *in rem* proceedings, without the express consent of the State owner of such cargo.

Humanitarian  
cargoes.

**386.** No humanitarian cargoes donated by a State shall be subject to seizure, arrest or detention, where such State has agreed to pay for salvage service rendered in respect of such humanitarian cargoes.

Determination  
of salvage  
dispute.

**387.(1)** Disputes as to the amounts of salvage, whether rendered within or outside Guyana arising between the salvor and the owners of any vessel, aircraft, cargo, apparel or wreck shall, if not settled by agreement, arbitration or otherwise, be determined summarily by a Magistrate's Court in any case where –

- (a) the parties to the dispute consent;
- (b) the value of the property saved does not exceed five hundred thousand dollars; or
- (c) the amount claimed does not exceed fifty thousand dollars.

(2) Subject to subsection (1) disputes as to salvage shall be determined by the High Court, but if the claimant does not recover in the High Court more than five hundred thousand dollars, he shall not be entitled to recover any costs, charges or expenses incurred by him in the prosecution of his claim unless the court certifies that the case is a fit one to be tried by the High Court.

(3) A dispute relating to salvage may be determined on the application either of the salvor or of the



owner of the property saved, or of their respective agents.

(4) The Court or the arbitrators to whom a dispute as to salvage is referred for determination may for the purpose of determining any such dispute call to their assistance as an assessor, any person knowledgeable in maritime affairs and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum as may be prescribed.

Rescission of salvage agreement.

**388.** Every agreement relating to salvage entered into urgently and under threat of danger may, at the request of either party thereto, be annulled or modified by the High Court where the Court considers that the terms and conditions of such agreement are not reasonable.

Appeal in cases of salvage dispute.

**389.** Where a dispute relating to salvage has been determined by a Court or other tribunal, any party aggrieved by the decision may appeal therefrom, in like manner as in the case of any other judgment.

Valuation of property salvaged.

**390.**(1) Where any dispute relating to salvage arises, the Director may, on the application of either party, appoint a valuer to value the property, and where such a valuation is made shall give copies of the valuation to both parties.

(2) Any copy of a valuation made under subsection (1) purporting to be signed by the valuer and certified as a true copy shall be admissible in evidence in any subsequent proceedings.

(3) Such fee as the Director may direct, shall be paid in respect of any valuation made under this section by the person applying for such valuation.

Detention of property liable to salvage by receiver.

**391.** (1) Where salvage is due to any person under this Act, the receiver shall –

- (a) where the salvage is due in respect of services rendered in assisting any vessel or aircraft or in saving life therefrom or in saving the cargo or apparel thereof, detain the vessel, aircraft, cargo or apparel; and
- (b) where the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under this Act, detain the wreck.

(2) Except as hereinafter provided, the receiver shall detain the vessel or aircraft and the cargo or apparel or the wreck, until payment is made for salvage or process is issued for the arrest or detention by a court.

(3) The receiver may release any vessel, aircraft, cargo, apparel or wreck detained under this section, where security is given to his satisfaction or to the satisfaction of a Judge of the High Court where the claim for salvage exceeds fifty thousand dollars, and any question is raised as to the sufficiency of the security.

(4) Any security given for salvage in pursuance of this section to an amount exceeding fifty thousand dollars may be enforced by a competent court in the same manner as if bail had been granted in that court.

Sale of  
detained  
property.

**392.** (1) The receiver may sell any vessel, aircraft, cargo, apparel or wreck detained by him under section 391, when the person liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following circumstances –

- (a) where the amount is not disputed and payment of the amount due is not made within twenty days after it has

become due;

- (b) where the amount is disputed but no appeal lies from the decision of the court to which the dispute was referred, and payment is not made within twenty days after the decision of the court;
- (c) where the amount is disputed and an appeal lies from the decision of the court which the dispute is referred, and within thirty days after the decision of the court no payment of the sum is made for proceedings are not commenced the purpose of appeal or of obtaining leave to appeal.

(2) The proceeds of sale of any vessel, aircraft, cargo, apparel or wreck shall, after deduction of the costs of the sale, be applied by the receiver in payment of the costs of salvage and the balance of the proceeds shall be paid to the owners of the property, or any other person entitled thereto or in the absence of any such owners or person, to the Consolidated Fund.

Apportionment  
of small  
amounts of  
salvage.

**393.** (1) Where the aggregate amount of salvage payable in respect of salvage services rendered in Guyana has been finally determined either by a Magistrate in the manner provided by this Part or by agreement, and does not exceed fifty thousand dollars, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay such amount may apply to the receiver for permission to pay such amount to the receiver.

(2) The receiver may, where he considers appropriate, receive the amount referred to in subsection (1) and shall grant to the person paying the amount a certificate

stating the amount paid and the services in respect of which it is paid.

(3) A certificate granted under subsection (2) in respect of any amount shall be a full discharge and indemnity to the person by whom the amount is paid and to his vessel, aircraft, cargo, apparel and effects, against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(4) The receiver shall, promptly distribute any amount received by him under his section among the persons entitled thereto in such shares and proportions as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(5) A distribution of any amount, made by the receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

Apportionment  
of salvage by  
High Court.

**394.** Whenever the aggregate amount of salvage payable in respect of salvage services rendered in Guyana has been finally ascertained and exceeds fifty thousand dollars, and whenever the aggregate amount of salvage payable in respect of salvage services rendered outside Guyana has been finally ascertained whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, the High Court –

- (a) may cause such amount to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect;
- (b) may compel any person in whose

hands or under whose control the amount may be to distribute such amount or to bring it into Court to be dealt with as the Court directs; and

for the purposes aforesaid issue such process as it thinks fit.

Salvor's right to interest.

**395.** A salvor shall be entitled to be paid interest on any payment due to him under this Part, and the amount of such interest shall be at the discretion of the Court or person adjudicating the case.

Application to the Government.

**396.** (1) Where civil salvage services are rendered by or on behalf of the Government, or with the aid of Government property, the Government shall, subject to any regulations made under this section, be entitled to claim salvage in respect of those services to the same extent, and shall have the same rights and remedies as any other salvor.

(2) Subject to the provisions of any law for the time being in force relating to proceedings against the Government, and of any regulations made under this section, the provisions of this Part, except and to such extent as may be prescribed, shall apply in relation to salvage services rendered in assisting any ship or aircraft of the Government, or in saving life therefrom, or in saving any cargo or equipment belonging to the Government, in the same manner as if the ship or aircraft or cargo or equipment belonged to a private person.

(3) No claim shall, by virtue of this section, lie against the Government in respect of anything done or suffered in relation to any postal article.

(4) The Minister may make regulations providing for the application or modification of the provisions of this Part to ships and aircraft referred to in subsection (1), and in relation to the services referred to in subsection (2).

Time limit for salvage proceedings.

**397.** (1) No action shall be instituted in respect of any salvage services unless proceedings therein are commenced within two years after the date when the salvage services were rendered; but the court may extend any such period to such extent and on such conditions as it considers fit.

(2) An action for indemnity by a person liable under this Part may be instituted within two years after the date of termination of the salvage operations, but the court in may extend the limitation period to such extent and on such conditions as it considers fit.

#### PART XV PASSENGER SHIPS

Power of the Minister to make regulations respecting passenger ships.

**398.** (1) The Minister may make regulations –

- (a) respecting accommodation, facilities and provisions on board passenger ships which carry passengers from a port in Guyana.
- (b) requiring the preparation and furnishing of particulars as to all passengers to or from a port in Guyana;
- (c) regulating the number of passengers which a ship may carry from a port in Guyana whether or not the ship is a passenger ship; and
- (d) prescribing the terms and conditions upon which ships may carry passengers between ports in Guyana.

(2) In making regulations pursuant to subsection

(1), the Minister shall have due regard to the International Convention on the Carriage of Passengers and their luggage on Board Ships, 1974.

(3) The Minister may waive or vary the regulations referred to in subsection (1) in respect of their application to licensed Guyana passenger ships operating solely within Guyana waters.

Offences in connection with passenger ships.

**399.** (1) Any person on board or attempting to board a passenger ship in Guyana is guilty of an offence who –

- (a) on account of being drunk and disorderly is, either refused admission to a passenger ship or where he is already on board, is requested by the owner or any person in his employ to leave the ship, and after having the amount of any fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship, or where he is already on board, does not leave the ship;
- (b) after warning by the master or other officer of the ship, molests or continues to molest any passenger;
- (c) on account of the ship being full, is either refused admission to a passenger ship, or where he is already on board, is requested by the owner or any person in his employ to leave the ship, and after having the amount of any fare paid by him returned or tendered to him, nevertheless persists in attempting to enter the ship, or where he is already on board, does

not leave the ship;

- (d) travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment thereof;
- (e) having paid his fare for a certain distance, knowingly and wilfully proceeds in the ship beyond that distance without first paying the additional fare for the additional distance, intending to avoid payment thereof,
- (f) on arriving in a ship at a point to which he has paid his fare, knowingly refuses or neglects to leave the ship;
- (g) fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipts showing the payment of his fare as is usually given to persons travelling by and paying their fare for the ship; or
- (h) wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the ship, or to obstruct, impede or molest the crew or any of them in the navigation or management of the ship or otherwise in the execution of their duty on or about the ship.

(2) A person who is guilty of an offence under this section is liable to a fine of ten thousand dollars and to



imprisonment for three months.

**PART XVI  
LIMITATION AND DIVISION OF LIABILITY**

Interpretation.

**400.** For the purposes of this Part –

"ship" includes every description of lighter, barge or like vessel, however propelled and any structure launched and intended for use in navigation as a ship or as a part of a ship; and

"shipowner" includes charterer, manager or operator of a ship;

"salvage services" means services rendered in direct connection salvage operations;

"salvor" means any person rendering salvage services;

"salvage operation" includes the operations referred to in section 402 (1) (d), (e) and (f);

"unit or account" means the special drawing right as defined in the Articles of Agreement of the International Monetary Fund, being the First Schedule to the International Financial Organisations Act.

Persons  
entitled to limit  
liability.

**401.** (1) Shipowners and salvors may limit their liabilities in accordance with this Part.

(2) An insurer of liability for claims subject to limitation under this Part shall be entitled to, the benefit of limitation to the same extent as the assured.

(3) A person for whose act, neglect or default, the shipowner or salvor is responsible, may limit his liability under this Part.

Claims subject  
to limitation.

**402.** (1) Subject to sections 403 and 404, the following claims shall be subject to limitation of liability regardless of the basis of liability –

- (a) claims in respect of loss of life or personal injury or loss of or damage to property, including damage to harbour works, basins and waterways and aids to navigation, occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
- (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
- (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations,
- (d) claims in respect of the raising, removal, destruction or the rendering, harmless of a ship which is sunk, wrecked, stranded or abandoned, including, anything that is or has been on board such ship;
- (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
- (f) claims of a person other than the

person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Part, and further loss caused by such measures.

(2) The claims referred to in subsection (1) shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise, so however that, the claims referred to in paragraphs (d), (e) and (f) of subsection (1) shall not be subject to limitation to the extent that they relate to remuneration under a contract with the person liable.

Liability against ships and invoking limitation not an admission of liability.

**403.** For the purposes of this Part, the liability of a shipowner shall include liability in an action against his ship, and the act of invoking limitation shall not constitute an admission of liability.

Claims excepted from limitation.

**404.** Limitation of liability under this Part shall not apply to the following claims –

- (a) claims for salvage or contribution in general average;
- (b) claims by servants of the ship owner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependents or other persons entitled to make such claims, if under the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is under such claims, or if he is under

such contract only permitted to limit his liability to an amount greater than that provided for in section 407;

- (c) claims in respect of air-cushioned vehicles and floating platforms constructed for the purpose of exploiting the natural resources of the sea-bed or the sub-soil thereof.

Conduct  
barring limita-  
tion.

**405.** A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

Counter-  
claims.

**406.** Where a person entitled to limitation of liability under this Part has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Part shall only apply to the balance, if any.

Limits of  
liability  
calculation

**407.** The limits of liability for claims other than those provided for in section 408, arising on any distinct occasion, shall be calculated as follows –

- (a) in respect of claims for loss of life or personal injury -
- (i) 333,000 Units of Account for a ship with a tonnage not exceeding 500 tons;
  - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in subparagraph (i) -

- (A) for each ton from 501 to 3,000 tons, 500 Units of Account;
  - (B) for each ton from 3,001 tons, 333 Units of Account;
  - (C) for each ton from 3,002 to 70,000 tons, 250 Units of Account; and
  - (D) for each ton in excess of 70,000 tons, 167 Units of Account;
- (b) in respect of any other claims –
- (i) 167,000 Units of Account for a ship with a tonnage not exceeding 500 tons;
  - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in subparagraph (1)-
    - (A) for each ton from 501 to 30,000 tons, 167 Units of Account;
    - (B) for each ton from 30,001 to 70,000

tons, 125 Units of  
Account; and

(C) for each ton in  
excess of 70,000  
tons, 183 Units of  
Account.

Priorities.

**408.** (1) Where the amount calculated in accordance with paragraph (a) of section 407 is sufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph (b) of section 407 shall be available for payment of the unpaid balance of claims under paragraph (a) of section 407 and such unpaid balance shall rank rateably with claims mentioned under paragraph (b) of section 407.

(2) Without prejudice to the right of claim for loss of life or personal injury referred to in paragraph (a) of section 407, claims referred to in section 410 shall have priority over the claims referred to in paragraph (b) of section 407.

(3) The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering, salvage services, shall be calculated according to a tonnage of 1,500 tons.

Measurement  
of ship's  
tonnage.

**409.** For the purposes of this Part, a ship's tonnage shall be her gross tonnage as defined in the Tonnage Regulations, and shall be measured in accordance with the said Regulations.

Limitation of  
liability of port  
authorities and  
owners of  
docks.

**410.** (1) Where the owners of a dock or canal or any Harbour or port authority may be liable for any loss or damage caused to any vessel or vessels or to any goods, merchandise or other things whatsoever on board any vessel or vessels, such owners shall not be liable to damage beyond

any aggregate amount equivalent to 70 units of account for each ton of the tonnage of the largest Guyana ship that, at the time of such loss or damage occurring, is or within a period of five years previous thereto has been within the area over which such dock or canal owner or port or harbour authority performs any duty or exercises any power.

(2) For the purpose of this section, a ship shall not be deemed to have been within the area over which a port or harbour authority performs any duty or exercises any power by reason only that it has been built or fitted out within such area or that it has taken shelter within or passed through such area on a voyage between two places both situated outside that area or that it has loaded or unloaded cargo or passengers within that area.

(3) The limitation of liability under this section shall relate to the whole of any loss or damage which may arise upon one distinct occasion, although such loss or damage may be sustained by more than one and shall apply whether the liability arises at common law or under any enactment and notwithstanding anything contained in any enactment.

(4) For the purposes of this section, the expression "owner of a dock or canal" includes any person or authority having the control and management of any dock or canal and any ship repairer using, the same, as the case may be.

(5) Nothing in this section shall impose any liability in respect of any loss or damage on any such owners or authority in any case where no such liability would have existed if this Act had not been enacted.

Limit for  
passenger  
claims.

**411.** (1) In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 46,666 Units of Account multiplied by the number

of passengers which the ship is authorized to carry according to the ship's certificate, but not exceeding 25 million Units of Account.

(2) For the purpose of this section "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship –

- (a) under a contract of passenger carriage;
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods,

Conversion of unit of account to Guyana funds.

**412.** The amounts referred to in sections 407 and 411 shall be converted into Guyana dollars according to the value of the Guyana dollar on the date the security or guarantee referred to in section 414 shall have been deposited.

Aggregation of claims.

**413.** (1) The limits of liability determined in accordance with section 407 shall apply to the aggregate of all claims which arises on any distinct occasion -

- (a) against the shipowner and any person for whose act, neglect or default he may be responsible; or
- (b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or
- (c) against the salvor or salvors who are



not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

(2) The limits of liability determined in accordance with section 411 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the shipowner in respect of the ship referred to in section 411 and any person for whose act, neglect or default he may be responsible.

Provision of  
security and  
release of ship.

**414.** (1) Any person alleged to be liable and seeking to limit his liability under this Part shall deposit into the High Court an amount at least equivalent to the limit provided for in section 407 or section 411 as appropriate, in the form of a security or guarantee, together with interest thereon from the date of the occurrence giving rise to the liability until the date such security or guarantee is deposited, and the amounts so constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

(2) A security or guarantee deposited by one of the persons mentioned in paragraphs (a), (b) or (c) of subsection (1) of section 413, or subsection (2) of the said section, or his insurer, shall be deemed to have been deposited by all persons mentioned in paragraphs (a), (b) or (c) of subsection (1) of section 413 or subsection (2) of the said section, respectively.

Distribution of  
the funds.

**415.** (1) Subject to sections 407, 408 and 411, the proceeds of any security or guarantee deposited with the Court shall be distributed among the claimants in proportion to their established claims.

(2) The Court may stay any proceedings pending

in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to the exclusion of any claimants who do not come in within a certain time and as to payment of costs, as the Court thinks just.

(3) No lien or other right in respect of any ship or property shall affect the proportions in which any amount is distributed amongst several claimants.

(4) All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Part and all costs incurred in relation thereto may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

(5) If, before the proceeds of the security or guarantee are distributed, the person liable, or his insurer, has settled the claim, such person shall up to the amount he has paid acquire by subrogation the rights which the person so compensated would have enjoyed under this Part.

(6) In making any distribution in accordance with this section the Court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims subrogated or otherwise that may be established later.

Bar to other actions.

**416.** (1) Where a security or guarantee has been deposited with the Court in accordance with section 414, any person having made a claim against such security or guarantee shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the security or guarantee has been deposited.

(2) Where a ship or other property is seized or arrested in connection with a claim which appears to the

Court to be founded on liability to which limitation is applicable under this Part, and in respect of which a security or guarantee is deposited, the Court shall order the release of the ship or property if the security or guarantee has been deposited in Guyana or –

- (a) at the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter; or
- (b) at the port of disembarkation in respect of claims for loss of life or personal injury; or
- (c) at the port of discharge in respect of damage to cargo,

but where the release is ordered the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the Court to adjudicate on the claim.

(3) Subsections (1) and (2) shall apply only if the claimant brings a claim before the Court and the security or guarantee deposited with the Court is actually available and freely transferable in respect of that claim.

Rule as to  
division of loss.

**417.** Where, by the fault of two or more vessels, damage or loss is caused to one or more of them, or to their cargo or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree to which each vessel was at fault:

Provided that –

- (a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be

apportioned equally;

(b) nothing in this section shall –

- (i) operate so as to render any vessel liable for any loss or damage to which her fault has not contributed;
- (ii) affect the liability of any person under a contract of carriage, or any other contract; or
- (iii) be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

Damages for  
personal injury.

**418.** (1) Where loss of life or personal injury is suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several.

(2) Nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person or persons entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

Definition of  
"freight".

**419.** In sections 419 to 421 "freight" includes passage money and hire; and references to damage or loss caused by the fault of a ship shall be considered as including references to any salvage or other expenses consequent upon that fault recoverable at law by way of damages.

Right of  
contribution.

**420.** (1) Where loss of life or personal injury is suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels, and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which she was at fault, such owners may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively at fault; but no amount shall be so recovered which could not, by reason of any statutory or contractual limitation of, or exemption from liability, or which could not, for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

(2) In addition to any other remedy provided by law, the persons entitled to any such contribution shall, for the purpose of recovering the contribution, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

Limitation of  
actions.

**421.** (1) Subject to this section, no action shall be maintainable to enforce any claim or lien against a ship or her owners in respect of any damage or loss to another ship, her cargo or freight, or any property on board, or in respect of any damages of loss of life or personal injury suffered by any person on board that other ship, caused by the fault of the former ship, whether such other ship be wholly or partly in fault, or in respect of any salvage services, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered, and an action shall not be maintainable under this Act to enforce any contribution in

respect of an overpaid proportion of any damages for loss of life or personal injury unless proceedings therein are commenced within one year from the date of payment.

(2) Any court of competent jurisdiction may in accordance with the rules of Court extend any such period to such extent and on such conditions as it thinks fit and shall, if satisfied that during the period there has not been a reasonable opportunity of arresting the defendant ship within the jurisdiction of the court or within the territorial waters of the country to which the plaintiffs ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give such reasonable opportunity.

## PART XVII COURT OF SURVEY

Constitution of  
Court of  
Survey.

**422.** (1) A Court of Survey for a port shall consist of a Judge of the High Court nominated for the matter by the Chief Justice sitting with two assessors.

(2) The assessors shall be persons of nautical, engineering or other special skill and experience, one of whom shall be appointed by the Minister or in the case of a foreign ship by the consular officer at or near the port; and the other shall be appointed by the Judge of the Court.

Power and  
procedure of  
Court of  
Survey.

**423.** (1) The Court of Survey shall have power and the duty to entertain such matters as are referred to it under section 279.

(2) The following provisions shall have effect in relation to the proceedings of a Court of Survey concerning any ship –

(a) the case shall be heard in open Court;

- (b) the Judge, each assessor, and any person appointed by the Judge may survey the ship and may go on board the ship and inspect the ship and every part thereof and the machinery, equipment and cargo, and may require the unloading and removal of any cargo, ballast or tackle, and shall for such purpose have all the powers of a surveyor under this Act;
- (c) the Court may order the ship to be surveyed and may appoint any competent person or persons to survey the ship and report thereon to the Court;
- (d) the Judge shall have the same power as the Director has, to order the ship to be released or detained; and
- (e) the owner or the master of the ship, and any person appointed by the owner or master, may attend at any inspection or survey made under this section.

(2) The Court may make such order with respect to the costs of any inquiry or investigation under this Act as it may think fit and such costs shall be recoverable in the same manner as a civil debt.

(3) Any person who wilfully impedes the Judge of the Court of Survey or any assessor or other person who acts in the execution of any survey under this section, or any person who fails to comply with any requisition made by such Judge, assessor or other person shall be guilty of an offence and on conviction thereof shall be liable to a fine not

exceeding ten thousand dollars.

Report of the  
Court of  
Survey.

**424.** The Judge of a Court of Survey shall send to the Minister such report as is directed by rules made under section 425, and each assessor shall sign such report, or if he refuses to sign such report he shall state the reasons therefor.

Rules of  
procedure.

**425.** Rules of Court may be made in the manner provided by the law relating to the Courts and their procedure to carry into effect the provisions of this Act relating to Court of Survey and, without prejudice to the generality of such powers, such rules may be made with respect to the summoning of and procedure before the Court, the form and sending of reports to the Minister, the requiring, on an appeal, of security for costs and damages, and the amount of fees.

Expert  
witnesses.

**426.** The Judge of the Court may at any time during a hearing permit or summon an expert witness to give an expert opinion based on his special knowledge, skill, experience or training in respect of construction or design or of a scientific difficulty or important principle.

#### PART XVIII INQUIRIES AND INVESTIGATIONS INTO MARINE CASUALTIES

Investigations  
of shipping  
casualties.

**427.** (1) Where any of the following casualties occur, that is to say –

- (a) the loss or presumed loss, stranding, grounding, abandonment of, or damage to a ship;
- (b) a loss of life caused by fire on board, or by any accident to, a ship or ship's boat, or by any accident occurring on board a ship or ship's boat; or



- (c) any damage caused by a ship,

and, at the time it occurs, the ship was a Guyana ship or the ship or ship's boat was in Guyana waters the Minister may cause a preliminary inquiry into the casualty to be held by a person appointed for the purpose by the Minister and with the assistance of one or more assessors being masters of Guyana ships or persons with special skills and knowledge in maritime matters.

(2) Whether or not a preliminary inquiry into the casualty has been held under subsection (1), the Minister may cause a formal investigation to be held by a Board appointed for that purpose.

Preliminary inquiry.

**428.** (1) For the purposes of a preliminary inquiry under section 427, the person holding the inquiry has all the following powers, namely –

- (a) he may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on boats, equipment or articles on board thereof to which this Act applies, without unnecessarily detaining or delaying it from proceeding on any voyage;
- (b) he may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make.

Formal investigation.

**429.** (1) A Board holding a formal investigation into a shipping casualty under section 427 shall consist of not more than three nor less than two members, of whom one shall be a

Judge of the High Court or a Magistrate who shall be the Chairman of the Board and the others shall be assessors, being masters of Guyana ships or such other persons possessing nautical, engineering or other special skills and knowledge, as the Director may appoint:

Provided that where in any investigation any question as to the cancellation or suspension of the certificate issued to an officer in pursuance of any regulations made under section 105, is likely to arise, the Court shall include two assessors.

(2) For the purposes of this section a Board holding a formal investigation shall have all the powers of a Magistrate's Court.

(3) If as a result of a formal investigation the Board is satisfied that an officer –

- (a) is unfit to discharge his duties, whether by reason of incompetence or misconduct or for any other reason; or
- (b) has been seriously negligent in the discharge of his duties; or
- (c) has failed to comply with section 229,

it may cancel or suspend any certificate issued to the officer in pursuance of any regulation made under section 105 or censure him.

(4) If the Board cancels or suspends any certificate of an officer referred to in subsection (3) the officer shall deliver such certificate forthwith to the Board or to the Director, and if he fails without reasonable cause to do so he shall be liable on conviction to a fine not exceeding twenty-five thousand dollars.

(5) The Board may make such order with regard to the costs of the investigation as it thinks fit, and such order shall be enforced by the Board in the manner provided for levying a fine by a Magistrate's Court.

(6) The Board shall make a report on the case to the Director.

Re-hearings  
and appeals.

**430.** (1) Where an inquiry or formal investigation has been held under the preceding provisions of this Part, the Minister may order the whole or part of the case to be reheard and shall do so –

- (a) if new and important evidence which could not have been produced at the inquiry or investigation has been discovered; or
- (b) if it appears to the Minister that there are other grounds for suspecting that a miscarriage of justice may have occurred.

(2) An order under sub section (1) may provide for the rehearing to be made by the persons who held the inquiry or investigation or by the High Court.

(3) Any rehearing under this section shall be conducted in accordance with rules made under section 431, and section 429, shall apply in relation to a rehearing of an investigation by a Board as it applies in relation to the holding of an investigation.

(4) Where the person or Board holding the inquiry or investigation has decided to cancel or suspend the certificate of any person issued pursuant to any regulations made under section 105 or has found any person at fault, then

if no application for an order under subsection (1) has been made, or if such application has been refused, that person or any other person who, having an interest in the inquiry or investigation has appeared at the hearing and is affected by the decision or finding, may appeal to the High Court.

Rules relating to inquiries and investigations.

**431.** The Minister may make rules for the conduct of inquiries under section 427, for formal investigations under section 429 and for the conduct of any rehearing under section 430.

Power to restore certificate.

**432.** Where a certificate issued in pursuance of any regulations made under section 105 has been cancelled or suspended whether under this Part or under any regulations made under this Act, the Minister may, if he is of opinion that the justice of the case so requires –

- (a) re-issue the certificate or, as the case may be, reduce the period of suspension and return the certificate; or
- (b) grant a new certificate of the same or a lower grade in place of the cancelled or suspended certificate.

## PART XIX LEGAL PROCEEDINGS

### *JURISDICTION*

Provision as to jurisdiction over offences.

**433.** For the purposes of determining jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either –

- (a) in the place in which such offence or cause of complaint was committed or

arose; or

- (b) in any place in which the alleged offender or person complained against may be.

Jurisdiction over ships lying off the coast.

**434.** Where any area over which any court has jurisdiction under this Act or any other Act or law for any purpose whatsoever is situated on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river or other navigable water, every such court shall have jurisdiction

- (a) over any ship whether a Guyana or a foreign ship, being on or lying or passing off that coast or being in or near that bay, channel, lake, river or navigable water; and
- (b) over all persons on board such ship or for the time being belonging thereto,

in the same manner as if such ship or person were within the limits of the ordinary jurisdiction of the court.

Jurisdiction in case of offences on board ship.

**435.** Where any person –

- (a) being a citizen of Guyana, is charged with having committed any offence –
- (i) on board a Guyana ship on the high seas; or
- (ii) on board a Guyana ship in a foreign port or harbour; or
- (iii) on board any foreign ship to which he does not belong; or

- (b) not being a citizen of Guyana, is charged with having committed any offence on board any Guyana ship on the high seas,

and that person is found within the jurisdiction of any court in Guyana which would have had cognizance of the offence if it had been committed on board a Guyana ship within the limits of its ordinary jurisdiction, that court shall have power to try the offence as if it had been so committed.

Jurisdiction in collision and other cases.

**436.** (1) No Court in Guyana shall entertain an action *in personam* to enforce a claim to which this section applies unless –

- (a) the defendant has the habitual residence or a place of business within Guyana;
- (b) the cause of action arose within the waters of Guyana or within the limits of a harbour or port of Guyana; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the Court, or has been heard and determined in the Court.

(2) No court in Guyana shall entertain an action *in personam* to enforce a claim to which this section applies until proceedings previously brought by the plaintiff in any court outside Guyana against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) Subsections (1) to (3) inclusive shall apply to counterclaims, not being counterclaims in proceedings arising out of the same incident or series of incidents, as they apply

to, actions *in personam*, and a reference to the plaintiff is a reference to the plaintiff on the counterclaim and a reference to the defendant is a reference to the defendant to the counterclaim.

(4) Subsections (1) to (4) inclusive shall not apply to any action or counterclaim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.

(5) Subject to subsection (3) where a court has jurisdiction for the purposes of this Act, the jurisdiction shall extend to entertain an action *in personam* to enforce a claim to which this section applies whenever any of the conditions specified in subsection (1) is satisfied; and the rules of the court relating to the service of process outside the jurisdiction shall make provision for such service having regard to this subsection.

(6) Nothing in this section shall –

- (a) prevent an action or counterclaim which is brought under this section from being transferred to some other Court of competent jurisdiction; or
- (b) affect proceedings in respect of any cause of action arising before the coming into operation of this section.

(7) The claims to which this section, applies are claims for damage, loss of life or personal injury arising out of a collision between ships, or out of the carrying out of or omission to carry out a manoeuvre or out of non-compliance with the Collision Regulations.

(8) For the avoidance of doubt, it is hereby declared that this section shall apply in relation to the jurisdiction of any court not being admiralty jurisdiction, as

well as in relation to its admiralty jurisdiction, if any.

Action in rem.

**437.** In any case in which an action may be brought against any ship, other than actions arising from claims to the possession or ownership of a ship or to the ownership of any share therein, or any claim in respect of a mortgage or charge on a ship or any share therein, where the person who would be liable on the claim in an action *in personam* was, when the cause of action arose, the owner or charterer of, or in possession or in control of the ship, the admiralty jurisdiction of the High Court may, whether the claim gives rise to a maritime lien on the ship or not, be invoked by an action *in rem* against –

- (a) that ship, if at the time when the action is brought it is beneficially owned as respect all the shares therein by that person; or
- (b) any other ship which, at the time when the action is brought, is beneficially owned as aforesaid,

but in determining whether a person would be liable on a claim in an action *in personam* it shall be assumed that he has his habitual residence or a place of business within Guyana.

Jurisdiction as to unsatisfied mortgages.

**438.** Where the registration of a ship is considered to be closed on account of a transfer to persons not qualified to own a Guyana ship, any unsatisfied mortgage may, where the ship comes within the jurisdiction of any court in Guyana which has such jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that court notwithstanding the transfer, without prejudice in cases where the ship has been sold under a judgment of a court to the effect of that judgment.



*DETENTION AND DISTRESS ON SHIP FOR DAMAGE  
CAUSED*

Power to detain  
foreign ship.

**439.** (1) Where –

- (a) any injury or damage has in any part of the world been caused to any property belonging to the Government, a citizen of Guyana or a body corporate resident in Guyana by any foreign ship; or
- (b) a claim is made for damages by or on behalf of any citizen of Guyana in respect of personal injuries, including fatal injuries, against the owners of a foreign ship,

and at any time thereafter that ship or any other ship wholly and beneficially owned by the same owner is found in Guyana, a Judge of the High Court may, upon being satisfied that the damage or injury was probably caused by the misconduct or want of skill of the master or crew of the ship, issue an order directed to any person named in the order.

(2) An order under this section shall be addressed to any marine officer or such other officer as may be named by the Judge in such order, and shall require that officer to detain the ship named or identified therein, until such time as the owner, master or consignee thereof -

- (a) has made satisfaction in respect of the injury referred to in subsection (1); or
- (b) has given security to be approved by the Judge, to abide the event of any action, suit or other legal proceeding that may be instituted in respect of such injury and to pay all costs and

damages that may be awarded,

and the officer to whom such order is addressed shall detain the ship accordingly.

(3) Where it appears that, before an application can be made under subsection (1), the ship in respect of which the application is made will depart from Guyana, such ship may be detained so as to allow the application to be made and the result thereof to be communicated to the officer detaining the ship; and that officer shall not be liable for any costs or damages in respect of the detention, unless the detention is proved to have been made without reasonable grounds.

(4) In any legal proceedings relating to any injury referred to in subsection (1), the person giving security shall be made defendant and shall be stated to be the owner of the ship that has caused the injury.

(5) The production of an order of a Judge, made in relation to any security referred to in this section, shall be conclusive evidence of the liability of the defendant to the proceedings.

Enforcing  
detention of  
ship.

**440.** (1) Where under this Act or any other law in force in Guyana a ship is to be detained, an authorized officer as defined in subsection (5) may detain the ship.

(2) If, after the detention of a ship or after service on the master of a ship of any notice or order for the detention of the ship, such ship goes to sea before it is released by the competent authority –

- (a) the master of the ship; and
- (b) the owner and any person who sends the ship to sea, if that owner or person is party or privy to the offence,

shall each be guilty of an offence and on conviction thereof be liable to a fine not exceeding twenty-five thousand dollars.

(3) If a ship goes to sea when any authorized officer is on board thereof in the execution of his duties, the owner and master of the ship shall each be liable –

- (a) to pay all expenses arising out of such officer, being so taken to sea, and
- (b) on conviction, to a fine of ten thousand dollars for every day until such officer returns, or until such time in which he would be able after leaving the ship to return to the port from which he is taken,

and any expenses ordered to be paid are recoverable in like manner as the fine.

(4) Any person who opposes or in any way obstructs any authorized officer, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty-five thousand dollars.

(5) In this section "authorized officer" means the Director, a marine officer, an officer of customs, or any person specially or generally authorized by the Director to detain a ship.

Distress on  
ship.

**441.** Where any court has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then, if –

- (a) the party directed to make such payment is the master or owner of a ship; and

- (b) such wages, fine or sum is not paid at the time in the manner prescribed in the order,

the court which made the order may, in addition to any other powers which it has for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

Inquiries into deaths of crewmembers and others.

**442.** (1) Subject to subsection (4), where –

- (a) any person dies in a Guyana ship; or
- (b) the master or a seaman employed in such a ship dies in a country outside Guyana,

an inquiry into the cause of death shall be held by the marine officer or the proper officer at the next port where the ship calls after the death and where there is a marine officer or proper officer, or at such other port as the Director may direct.

(2) The marine officer or proper officer holding an inquiry under subsection (1) shall for the purposes of the inquiry have the powers of a person making a preliminary enquiry under section 428.

(3) The officer holding the inquiry under subsection (1) shall make a report of his findings to the Director, and the Director shall, on request, make a copy of the report available to the next of kin of the deceased person or to any other person who appears to the Director to be interested.

(4) No inquiry shall be held under subsection (1) in a case where an inquest or inquiry into death is to be held or

made under any law for the time being in force relating to inquests or criminal procedure.

Seizure and sale.

**443.** (1) Where the owner of a ship has been convicted of an offence under this Act and a fine has been imposed, if the fine is not paid forthwith, the ship may be seized and after reasonable notice, sold by any customs officer or any person authorized for that purpose in writing by the Minister, and such officer or person may, by bill of sale, give to the purchaser a valid title to the ship, free from any mortgage or other claim thereon which at the time of sale may be in existence.

(2) Any surplus money remaining from the proceeds of sale after paying the amounts of fines payable under section 440 together with the costs of the seizure and sale shall be disposed of in accordance with rules of court.

*PROSECUTIONS AND COMPOUNDING OF OFFENCES*

Prosecution of offences and penalties.

**444.** (1) A person who commits an offence under this Act, for which no specific penalty is provided is liable to a fine of twenty-five thousand dollars and to imprisonment for six months.

(2) Where an offence under this Act is a continuing one, and no penalty is provided in respect of the continuance thereof elsewhere than in this section, every person who commits that offence, in addition to any other liability, is liable to a fine of five thousand dollars for every day or part thereof during which the offence continues.

Compounding of offences.

**445.** (1) The director may compound any offence under this Act which is prescribed to be an offence compoundable by the Director on payment by the person suspected of having committed such offence a sum of money not exceeding twenty thousand dollars.

(2) A marine officer may compound any offence,

under this Act which is prescribed to be an offence compoundable by a marine officer on payment by the person suspected of having committed such offence, a sum of money not exceeding ten thousand dollars.

(3) On the payment of any sum of money under subsection (1) or subsection (2) –

- (a) the person suspected of having committed the offence in respect of which the payment has been made shall, if in custody, be discharged;
- (b) any ship detained in respect of such offence shall be released; and
- (c) no further proceedings shall be taken against such person or ship in respect of such offence.

*EVIDENCE AND SERVICE OF DOCUMENTS*

Deposition to be received in evidence where witness cannot be produced.

**446.** (1) Subject to subsection(2) where in the course of any legal proceedings instituted under this Act before any court or before any person authorized by law or by the consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter of the proceedings, then, upon due proof that the witness cannot be found in Guyana, any deposition that the witness has previously made on oath or affirmation in relation to the same subject-matter before any Judge or Magistrate in any part of the Commonwealth other than Guyana in any place not within the Commonwealth, shall be admissible in evidence:

Provided that –

- (a) if the proceedings are criminal, a deposition so made shall not be

admissible, unless it was made in the presence of the person accused, and the Judge, Magistrate or proper officer before whom it was made has certified that the accused was present at the time of making it; and

- (b) no deposition so made shall be admissible, unless it is authenticated by the signature of the Judge, Magistrate or proper officer before whom it was made.

(2) A deposition made in the manner referred to in subsection (1) shall be deemed to be duly authenticated if it purports to have been signed by the Judge, Magistrate or proper officer before whom it was made, and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition.

(3) In any criminal proceedings, a certificate purporting to have been signed by the Judge, Magistrate or proper officer before whom a deposition was made that the accused was present at the taking of the deposition shall, unless the contrary is proved, be sufficient evidence of the accused having been present in the manner thereby certified.

(4) Nothing in this section shall affect any case in which depositions taken in any proceedings are rendered admissible in evidence by any other enactment.

Proof of  
attestation not  
required.

**447.** Where any document is required by this Act to be executed in the presence of, or to be attested by, any witness or witnesses, such document may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses.

Admissibility  
of documents  
in evidence.

**448.** (1) Where any document is by this Act declared to be admissible in evidence, such document shall –

- (a) on its production from proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence; and
- (b) subject to all just exceptions, be evidence of the matters stated therein.

(2) A copy of any document referred to in subsection (1), or any extract therefrom, shall also be admissible in evidence –

- (a) if it is proved to be an examined copy or extract; or
- (b) if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted,

and that officer shall provide such a certified copy or extract to any person applying therefor at a reasonable time, upon payment of the prescribed fee.

(3) Any person having by law or consent of parties authority to receive evidence shall have the same powers as a court to impound any document referred to in this section which has a false or counterfeit seal, stamp or signature affixed thereto.

Notices, etc., to  
be in writing.

**449.** Where under this Act any notice authority, order, direction or other communication is required or authorized to be given or made by the Director to any person not being an officer appointed under this Act, the same shall be made or given in writing.



Service of  
documents.

**450.** (1) Where for the purposes of this Act any document is served on any person, that document may be served –

- (a) by delivering a copy thereof personally to the person to be served, or by leaving such copy at his last known place of abode or by transmitting or sending by post;
- (b) if the document is to be served on the master of a ship where there is a master, or on a person belonging to a ship, by leaving such documents for him on board that ship with the person being or appearing to be in command or charge of the ship; and
- (c) if the document is to be served on the master of a ship, and there is no master and the ship is in Guyana, on the managing owner of the ship or, if there is no managing owner in Guyana, on some agent of the owner residing in Guyana or where no such agent is known or can be found by affixing a copy thereof in some conspicuous place in the ship.

(2) Any person who obstructs the service on the master of a ship of any document under this Act relating to the detention of the ship which is unseaworthy shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten thousand dollars.

(3) Any owner or master of a ship who is party or privy to any obstruction referred to in subsection (2) shall be

guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty thousand dollars, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

**PART XX**  
**MISCELLANEOUS**

Protection of public officers and other persons acting under this Act.

**451.** No suit shall be maintained against any public officer or any person appointed or authorized under this Act for any purpose of this Act for or in respect of anything done or omitted to be done by him in good faith in the exercise or performance of any power, authority or duty conferred or imposed on him by or under this Act.

General power to make regulations.

**452.** Without prejudice to any other power to make regulations conferred upon him by this Act, the Minister may make regulations generally for carrying this Act into effect, and may by such regulations provide for –

- (a) anything which is to be or may be prescribed under this Act,
- (b) the fees to be charged for any services rendered or acts performed under this Act;
- (c) the offences under this Act which may be compounded and the officers by whom such offences may be compounded;
- (d) the admissibility in evidence and the exemption from stamp duty of documents and forms used under this Act;
- (e) the control of ships, the regulation of

maritime traffic and the administration of maritime search and rescue within Guyana waters.

General power of exemption.

**453.** Without prejudice to any other powers conferred on him by this Act or by any regulations made thereunder, the Minister may, subject to such conditions if any as he thinks fit to impose, by order –

- (a) modify the provisions of this Act in their application to any ship or class or description of ships as may be specified in such order in such manner and to such extent as the Minister may specify in such order; and
- (b) exempt any ship or class or description of ships as may be specified in such order from any specific requirement contained in or prescribed under this Act if he is satisfied that the requirement has been substantially complied with or that compliance is unnecessary in the circumstances of the case.

Application.

**454.** (1) Sections 455 and 456 apply in respect of international conventions, including amendments thereto and replacements thereof and other international instruments.

(2) The Minister shall from time to time by notice publish the international conventions including amendments thereto and replacements thereof and other international instruments which apply to Guyana, the reservations if any, entered thereon by Guyana as well as those international conventions including amendments thereto and replacements thereof and other international instruments

which cease to apply to Guyana.

(3) The Director shall keep in his office a copy of -

- (a) all the instruments referred to in subsection (2) that have application in Guyana;
- (b) all subsidiary legislation made pursuant to this Act,

and copies shall be made available for inspection or, upon payment of a prescribed fee, for the taking of copies thereof by members of the public, seafarers or persons concerned with or having an interest in ships or shipping.

Conventions to prevail.

**455.** Where an international convention or other international instrument applies to Guyana and a provision of that convention or instrument and a provision of this Act conflict in any manner, the provisions of the convention or instrument shall prevail unless the Minister otherwise provides.

Contravention of international conventions.

**456.** Where, in respect of any Guyana ship, there is any contravention of a requirement of any international convention or other international instrument which applies to Guyana, the Director may suspend the certificate of registration of the ship until the contravention is rectified.

**457.** [Omitted]

Regulations for resolving transitional difficulties.

**458.** The Minister may make regulations to provide -

- (a) for resolving any difficulties that may arise out of the repeal by this Act of any law;
- (b) for the amendment or revocation of

any subsidiary legislation or any part thereof, made under any law repealed by this Act and remaining in force pursuant to this Part;

- (c) for the continuance in force, subject to such conditions as may be prescribed, of any exemptions, whether or not based upon reciprocity with any other country, from the operation of any enactment repealed;
  - (d) generally for giving effect to, and for effecting a due and orderly assimilation of the law relating to shipping throughout Guyana in conformity with, the purposes of this Act, and for the better carrying out of any of the provisions of this Act.
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SUBSIDIARY LEGISLATION

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**GUYANA SHIPPING  
(REGISTRATION OF SHIPS)  
REGULATIONS**

*made under sections 13,14, 15, 24,36,37,38,52,452 and 458*

ARRANGEMENT OF REGULATIONS

REGULATION

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*Guyana Shipping (Registration of Ships) Regulations*

REGULATION

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**PART I  
GENERAL**

Citation.

1. These Regulations may be cited as the Guyana Shipping (Registration of Ships) Regulations.



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*Guyana Shipping (Registration of Ships) Regulations*

Interpretation.                    2. (1) In these Regulations, unless the contrary intention appears –

“address” means –

- (a) in relation to a natural person, the place at which, for the time being the person resides;
- (b) in relation to a company incorporated in Guyana, the place that is for the time being, the registered office of the company; and
- (c) in relation to a person other than a person referred to in paragraph (a) or (b), the place that is for the time being, the principal place of business of the person in Guyana or, if that person has no place of business in Guyana, the principal place of business of that person or his address for service;

“call sign” in relation to a ship, means the call sign for the time being of the radio station (if any), or the principal radio station, of the ship;

“corporation” means a person other than a natural person;

“home port” in relation to a ship, means the port that is, for the time being, entered in the Register as the home port of the ship;

“name” means –

- (a) in relation to a natural person, the full given names and surname of the person;

- (b) in relation to a corporation, the full name of the corporation;
- (c) in relation to a registered ship, the name by which the ship is for the time being registered; or
- (d) in relation to an unregistered ship, the name (if any) by which the ship is for the time being known;

"official number" in relation to a registered ship, means the number by which the ship is identified in the Register;

"place of construction" in relation to a ship, means the place at which construction of the hull commenced;

"prescribed office" means the office of a proper officer;

Schedule 1 "technical characteristics" in relation to a ship, means the characteristics specified in Schedule 1;

"proper officer" means proper officer as defined in section 2 of the Act;

c. 49:01 "the Act" means the Guyana Shipping Act;

"tonnage certificate" in relation to a ship, means a certificate relating to the tonnage measurement of the ship, or otherwise having effect by virtue of, the Act.

(2) For the purposes of these Regulations, the construction of a ship shall be taken to have been completed when the ship becomes capable of navigating the high seas, whether under its own power or otherwise.

(3) A reference in these Regulations to a form by

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Schedule 2            number shall be read as a reference to the form so numbered in Schedule 2.

(4) Every reference in these Regulations or any other subsidiary legislation made under the Act, to the Guyana Maritime Authority, shall be deemed to be a reference to the Maritime Administration Department within the meaning of the Act.

Signature of documents.

3. (1) Subject to this regulation, a document that is required by the Act or by these Regulations to be lodged with, or produced to, the Registrar or at proper officer (including an instrument of appointment for the purposes of sub-regulation (3) or (4)) shall be taken, for the purposes of these Regulations, to have been duly signed by a person if –

(a) the document is dated and is signed, in the presence of a witness –

(i) where that person is a natural person by that person; or

(ii) where that person is a corporation by an officer of the corporation; and

(b) there is subscribed to the signature of the signatory referred to in paragraph (a) –

(i) the signature of the witness;

(ii) a legible statement of the name and address of the witness; and

(iii) where that signatory is a person referred to in

subparagraph (a) (ii) - a legible statement of the name and designation of the signatory.

(2) Nothing in sub-regulation (1) shall be taken to prevent –

- (a) the formal execution of a document under the corporate seal of a corporation; or
- (b) the signature on behalf of a person of a document by an attorney under power;

but, where a document is signed as mentioned in paragraph (b), the power of attorney shall be produced for noting upon the lodgment of the document in accordance with the Act or these Regulations.

(3) Subject to sub-regulation (5), sub-regulations (1) and (2) apply in relation to a document that is required by a provision of these Regulations to be duly signed by the owner of a ship as if the reference in that provision to the owner of the ship were a reference –

- (a) in the case of a ship that belongs to one person only to that person or to a person appointed by that person in accordance with sub-regulation (4) for the purposes of this sub-regulation;
- (b) in the case of a ship, being a ship required to be registered, that belongs to more than one person to one of the persons to whom the ship belongs or to a person appointed by such a person

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*Guyana Shipping (Registration of Ships) Regulations*

in accordance with sub- regulation (4)  
for the purposes of this sub-regulation;  
or

- (c) in the case of a ship, being a ship permitted to be registered, that belongs to more than one person to a person appointed in accordance with sub-regulation (4) for the purposes of this sub-regulation by persons who –
- (i) are the owners of interests in the ship the sum of which is equal to not less than 33 shares in the property in the ship; and
  - (ii) unless the ship is a ship on bareboat charter to a Guyanese-based operator, or Guyanese nationals.

(4) The appointment of a person for the purposes of sub-regulation (3) shall be in writing and –

- (a) shall specify the ship to which it relates;
- (b) shall be duly signed by each person making the appointment; and
- (c) may consist of several documents in like form, each duly signed by one or more of those persons.

(5) Where a document is signed by a person appointed for the purposes sub-regulation (3), the instrument of appointment of that person shall be produced for noting

upon the lodgment or production of the first-mentioned document in accordance with the Act or these Regulations.

Specification of citizenship of corporations.

4. A requirement in these Regulations for the specification in a document of the citizenship of a person and the grounds on which the person claims the citizenship so specified shall be satisfied –

- (a) in relation to a corporation other than a corporation referred to in paragraph (b) or (c) by the insertion in the document of a statement setting out the nature and place of incorporation of the corporation;
- (b) in relation to a State or Government authority by the insertion in the document of the words "State Authority" or "Government Authority" as the case may be; and
- (c) in relation to a body politic other than Guyana, a State or a Territory by the insertion in the document of the words "Foreign Government" or "Foreign State" as the case may be.

Lodgment of documents.

5. (1) A document required by these Regulations to be lodged with the Registrar shall be taken so to have been lodged if the document, addressed to the Registrar, is received, together with any fee payable on its lodgment –

- (a) at the Registration Office; or
- (b) except in the case of a bill of sale a mortgage instrument or a caveat, at a

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branch office.

(2) A document required by these regulations to be lodged with the proper officer shall be taken to have been lodged if the document, addressed to the proper officer is received, together with any fee payable on its lodgment at the office of such proper officer.

Service, etc.  
of  
documents.

6. (1) Subject to the Act and these Regulations, a notice or other document that is required or permitted by the Act or these Regulations to be given to, or served upon, a person by the Registrar may be so given or served by delivering it, or sending it by properly pre-paid post or by telegram or facsimile transmission, to the person at the address that is last-known to the Registrar as the address of that person.

(2) Where for the purposes of these regulations any document is served or to be served on any person, that document may be served –

- (a) by delivering a copy thereof personally to the person to be served, or by leaving such copy at his last known place of abode or by transmitting or sending by pre-paid post or by telegram or facsimile to his last known place of abode;
- (b) if the document is to be served on the master of a ship where there is a master, or on a person belonging to a ship, by leaving such documents for him on board that ship with the person being or appearing to be in command or charge of the ship; and
- (c) if the document is to be served on the master of a ship, and there is no master

and the ship is in Guyana, on the managing owner of the ship or, if there is no managing owner in Guyana, on some agent of the owner residing in Guyana or where no such agent is known or can be found, by affixing a copy thereof in some conspicuous place in the ship.

(2) Service of a notice or other document that is sent to a person by telegram in pursuance of sub-regulation (1) shall be deemed, unless the contrary is proved, to have been effected at the time at which the telegram would be received in the ordinary course of transmission.

## PART II REGISTRATION

Application  
for  
registration.

7.(1) Application under section 14 of the Act for the registration of a ship shall be made by –

- (a) lodging with the Registrar an application in writing in accordance with Form 1 for the registration of the ship in accordance with sub-regulation (3); and
- (b) lodging with the Registrar –
  - (i) a document that satisfies, or documents that satisfy, the requirements of sub-regulation (5) as to the description of the ship; and
  - (ii) a document that satisfies,



- or documents that satisfy, the requirements of sub-regulation (6) as to the ownership of the ship; and
- (iii) where the registration of the ship depends upon its being a ship on bareboat charter to a Guyana-based operator, a copy of the charter party; and
  - (iv) a declaration of ownership in accordance with regulation 9; and
  - (v) a notice in writing specifying the name and address of the person who will be the registered agent of the ship upon its being registered and duly signed by the owner of the ship and, where the owner is not the person whose name and address are so specified, by that person; and
  - (vi) evidence in accordance with regulation 23 that the ship has been marked in accordance with that regulation with marks directed by the Registrar under subsection 36 (1) of the Act; and
- (c) producing to the Registrar, for noting, the licence or other document (if any) authorising the use of a call sign in

relation to the ship;

- (d) lodging with the Registrar the prescribed fee.

(2) The documents referred to in paragraphs (1) (b) and (c) shall be lodged with, or produced to, the Registrar within 12 months after the lodgment of the application referred to in paragraph (1) (a).

(3) Subject to sub-regulation (4), an application referred to in paragraph (1) (a) shall be duly signed by the owner of the ship and shall specify –

- (a) the type of the ship (in terms of its purpose);
- (b) the method of propulsion of the ship;
- (c) the overall length of the ship;
- (d) the principal material of construction of the hull of the ship;
- (e) in order of preference, 3 proposed names for the ship;
- (f) the proposed home port of the ship;
- (g) where the ship has previously been registered (whether in Guyana or elsewhere), the year in which the ship was last so registered and the following information in relation to the ship when so registered-
  - (i) the register on which the

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- ship was registered;
  - (ii) the official number of the ship;
  - (iii) the registered name of the ship;
  - (iv) the home port, or port of registry, of the ship; and
- (h) where the ship has not previously been registered in Guyana –
- (i) the name of the builder of the ship;
  - (ii) the place of construction; and
  - (iii) the builder's identification of the ship or the name (if any) by which the ship is known.

(4) A statement in an application under sub-regulation (1) to the effect that the owner of the ship is unable to supply the information, or any part of the information, referred to in paragraph (g) or (h) of sub-regulation (3), together with a statement of the reason for that inability, shall be taken, for the purposes of that sub-regulation, to satisfy the requirements of that paragraph.

(5) For the purposes of subparagraph (1) (b) (i), the requirements of this sub-regulation as to the description of a ship are satisfied –

- (a) where the ship has not previously been

registered as mentioned in paragraphs (b) and (c) –

- (i) by a builder's certificate in accordance with regulation 8; or
- (ii) where the owner, after taking all reasonable action, is unable to obtain a builder's certificate, by a statutory declaration by a person acquainted with the facts of the matter specifying –
  - (A) all particulars of mortgages if any;
  - (B) such of the other matters required by sub-regulation 8 (1) to be specified in a builder's certificate as are known to the person making the statutory declaration; and
  - (C) the grounds on which that person asserts the veracity of matters specified in pursuance of clauses (A) and (B);

- (b) where the ship has previously been registered in Guyana, whether under the Act or under the previous law, by a statutory declaration by a person acquainted with the facts of the matter specifying the respects (if any) in which the description of the ship differs from the description of the ship appearing in the Register or a register book, as the case requires, immediately before the ship ceased or last ceased, to be so registered; or
- (c) where the ship has been previously registered under the provisions of the law of a foreign country relating to the registration of ships in that country and the document (if any) issued under that law that corresponds with a certificate of registration contains the information in respect of the ship that is required to be set out in a builder's certificate prepared in accordance with regulation 8 or any of that information, by –
- (i) that document; and
  - (ii) to the extent (if any) to which that document does not contain that information or the information contained in that document is in any respect incorrect, a statutory declaration by a person acquainted with the facts of the matter

setting out so much of that information as is not contained, or is incorrectly stated, in that document.

(6) For the purposes of subparagraph (1) (b) (ii), the requirements of this sub- regulation as to the ownership of a ship are satisfied –

(a) where the ship has not previously been registered as mentioned in paragraphs (b) and (c), by –

(i) a builder's certificate in accordance with regulation 8; and

(ii) the relevant documents relating to any changes in the ownership of the ship, whether occurring before or after the date of that certificate; or, where the ship was built and acquired by the owner in a place outside Guyana and that certificate or those documents are unavailable, by the document by which the owner of the ship acquired the ownership of the ship;

(b) where the ship has previously been registered in Guyana, whether under

the Act or under the previous law, by the relevant documents relating to any changes in the ownership of the ship that have occurred since the ownership of the ship was as specified in the Register or a register book, as the case requires, immediately before the ship ceased, or last ceased, to be so registered; or

- (c) where the ship has previously been registered under the provisions of the law of a foreign country relating to the registration of ships in that country, by any document that is, under that law, evidence of title to the ship.

(7) A reference in sub-regulation (6) to the relevant documents in relation to any changes in the ownership of a ship shall be read, in relation to each such change, as a reference to –

- (a) a bill of sale or other document transferring ownership of the ship, being a bill of sale or document signed by each transferor and specifying the name of the ship, the nature and extent of the interest in the ship to which the bill of sale or document relates and the name and address of each transferor and transferee; and
- (b) such of the documents evidencing change of ownership referred to in section 55 (1) and 57 (1) of the Act as would be applicable if, at the time of the change, the ship had been registered under the Act.

(8) The requirements of sub-regulation (5) or (6) as to the description or ownership of a ship shall, for the purposes of subparagraph (1) (b) (i) or (ii), as the case requires, be taken to be satisfied in relation to any particulars of the description of the ship or of the history of the ownership of the ship in relation to which the applicant for registration is unable to produce a document (other than a statutory declaration) specified in that sub-regulation by a statutory declaration by a person acquainted with the facts of the case setting out those particulars of the description of the ship or of the history of the ownership of the ship.

(9) Where, by reason of the unavailability of a document (including a statutory declaration) referred to in sub-regulation (6) or (8), the requirements of sub-regulation (6) as to the ownership of a ship to which an application under this regulation relates cannot be satisfied, then, subject to sub-regulation (10), those requirements shall, for the purposes of subparagraph (1) (b) (ii), be taken to be satisfied in relation to that ship by –

- (a) such (if any) of the documents referred to in sub-regulation (6) and (8) as are available in relation to the ship; and
- (b) a statutory declaration by the person who signed the application stating that, to the best of his knowledge, the person in whose name, or the persons in whose names, the ship will, if the application is successful, be registered are lawfully entitled to the ownership of the ship as specified in paragraph 9 (b) and setting out the grounds for that belief.

(10) The documents referred to in paragraphs (9)



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(a) and (b) shall not be taken to satisfy the requirements of sub-regulation (6) as to the ownership of a ship unless, not less than 30 days before the lodgment of the application, notice, in accordance with Form 2, of intention to make application for the registration of the ship was published simultaneously in the Official Gazette of Guyana and a national newspaper in general circulation in Guyana.

(11) The Registrar shall be entitled to disallow a proposed name for registration name, if it falls into any of the following classes of names –

- (a) names of existing registered ships;
- (b) names approved by the Registrar in respect of ships in the course of registration;
- (c) names that are likely to be confused with, or mistaken for, names referred to in paragraphs (a) and (b);
- (d) names that are blasphemous or likely to be offensive to members of the public;
- (e) names falsely suggesting connection with –
  - (i) the President;
  - (ii) the Commonwealth of Nations;
  - (iii) the Government of Guyana, of a State, of a Territory, of any other country or of any legal

subdivision of another country;

(iv) the United Nations;

(v) the Defence Force or an arm of the Defence Force;

(vi) a government department, authority or instrumentality of the Government, a State or a Territory; or

(vii) a municipal or other local government authority;

(f) names that include a prefix comprising any letter or letters capable of indicating a type of ship.

Builder's certificate.

8.(1) Subject to sub-regulation (2), a builder's certificate in relation to a ship shall be in accordance with Form 3(i) shall be duly signed by the builder of the ship and shall specify –

(a) the name (if any) of the ship;

(b) the builder's identification of the ship;

(c) the date of completion of the ship;

(d) the place of construction of the ship;

(e) the name and address of the builder;

(f) the name and address of the person for

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whom the ship was built;

- (g) the date on which the ship was delivered or handed over to the person for whom the ship was built; and
- (h) particulars of the technical characteristics of the ship;
- (i) the proper denomination and tonnage of the ship as estimated by him;
- (j) if there has been any sale, the bill of sale under which the ship or a share therein has become vested in the applicant, and in the case of the ship condemned by a competent authority, the official copy of the condemnation.

(2) Where a ship has been built in stages by more than one builder –

- (a) a builder's certificate in relation to the ship may consist of several documents in accordance with sub-regulation (1), each of which relates to one or more of those stages; and
- (b) a builder's certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, shall be duly signed by all of the builders responsible for the building work carried out in those stages.

(3) Without limiting the generality of sub-regulation (2), where a ship that is the subject of an application

for registration has been altered (whether by the builder or by another person) after its completion, the ship shall be taken, for the purposes of that sub-regulation, to have been built in stages by more than one builder.

Declaration  
of ownership.

9. For the purposes of subparagraph 7 (1) (b) (iv), a declaration of ownership shall be in accordance with Form 3(ii) and shall contain the particulars referred to in section 15 of the Act and shall –

- (a) specify the ship to which it relates;
- (b) specify, in relation to each person to whom the ship belongs –
  - (i) the name, address and citizenship of each person, and in the case of a body corporate the name, address and citizenship of each shareholder;
  - (ii) the grounds on which the person claims the citizenship so specified;
  - (iii) the nature and extent of the interest of the person in the ship; and
  - (iv) the date on which that interest was acquired;
- (c) where the registration of the ship under the Act depends on its being a ship on bareboat charter to a Guyana-based operator, specify, in relation to each charterer under the charter party –

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- (i) the name, address and citizenship of the charterer;
  - (ii) the grounds on which the charterer claims the citizenship so specified; and
  - (iii) the extent of the interest of the charterer in the bareboat charter of the ship; and
- (d) be duly signed by each person referred to in paragraph (b) or (c); and may consist of several documents in like form that, together, contain the information required by paragraphs (a), (b) and (c) and are signed in accordance with paragraph (d).

Grant of  
certificate of  
registration.

**10.** Upon completion of the requirements for registration the Registrar shall enter the particulars of the ship prescribed by subsection 21 (3) of the Act in the Register Book and shall issue to the owners of the ship a certificate of registration. The certificate of registration shall be in accordance with Form 4 containing the particulars prescribed by section 37 (2) of the Act.

Registration  
of  
government  
ships.

**11.** A government ship for commercial purposes shall, and a government ship for non-commercial purposes may be registered in the same manner as other ships except as provided herein—

- (a) the application for registration shall be made by the Permanent Secretary of the Ministry or the Head of the Department to whom the management of the ship is entrusted or by any other

officer nominated in this behalf by the Government or the Minister, as the case may be, and shall be in accordance with Form 5.

- (b) neither a Declaration of Ownership nor a Declaration of Transfer shall be necessary;
- (c) the Registrar, upon receiving such application and upon being satisfied that all the necessary formalities have been complied with, shall enter the name of the ship in the Register as belonging to the Government of Guyana;
- (d) the transfer of ownership of a registered Government ship shall be made by a Bill of Sale in the appropriate form omitting the covenant contained therein and shall be signed on behalf of the Government by a person duly authorised by the Government for that purpose.

Registration  
of ships  
under  
construction.

12. (1) A ship under construction may be entered in the register book for ships under construction from the date of the signing of the contract for construction until it is placed on another register after completion, and may, pending such registration, be entered in the register book for ships under construction from the date of the signing of the contract for construction until it is placed on another register after completion with a temporary name and number signed by the Registrar.

- (2) On the registration of any such ship, which

after registration, is hereinafter termed a ship under construction, and as a condition precedent thereto, the owner thereof shall deliver to the Registrar, a description of the ship and a statement of the intended port of Registry in the prescribed form.

(3) Application for registration of a ship under construction shall be in accordance with Form 6 and every person who makes an application in Form 6 shall lodged with his application the prescribed fee.

(4) For the purposes of this regulation the owner of every ship which is being built shall identify it by painting on a board, maintained near the place within the yard of the builder where the ship is being built, or fitted out, on a dark background, in white or yellow numerals and letters of not less than one decimeter in height and of proportionate breadth, the assigned number, the temporary name and the name of the intended port of Registry.

(5) Where a ship under construction is sold the Bill of Sale shall be filed with the Registrar and on receipt of such Bill of Sale, the Registrar shall enter the particulars thereof in the Register book for ships under construction and endorse on the Bill of Sale the date and hour that the entry was made but the ownership of a ship under construction which is sold shall be deemed to remain unchanged until the requirements of this sub-regulation have been met.

(6) A ship under construction may be made security for the repayment of a debt or the discharge of any other obligation.

(7) Every instrument of a mortgage for a ship under construction shall be in accordance with Form 7 and shall be registered in the manner provided in section 59 of the Act and regulation 32 and such mortgage for a ship under construction shall be discharged in the manner provided in

section 61 of the Act.

(8) Every mortgage for a ship under construction binds the ship under construction to which it relates from the date of execution of the building contract, or from the date of commencement of building to the date of completion thereof or to the date of transfer from the register book for ships under construction to the register book for merchant ships or the register book for fishing vessels as the case may be.

(9) Sections 59 to 74 of the Act shall, so far as the context permits, apply mutatis mutandis to a mortgage for a ship under construction.

Registration  
of abandoned  
ships.

13.(1) An application for the registration or re-registration of an abandoned or wrecked ship shall specify whether the owner desires to retain the ship's previous name, and shall be in accordance with Form 8.

(2) On completion of the requirements for first registration or re-registration of the ship, the Registrar shall make the following entry in the Register in the space allotted for "the name of the ship and previous name and registry, if any" —

"Certificate of sea worthiness, dated at                      day                      of  
was granted as required under section 48 of the  
Guyana Shipping Act, Cap. 49:01."

(3) Every person who makes an application in Form 8 shall lodge with his application the prescribed fee.

Particulars of  
master to be  
endorsed on  
certificate of  
registration  
of ships  
leaving  
Guyana or

14. (1) A registered ship shall not —

- (a) depart from a Guyana port to a place outside Guyana; or
- (b) depart from a foreign port at which



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port .

there is a proper officer to Guyana or any other foreign port;

unless there is endorsed on the certificate of registration in relation to each person who is, for the time being, authorised to be the master of the ship, the name and address of the person.

(2) The master and owner of a ship that departs from a port in contravention of sub-regulation (1) are each guilty of an offence punishable, on conviction, by a fine not exceeding two hundred and fifty thousand dollars.

(3) An endorsement for the purposes of sub-regulation (1) shall not be made or cancelled, as the case may be, unless –

(a) there is lodged with the Registrar or, where the registered ship is at a foreign port at which there is a proper officer, with the proper officer –

(i) the certificate of registration; and

(ii) a request in writing to that intent, in accordance with Form 9, duly signed by the registered agent or master of the ship;

(iii) the prescribed fee; and

(b) where the request is signed by the master of the ship, there is produced to the Registrar or the proper officer, for noting, documentary evidence of the appointment of the master.

(4) The lodgment with the Registrar of documents referred to in sub-regulation (3) shall be effected –

- (a) in the manner specified in regulation 5(1) and accompanied by the prescribed fee; or
- (b) by delivering the documents, addressed to the Registrar and accompanied by the prescribed fee, to a prescribed office.

(5) The lodgment with a proper officer of documents referred to in sub-regulation (3) shall be effected by delivering the documents, addressed to the proper officer in the manner specified in regulation 5(2) and accompanied by the prescribed fee, to the office of that officer.

### PART III PROVISIONAL CERTIFICATES

New  
certificates  
and  
provisional  
certificates.

15. (1) Where –

- (a) a certificate of registration is mislaid, lost or destroyed; or
- (b) a certificate of registration is lodged with the Registrar;

the Registrar may, upon application made in the prescribed manner, grant a new certificate in substitution for that certificate.

(2) If –

- (a) an event referred to in paragraph (1)

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(a) occurs while the ship concerned is at a foreign port at which there is a proper officer; or

(b) such an event occurs while the ship concerned is at sea or at a foreign port at which there is no proper officer and, subsequently, but before arriving at a Guyanese port, the ship arrives at a foreign port at which there is a proper officer,

the Registrar or the proper officer at that port shall, upon application made to him, subject to the regulations, grant a provisional certificate of registration in respect of the ship in the prescribed manner.

(3) Subject to sub-regulation (5), a provisional certificate of registration granted in respect of a ship under sub-regulation (2) has the same effect as a certificate of registration until –

(a) the ship arrives at a Guyanese port; or

(b) the expiration of a period of 6 months commencing on the date on which the certificate was granted; whichever first happens.

(4) Where a proper officer grants a provisional certificate of registration under this section, he or she shall forward a copy of the certificate to the Registrar.

(5) If, while a provisional certificate of registration granted in respect of a ship under sub-regulation (2) is in effect, application is made in the manner prescribed, the Registrar may, by notice in writing served on the applicant, extend, in relation to the certificate, the period referred to in

paragraph (3) (b) and, in that event, the reference in that paragraph to a period of 6 months shall be read as a reference to that period as so extended.

(6) The person who has possession of a provisional certificate of registration granted under sub-regulation (2) shall, within 10 days after the ship first arrives at a Guyanese port after the grant, lodge the certificate with the Registrar.

(7) Upon lodgment of a provisional certificate of registration under sub-regulation (6), the Registrar shall, in his discretion –

- (a) grant a further provisional certificate of registration in respect of the ship; or
- (b) grant a new certificate of registration in respect of the ship.

(8) A provisional certificate of registration granted under paragraph (7) (a) has the same effect as a certificate of registration for such period after the date on which the certificate was granted as the Registrar specifies in the certificate.

Application  
for new  
certificates  
and  
provisional  
certificates.

16.(1) An application under regulation 15 for the grant of a new certificate of registration in respect of a ship shall be in accordance with Form 10 and shall –

- (a) be in writing;
- (b) specify –
  - (i) the name and official number of the ship;
  - (ii) the reason why a new certificate of registration

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is required; and

(iii) where that reason is that the certificate of registration of the ship has been mislaid, lost or destroyed, the circumstances of the mislaying, loss or destruction;

(c) be duly signed by the registered agent or the master of the ship; and

(d) where the application is duly signed by the master of the ship - have affixed to it documentary evidence of the appointment of the master.

(e) be lodged with the prescribed fee.

(2) A provisional certificate of registration granted under regulation 15 (2) or (7) shall be in accordance with Form 11.

(3) A provisional certificate of registration shall not be granted under sub- regulation 15 (2) of the Act in relation to a ship unless –

(a) there is lodged with the Registrar or the proper officer an application in writing duly signed by the registered agent or master of the ship specifying –

(i) the particulars of the ship, of its owners and of its registered agent as specified in the certificate

of registration; and

- (ii) the circumstances of the mislaying, loss or destruction of the certificate of registration; and
- (b) where the application is signed by the master of the ship, there is produced to the Registrar or the proper officer, for noting, documentary evidence of the appointment of the master and of his authority to sign the application.
- (c) there is lodged with the Registrar or the proper officer, as the case may be, the prescribed fee.

(4) Where, after the grant in respect of a ship of a new certificate of registration under sub-regulation 15 (1) or (7) of the Act by reason of the certificate of registration in respect of that ship having been lost or mislaid, that certificate of registration is found and is in the custody or control of a relevant person, that person shall, before the expiration of the relevant period, lodge that certificate of registration with the Registrar for cancellation.

(5) Where, after the grant in respect of a ship of a provisional certificate of registration under sub-regulation 15 (2) or (7) of the Act by reason of the certificate of registration in respect of that ship having been lost or mislaid, that certificate of registration is found and is in the custody or control of a relevant person, that person shall, before the expiration of the relevant period, lodge with the Registrar notice in writing to that effect together with the provisional certificate of registration.

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(6) For the purposes of sub-regulations (4) and (5)

–

- (a) a person is a relevant person in relation to a ship if that person is the master or registered agent of the ship or the owner, or one of the joint owners, or owners in common, of one or more' shares in the ship; and
- (b) the relevant period is the period of 30 days commencing on –
  - (i) the date on which the certificate of registration was found; or
  - (ii) the date on which the certificate of registration came into the custody or control of the relevant person; whichever is the later date.

(7) A person who, without reasonable excuse, refuses or fails to comply with sub-regulation (4) or (5) is guilty of an offence punishable, on conviction, by a fine not exceeding fifty thousand dollars.

Provisional certificates for ships becoming entitled to be registered when abroad.

17.(1) If –

- (a) while a ship is at a foreign port at which there is a proper officer, it becomes a ship entitled to be registered; or
- (b) while a ship is at sea or at a foreign port at which there is no proper officer, it becomes a ship entitled to be

registered and, subsequently, but before arriving at a Guyanese port, it arrives at a foreign port at which there is a proper officer;

the proper officer at that port may, subject to the regulations, grant a provisional certificate of registration in respect of the ship in accordance with Form 11.

(2) Subject to sub-regulation (4), a provisional certificate of registration granted in respect of a ship under this regulation has the same effect as a certificate of registration, and, for the purposes of the Act and of the lawful navigation of the ship, the ship shall be deemed to be registered, until –

- (a) the ship arrives at a Guyanese port; or
- (b) the expiration of a period of 6 months commencing on the date on which the certificate was granted; whichever first happens.

(3) Where a proper officer grants a provisional certificate of registration under this regulation, he or she shall forward a copy of the certificate to the Registrar.

(4) If, while a provisional certificate of registration granted in respect of a ship under sub-regulation (1) is in effect, application is made in the manner prescribed, the Registrar may, by notice in writing served on the applicant, extend, in relation to the certificate, the period referred to in paragraph (2) (b) and, in that event, the reference in that paragraph to a period of 6 months shall be read as a reference to that period as so extended.

(5) The person who has possession of a provisional certificate of registration granted in respect of a ship under



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sub-regulation (1) shall, within 10 days after the ship first arrives at a Guyanese port after the grant, lodge the certificate with the Registrar.

(6) Upon lodgement of a provisional certificate of registration under sub-regulation (5), the Registrar may grant a further provisional certificate of registration in respect of the ship.

(7) A provisional certificate of registration granted in respect of a ship under sub-regulation (6) has the same effect as a certificate of registration for such period after the date on which the certificate was granted as the Registrar specifies in the certificate and, for the purposes of this Act and of the lawful navigation of the ship, the ship shall be deemed to be registered during that period.

Provisional  
certificates  
granted by  
the Registrar.

18. (1) If, while a ship is at sea or at a foreign port, it becomes a ship entitled to be registered, the Registrar may, subject to the regulations, grant a provisional certificate of registration in respect of the ship in accordance with Form 11.

(2) If, while a ship is at a Guyanese port, it is or becomes entitled to be registered, the Registrar may, subject to the regulations, after he or she is satisfied that it is the intention of the owner of the ship that the ship will depart from that port to a place outside Guyana, grant a provisional certificate of registration in respect of the ship in accordance with Form 11.

(3) Subject to sub-regulation (4), a provisional certificate of registration granted in respect of a ship under this section has the same effect as a certificate of registration and, for the purposes of the Act and of the lawful navigation of the ship, the ship shall be deemed to be registered until –

- (a) in the case of a ship in respect of which the certificate was granted

under sub-regulation (1) –

- (i) the ship arrives at a Guyanese port; or
  - (ii) the expiration of a period of 6 months commencing on the date on which the certificate was granted; whichever first happens; or
- (b) in the case of a ship in respect of which a certificate was granted under sub-regulation (2) –

- (i) the ship first returns from a place outside Guyana to a Guyanese port after the grant; or
- (ii) the expiration of a period of 6 months commencing on the date on which the certificate was granted; whichever first happens.

(4) If, while a provisional certificate of registration granted in respect of a ship under sub-regulation (1) or (2) is in effect, application is made in the manner prescribed, the Registrar may, by notice in writing served on the applicant, extend, in relation to the certificate, the period referred to in subparagraph (3) (a) (ii) or (3) (b) (ii), as the case requires, and, in that event, the reference in that subparagraph to the period of 6 months shall be read as a reference to that period as so extended.

(5) The person who has possession of a provisional registration certificate granted in respect of a ship under sub-

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regulation (1) or (2) shall –

- (a) in a case where the certificate was granted under sub-regulation (1) - within 10 days after the ship first arrives at a Guyanese port after the grant; or
- (b) in a case where the certificate was granted under sub-regulation (2) - within 10 days after the ship first returns from a place outside Guyana to a Guyanese port after the grant; lodge the certificate with the Registrar.

(6) Upon lodgement of a provisional certificate of registration under sub-regulation (5), the Registrar may grant a further provisional certificate of registration in respect of a ship.

(7)A provisional certificate of registration granted in respect of a ship under sub-regulation (6) has the same effect as a registration certificate for such period after the date on which the certificate was granted as the Registrar specifies in the certificate and, for the purposes of this Act and of the lawful navigation of the ship, the ship shall be deemed to be registered during that period.

Conditions for grant of provisional certificate.

**19.**(1) Subject to sub-regulation (2), a provisional certificate of registration shall not be granted by a proper officer under sub-regulation 17 (1) of these regulations or by the Registrar under sub-regulation 18 (1) or (2) of these regulations in relation to a ship unless –

- (a) there is lodged with the proper officer or the Registrar, as the case requires, an application in writing in

accordance with Form 12 duly signed by the owner or the master of the ship specifying –

- (i) the existing name (if any) of the ship;
- (ii) where the ship is unnamed, the builder's identification of the ship;
- (iii) the proposed name of the ship;
- (iv) the proposed home port of the ship;
- (v) the call sign (if any) of the ship;
- (vi) the name and address of the builder of the ship;
- (vii) the year of completion of the ship;
- (viii) particulars of the technical characteristics of the ship;
- (ix) particulars of any previous registration of the ship;
- (x) if there is no tonnage certificate –
  - (A) the estimated gross tonnage of the ship; and
  - (B) identity of the person by whom the estimate was made;

- (xi) in relation to each person to whom the ship belongs –
  - (A) the name, address and citizenship of the person; and
  - (B) the extent of the interest of the person in the ship;
- (xii) if the application is in respect of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a Guyana-based operator –
  - (A) the name, address and citizenship of each charterer under the charter-party; and
  - (B) the extent of the interest of each charterer in the bareboat charter of the ship;
- (xiii) the date and manner of acquisition of the ship by the present owner;
- (xiv) the name, address and description of each of the persons from whom the ship was acquired;
- (xv) details of any application, being an application for the registration of the ship under section 14 of the Act, that has been lodged in accordance with regulation 7; and
- (xvi) in relation to each person authorised by the owner to be, at any time

during the currency of the provisional certificate of registration, the master of the ship the name and address of the person; and

- (b) there is produced to the proper officer or the Registrar, as the case requires, for noting –
- (i) the instrument (if any) by which ownership of the ship passed to the owner named in the application;
  - (ii) where the application is signed by the master of the ship, documentary evidence of his appointment as master and of his authority to sign the application;
  - (iii) the Tonnage certificate (if any) that is in force in relation to the ship; and
  - (iv) where the ship has, at any time, been registered under the law of a foreign country, documentary evidence that:
    - (A) the ship is no longer registered under the law of that country; or
    - (B) steps have been taken, or are proposed to be taken, to close the registration of the ship

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under the law of that country on or before the grant of the provisional certificate of registration.

- (c) there is lodged with the proper officer or the Registrar, as the case may be, the prescribed fee.

(2) A statement in an application under sub-regulation (1) to the effect that the person signing the application is unable to supply the information referred to in subparagraph (1) (a) (ii), (vi), (vii), or (x), together with a statement of the reason for that inability, shall be taken, for the purposes of that sub-regulation, to satisfy the requirements of that subparagraph and, where that inability is in respect of the information referred to in subparagraph (1) (a) (x), subparagraph (1) (b) (iv) does not apply in relation to that application.

(3) Where a provisional certificate of registration granted in respect of a ship ceases to have effect before the ship first arrives at, or returns to, a Guyanese port after the grant, the person who has possession of the certificate shall, within 30 days after the certificate so ceases to have effect, lodge the certificate with the Registrar.

(4) A person who, without reasonable excuse, refuses or fails to comply with sub-regulation (3) is guilty of an offence punishable, on conviction, by a fine not exceeding two hundred and fifty thousand dollars.

Extension of period of currency of provisional certificate.

**20.** An application under sub-regulation 15 (5), 17 (4) or 18 (4) for the extension of the period during which a provisional certificate of registration is in force in respect of a ship shall be in accordance with Form 13 and shall –

- (a) be in writing;

- (b) specify –
  - (i) the name and official number (if any) of the ship;
  - (ii) the date and place of issue of the provisional certificate of registration;
  - (iii) the name of the Guyanese port at which it is expected that the ship next arrive and the date on or near which it expected that the ship will arrive at that port; and
  - (iv) the reason for making the application;
- (c) be duly signed by the owner or the master of the ship;
- (d) be lodged with the Registrar or a proper officer; and
- (e) be lodged with the prescribed fee.

Temporary passes.

**21.**(1) Application for the grant of a temporary pass under section 42 of the Act shall be made by lodging with the Registrar an application in writing signed in accordance with sub-regulation (2), an in accordance with Form 14 being an application specifying –

- (a) the name (if any) of the ship or, if the ship has no name, the builder's identification of the ship (if known to the applicant);



- (b) the year of completion of the ship (if known to the applicant);
- (c) the type of the ship (in terms of its purpose);
- (d) the method of propulsion of the ship;
- (e) the principal material of construction of the hull of the ship;
- (f) the length of the ship;
- (g) the name and address of the builder of the ship (if known to the applicant);
- (h) if there is no tonnage certificate –
  - (i) the estimated gross tonnage of the ship; and
  - (ii) identity of the person by whom the estimate was made
- (i) name and address of each of the persons to whom the ship belongs;
- (j) where the application is signed as mentioned in sub-regulation (3), the name and address of each person who is a charterer under the charter-party;
- (k) the port at which it is proposed that the voyage be commenced;
- (l) the port at which it is proposed that the voyage be concluded;

- (m) the anticipated duration of the voyage; and
- (n) the reasons for seeking the grant of the pass.

(2) Subject to subsection (3), an application under sub-regulation (1) shall be duly signed by the owner of the ship or, where the proposed voyage is to be undertaken by the builder of the ship for the purposes of delivering the ship to the owner, by the builder.

(3) An application under sub-regulation (1) in relation to a ship that is on bareboat charter (whether to a Guyana-based operator or not) shall be taken to be signed in accordance with sub-regulation (2) if it is duly signed-

- (a) by each of the charterers under the charter-party; or
- (b) by the person appointed for the purposes of this paragraph by instrument in writing duly signed by each of those charterers.

(4) There shall be produced to the Registrar for noting, at the time of lodgement of an application under sub-regulation (1) -

- (a) where the application is signed as mentioned in sub-regulation (3), documentary evidence of the grant by the owner of permission for the undertaking by the ship of the voyage to which the application relates or of voyages of a class in which that

voyage is included;

- (b) where the application is signed as mentioned in paragraph (3) (b), the instrument referred to in that paragraph; and
- (c) the tonnage certificate (if any) in force in relation to the ship.

(5) Upon receipt of an application under sub-regulation (1), the Registrar shall forward the application, together with such other documents as he thinks fit, to the Minister for his consideration.

(6) A temporary pass granted under section 42 of the Act shall be in accordance with Form 15.

(7) Subject to sub-regulation (8), where –

- (a) a voyage specified in a temporary pass granted under section 42 of the Act is completed or abandoned; or
- (b) the period of validity of such a pass expires;

the person who has possession of the pass shall, within 10 days after the occurrence of the event referred to in paragraph (a) or (b), surrender the pass by –

- (i) lodging it with the Registrar; or
- (ii) delivering it to a proper officer.

(8) Where, by reason of circumstances beyond the control of the person referred to in sub-regulation (7), it is not practicable for that person to surrender the pass within the time specified in that sub-regulation, that person shall

surrender the pass as soon as it is practicable to do so.

(9) A person who, without reasonable excuse, refuses or fails to comply with sub-regulation (7) or (8) is guilty of an offence punishable, on conviction, by a fine not exceeding two hundred and fifty thousand dollars.

(10) Every person who makes an application in Form 14 shall lodge with his application the prescribed fee.

#### PART IV CHANGES AND IDENTIFICATION

Change in  
name,  
address or  
citizenship.

22. (1) Where a change occurs in –

- (a) the name, address or citizenship of a person whose name appears in the Register as that of an owner or charterer of a ship;
- (b) the name of the person whose name appears in the Register as that of the registered agent of a ship;

the owner, charterer or registered agent of that ship shall, within 14 days after the change occurs, comply with the requirements of sub-regulation (3).

- (c) A person who, without reasonable excuse, refuses or fails to comply with this sub-regulation is guilty of an offence punishable, on conviction, by a fine not exceeding fifty thousand dollars.

- (2) (a) Where a change occurs in the name or address of a person whose name

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appears in the Register as that of a mortgagee of a ship, that person shall, within 14 days after the change occurs, comply with the requirements of sub-regulation (3).

- (b) A person who, without reasonable excuse, refuses or fails to comply with this sub-regulation is guilty of an offence punishable, on conviction, by a fine not exceeding fifty thousand dollars.

(3) The requirements referred to in sub-regulations (1) and (2) are as follows –

(a) to lodge with the Registrar-

- (i) a notice of the change in accordance with Form 16; and
- (ii) in the case of a change in the name of a natural person a statutory declaration by a person well acquainted with the facts of the case, and not having any direct or indirect interest in the ship or its operation, to the effect that the person whose name has changed is the same person as the person referred to in paragraph (1) (a) or (b), or sub-regulation (2), as the case requires, and that the qualifications of the declarant are as specified in this subparagraph;

(b) to produce to the Registrar for noting –

- (i) in the case of a change in the name of a natural person upon marriage, the relevant marriage certificate;
- (ii) in the case of a change in the name of a natural person by deed poll, the relevant deed;
- (iii) in the case of a change in the name of a body corporate incorporated under a law relating generally to the incorporation of companies, co-operative societies or other bodies corporate, a certificate of the change of name issued under that law; or
- (iv) in the case of a change in the name of a person other than a person referred to in subparagraph (i), (ii) or (iii) – an authentic copy of the law or instrument by which the change was effected.

(4) A notice of change lodged with the Registrar in pursuance of sub-regulation (3) with respect to a change in the citizenship of a person shall set out particulars of the manner in which the change occurred.

Marking of ships.

**23.** (1) Subject to this regulation, a ship shall, for the purposes of section 36 of the Act, be marked as follows –

- (a) the name of the ship shall be inscribed, in accordance with sub-regulation (2), on each bow;
- (b) the names of the ship and its home port shall be inscribed, in accordance with sub-regulation (2) –
  - (i) on the stern; or
  - (ii) if the configuration of the stern is such that those names cannot be legibly displayed on the stern, on each side of the hull as near as practicable to the stern; or
  - (iii) if compliance with subparagraph (i) or (ii) is not practicable on such other part or parts of the ship as the Registrar permits;
- (c) an inscription in accordance with sub-regulation (3) shall be made, in a position in which it may readily be inspected, on the main beam of the ship or, if the ship has no main beam or it is impracticable so to make the inscription on the main beam, on another main structural member or integral part of the ship.

(2) The inscriptions referred to in paragraphs (1) (a) and (b) shall be made in the following manner –

- (a) all alphabetical characters shall be in

the form of-

- (i) upright sans serif black capital letters, not being expanded or condensed forms of those letters, the height of which is not less than 100 millimetres and the thickness of the strokes of which is not less than 20%, and not more than 25%, of their height; or
- (ii) lettering approved, either generally or in a particular case, by the Registrar, being lettering that is not less legible than lettering of the kind referred to in subparagraph (i);
- (b) all numerals, whether Arabic or Roman, shall be in a style matching that of the alphabetical characters;
- (c) the inscription shall be applied in waterproof paint of a colour that makes a distinct contrast with the colour of the background on which it appears.

(3) The inscription referred to in paragraph (1) (c) shall comprise –

- (a) the letters “O.N.” followed by the official number of the ship; and
- (b) either:
  - (i) the letters “G.T.” followed by the gross tonnage of the ship as shown on its Tonnage certificate;



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- (ii) where there is no tonnage certificate, the letters "L.O.A." followed by the length of the ship in metres taken to 2 decimal places;

being letters and figures:

(c) that-

- (i) are incised into the surface of the portion of the ship to which they are applied; or
- (ii) form part of the fabric of that portion of the ship and project from the surrounding surface of that portion of the ship; and

(d) the height of which is –

- (i) not less than 100 millimetres; or
- (ii) where the portion of the ship to which they are applied is such that compliance with subparagraph (i) is not practicable, the maximum practicable height.

(4) Where, by reason of the nature of the constructional features of a ship, there is no part of the ship that is readily identifiable as a bow, or as the stern, of the ship, an inscription required by paragraph (1) (a) or (b) to be made on a bow or on the stern of the ship, as the case requires, shall be made on such part of the ship as the Registrar determines.

(5) Where, in the opinion of the Minister, it is unreasonable to require compliance, or compliance in full, with the requirements of paragraph (1) (a) or (b) in relation to a ship, or in relation to ships included in a class of ships, the Minister may, by instrument in writing, exempt the ship, or ships included in the class of ships, from the requirements specified in the instrument, subject to compliance with the conditions (if any) specified in the instrument.

Name of registered ship and change of name.

24. (1) An application under subsection 24 (2) of the Act for a change in the name of a registered ship shall be made by lodging with the Registrar a request in writing, in accordance with Form 17, for approval of the change duly signed by the owner or registered agent of the ship and specifying –

- (a) the present name of the ship;
- (b) the official number of the ship; and
- (c) in order of preference, 3 proposed names for the ship.

(2) The Registrar shall be entitled to disallow the name, if it falls into any of the classes specified by sub-regulation 7 (11).

(3) Every person who makes an application in Form 17, shall lodge with his application the prescribed fee.

National Flag.

25. When the national flag is flown by a ship, it shall be flow at the stern or –

- (a) where, by reason of the design of the ship or the use to which it is put, it is not practicable to fly a flag at the

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stern, as near as practicable to the stern; or

- (b) where the design of the ship is such that it has no stern, in such position as is approved by the Registrar in relation to the ship by notice in writing, in accordance with Form 18, given to the registered agent.

Alterations to ships.

26. (1) The manner for the giving of notice of an alteration to a ship is the lodging with the Registrar a notice in writing in accordance with Form 19 that –

- (a) specifies –
- (i) the name and official number of the ship; and
- (ii) the nature of the alteration;
- (b) is duly signed by the registered agent of the ship.

Home port and change of home port.

27. (1) The port that may be selected as the home port of a registered ship shall be Georgetown or one of the ports that the Minister may by order declare to be a Port of Registry under section 20 of the Act.

(2) Application may be made for a change in the home port of a registered ship by lodging with the Registrar a request in writing that-

- (a) specifies –
- (i) the name and official number of the ship;

- (ii) the present home port of the ship; and
  - (iii) the proposed home port of the ship; and
- (b) is duly signed by the registered agent of the ship.

(3) Upon the receipt of an application under sub-regulation (2), the Registrar shall, if the proposed home port is a port that is, for the time being, a port that is, or is to be taken to be, a port declared to be a Port of Registry for the purposes of sub-regulation (1), give notice in writing in accordance with Form 20 to the registered agent to the effect that registration of the change of home port in relation to the ship may proceed upon that part of the inscription referred to in paragraph 23 (1) (b) that relates to the home port of the ship being altered accordingly.

(4) Where the Registrar gives a notice to the registered agent of a ship under sub-regulation (3), the registered agent shall, within 30 days after the date of the notice, lodge with the Registrar a certificate in writing endorsed on that notice and duly signed by the registered agent stating that part of the marking on the ship relating to the name of its home port has been altered in a manner that complies with regulation 23.

(5) The registered agent of a ship who, without reasonable excuse, refuses or fails to comply with sub-regulation (4) is guilty of an offence punishable, upon conviction, by a fine not exceeding fifty thousand dollars.

(6) Upon the receipt of –

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- (a) the certificate referred to in sub-regulation (4); and
- (b) the ship's certificate of registration;

the Registrar shall –

- (i) cause the new home port to be entered in the Register in relation to the ship; and
- (ii) endorse the change of home port on the ship's certificate of registration and return it to the registered agent.

(7) Every person who makes an application in Form 20 shall lodge with his application, the prescribed fee.

#### PART V

#### TRANSFERS AND MORTGAGES

Transfer of  
ship etc.

**28.** (1) A bill of sale for the purposes of subsection 52 (1) of the Act in relation to a ship shall be in accordance with Form 21 and shall –

- (a) in addition to the matters referred to in subsection 52 (2) of the Act, specify –
  - (i) the name and official number of the ship;
  - (ii) the number of shares in the ship to which the bill of sale relates;

- (iii) the name and address of each transferor;
- (iv) the name and address of each transferee; and
- (v) particulars of any mortgage registered in relation to the ship; and

(b) be duly signed by each transferor.

(2) A declaration of transfer made under section 53 of the Act shall –

- (a) be in writing and in accordance with Form 22;
- (b) specify –
  - (i) the name and official number of the ship; and
  - (ii) the date of the bill of sale to which it relates;
- (c) specify, in relation to each person who is a transferee under the bill of sale, in addition to the matters referred to in section 53 of the Act –
  - (i) the grounds on which the person, if a natural person, claims the citizenship specified in the declaration in relation to the person; and
  - (ii) the extent of the interest of the person

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in the ship; and

(d) be duly signed by each transferee.

(3) Where, by reason of the transfer of a ship or a share of a ship, there is a change in the person who is the registered agent of that ship, the bill of sale in relation to the transfer shall, when produced to the Registrar in accordance with subsection 54 (1) of the Act, be accompanied by a notice of change of the registered agent in accordance with Form 23.

Application for the sale or mortgage of a ship, or share thereof, outside of Guyana.

**29.** For the purposes of subsection 68 (1) of the Act, an application for the sale or mortgage of a ship, or share thereof, outside of Guyana shall be in accordance with Form 24 (a) or Form 24 (b), as appropriate, and shall be lodged with the prescribed fee.

Certificate of sale of a ship, or share thereof, outside of Guyana.

**30.** For the purposes of subsection 69 (5) of the Act, a certificate of sale of a ship, or share thereof, outside of Guyana shall be in accordance with Form 25.

Certificate of mortgage of a ship, or share thereof, outside of Guyana.

**31.** For the purposes of subsection 68 (5) of the Act, a certificate of mortgage of a ship, or share thereof, outside of Guyana shall be in accordance with Form 26.

Mortgage of ship etc.

**32.** For the purposes of subsection 59 (1) of the Act, an instrument of mortgage of a ship or a share in a ship shall be in accordance with Form 27, and shall-

(a) specify -

(i) the name and official number of the ship;

- (ii) the number of shares affected;
- (iii) the name and address of each mortgagor; and
- (iv) the name, address and citizenship of each mortgagee; and

(b) be duly signed by each mortgagor.

Transfer of mortgage.

**33.** For the purposes of subsection 66 (1) of the Act, a transfer of mortgage shall be in accordance with Form 27.

Transfer of registration from foreign ports of ships entitled to be registered.

**34. (1)** Application under section 71 of the Act for the registration of a ship shall be made by –

(a) lodging with the Registrar –

- (i) an application in writing, in accordance with Form 28 for the registration of the ship duly signed by the owner of the ship;
- (ii) where the registration of the ship depends upon its being a ship on bareboat charter to a Guyanese-based operator, a copy of the charter-party;
- (iii) a declaration of ownership in accordance with regulation 9; and
- (iv) a notice in writing duly signed



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by the owner of the ship specifying the name and address of the person who will be, or of each of the persons who will constitute, the registered agent of the ship upon its being registered;

(v) the prescribed fee; and

(b) producing to the Registrar, for noting, the licence or other document (if any) authorising the use of a call sign in relation to the ship.

(2) An application under sub-regulation (1) shall specify –

(a) in order of preference, 3 proposed names for the ship;

(b) the proposed home port of the ship;

(c) the foreign register concerned;

(d) the official number of the ship on that register;

(e) the name of the ship appearing on that register; and

(f) the home port of registry, of the ship appearing on that register.

Certificates  
etc. in respect  
of ships  
deemed  
registered  
under the

35. (1) In this regulation-

“relevant document” means a certificate granted, or other document granted or issued, under these Regulations;

Act. “relevant record” means an entry or record that, immediately before the date fixed under section 1 of the Act, appeared in the register book kept at a port in Guyana under the previous law in relation to a ship that is deemed, on and from that date, to be registered under the Act.

(2) Where a relevant document includes information in relation to a ship that is expressed in terms of measurements other than measurements in terms of which that information is required by these Regulations to be expressed, that information may be expressed in a relevant document in relation to that ship in terms of either or both of those measurements.

(3) Where a relevant record includes information in relation to a ship that is not required by the Act or these Regulations to be entered in the Register, that information shall be omitted from a relevant document in relation to that ship.

(4) Where a relevant record does not include information in relation to a ship that is required by the Act or these Regulations to be entered in the Register –

- (a) the Registrar may take such action as is reasonable for the purpose of obtaining that information; and
- (b) the failure to include that information in a relevant document granted or issued in relation to that ship at a time when the Registrar is not in possession of that information shall not affect the validity of that document.

**PART VI**  
**CAVEATS**

Caveat may be lodged forbidding registration of certain instruments.

36. (1) A person claiming an interest in a ship or in a share in a ship under any unregistered instrument, or by operation of law or otherwise, may lodge with the Registrar a caveat in accordance with the prescribed form forbidding the entry in the Register of any instrument relating to any dealing with that ship or share until after notice of the intended dealing is given to the caveator.

(2) Every caveat shall state the name and address of the caveator and shall contain a sufficient description to identify the ship or the share in the ship in which the caveator claims an interest and the interest claimed by the caveator and shall be signed by the caveator or by his or her Attorney-at-law or agent.

(3) A caveat shall not be entered in the Register by the Registrar unless there is specified in the caveat an address in Guyana at which notices relating to the caveat or to proceedings in respect of the caveat may be served

(4) Where a person entitled to withdraw a caveat notifies the Registrar, by lodging a notice in the prescribed form, that the name of the caveator or the address for service of notices on the caveator has been changed from the name or address specified in the caveat, the Registrar shall record on the caveat and in the Register the name or address so notified and that name or address shall thereupon be the name of, or the address for service of notices on, the caveator.

(5) Every notice relating to a caveat or to any proceeding in respect of a caveat shall be deemed to be duly served if served in accordance with a manner of service specified in these regulations –

(a) at –

- (i) the address stated in the caveat in pursuance of sub-regulation (3); or
    - (ii) if an address has been notified under sub-regulation (4), the address, or the last address, so notified; or
  - (b) if the caveat was signed by an Attorney-at-law or agent, at the office of that Attorney-at-law or at the address of that agent.
- (6) A caveat may be withdrawn –
- (a) by the caveator or by the Attorney-at-law or agent of the caveator if the Attorney-at-law or agent is authorised so to withdraw it;
  - (b) where the caveator is dead, by the executor of the will, or the administrator of the estate, of the caveator;
  - (c) by a trustee or official receiver or other person in whom the interest claimed by the caveator is vested; or
  - (d) by any person in whom there is entrusted, by reason of the mental incapacity of the caveator, pursuant to an order of a court or pursuant to a written law, the management and care of the interest claimed by the

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caveator.

(7) Where there is lodged for entry in the Register an instrument relating to a dealing with a ship, or a share in a ship, in respect of which a caveat has been lodged and the Registrar is satisfied that, upon entry of that instrument in the Register there will vest in the caveator the interest claimed by the caveator in the caveat, the Registrar may, notwithstanding the caveat and the provisions of regulations 38 and 39, enter the dealing in the Register and may record on the caveat or in the Register that the caveat has lapsed.

(8) Every person who lodges a caveat in the prescribed form or a notice of change of name of caveator or address for service in the prescribed form shall lodge with such Forms, the prescribed fee.

Notice of  
caveat.

37. (1) Upon entry in the Register of a caveat, the Registrar shall notify particulars of the caveat –

- (a) if the caveat relates to the ship, to the person or each person entered in the Register as an owner or part owner, or as a mortgagee, of the ship; and
- (b) if the caveat relates to a share in the ship, to the person or each person entered in the Register as an owner or part owner, or as a mortgagee, of that share.

(2) Any person notified, or required to be notified under sub-regulation (1), of the entry in the Register of a caveat may, if he or she thinks fit, summon the caveator to attend before a Judge of the High Court of the Supreme Court of Judicature of Guyana or the Court to show cause why the caveat should not be removed.

(3) The Judge of the High Court of the Supreme Court of Judicature of Guyana or the Court, upon proof that the caveator has been summoned, may make such order, either *ex parte* or otherwise, as the Judge or the Court thinks fit.

When caveat  
to lapse.

38. A caveat entered in the Register in respect of a ship or a share in a ship shall, unless an order to the contrary is made by a Judge of the High Court of the Supreme Court of Judicature of Guyana or the Court, and served on the Registrar, be deemed to have lapsed upon the expiration of 14 days after notice is given to the caveator that –

- (a) if the caveat relates to a ship, the person or each person entered in the Register as an owner or part-owner of the ship or a person having a right to register a dealing with the ship; or
- (b) if the caveat relates to a share in the ship, the person or each person entered in the Register as an owner or part-owner of the share or a person having a right to register a dealing with the share; has applied for the registration of any dealing with the ship or share.

No dealing to  
be registered  
while caveat  
in force.

39. (1) Subject to this regulation, so long as a caveat remains in force in respect of a ship or a share in a ship, the Registrar shall not, except with the consent in writing of a person entitled to withdraw the caveat, enter in the Register particulars of any dealing with that ship or share.

(2) Sub-regulation (1) shall not operate to prevent the entry in the Register of dealing with a ship or a share in a ship which, when the caveat was lodged with the Registrar, had previously been lodged with the Registrar in a form

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satisfactory for entry in the Register.

(3) Except to the extent that it otherwise specifies, a caveat shall not prevent the Registrar from entering in the Register –

- (a) the transmission of a ship or of a share in a ship to a person where that person becomes so entitled by operation of law; or
- (b) a dealing by a person as the mortgagee under a mortgage of a ship or a share in a ship, being a mortgage to the entry of which the caveator has consented or in respect of which the caveat has lapsed.

Compensation for lodging caveat without reasonable cause.

**40.** A person who lodges a caveat with the Registrar without reasonable cause is liable to pay to a person who has sustained damage thereby such compensation as is just and the compensation is recoverable in an action in a court of competent jurisdiction by the person who has sustained damage from the person who lodged the caveat.

Form of caveat and notice.

**41.**(1) A caveat under regulation 36 of these regulations shall be in accordance with Form 29.

(2) A notice under sub-regulation 36 (4) of these regulations shall be in accordance with Form 30.

## PART VII MISCELLANEOUS

Fees.  
Schedule 3.

**42.**(1) The fee prescribed in Schedule 3 in respect of a matter specified in that Schedule shall be payable in respect of

that matter.

(2) Where, as a result of a request made by the owner, master or registered agent of a ship, an officer proceeds to a place outside the limits of the port, or away from the place (not being a port), at which that officer is usually stationed for the purpose of carrying out an inspection of a ship under these Regulations, a fee equal to the travelling and subsistence expenses that would have been necessarily incurred by the officer if the officer had travelled to the ship from the nearest port, or place (not being a port), at which an officer competent to carry out that inspection is stationed and returned to that port, or place, is payable, by virtue of this sub-regulation, in addition to any other fee payable under this regulation in respect of that inspection, whether or not that inspection is carried out.

Extension of  
time.

43.(1) The Registrar may, upon application made in the manner hereinafter prescribed, extend the time for the lodgement of a document required by these Regulations to be lodged with him, and may so extend that time although that time has expired.

(2) A request for an extension of time under this regulation shall be in accordance with Form 31 –

- (a) shall be in writing duly signed by the person making the request;
- (b) shall set out the grounds of the request; and
- (c) shall be lodged with the Registrar; and
- (d) shall be lodged with the prescribed fee.



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Verification  
of  
information,  
etc.

44.(1) Subject to the Act and these Regulations, the Registrar may, in relation to any document lodged with him or produced to him for noting –

- (a) require the verification, by statutory declaration or otherwise, of –
  - (i) the authenticity of the document; or
  - (ii) any information contained in the document;
- (b) required the submission to him of such further documents or information as appear to him to be necessary in support of, or in substitution for, a document, or information, referred to in paragraph (a); and
- (c) refuse to make an entry in the Register, or to perform any function or exercise any power under the Act or these Regulations, to which a requirement under paragraph (a) relates until that requirement is satisfied.

(2) A requirement under paragraph (1) (a) or (b) shall be set out in a notice in writing signed by or on behalf of the Registrar and given to –

- (a) the person by whom the document to which the requirement relates was lodged with, or produced to, the

Registrar; or

- (b) the person, or any one of the persons, in whose interest that document was so lodged or produced.

(3) A notice setting out a requirement under sub-regulation (1) for the verification of information relating to the identity, citizenship or residential status of a person may require –

- (a) that the verification be by a statutory declaration by a person other than the person to whom it relates who has known the last-mentioned person for a period of no less duration than that specified in the notice; and
- (b) that such a statutory declaration specify the period during which the declarant has known the person to whom it relates.

Date and time to be recorded.

45. The Register must contain in respect of each entry of a matter under the Act –

- (a) the date and time the entry was made; and
- (b) authentication of the entry by signature, or other suitable means, by the Registrar or a Deputy Registrar.

Penalties.

46. Unless otherwise provided in the Act any person who contravenes any provisions of these Regulations shall be liable to a fine not exceeding one million five hundred

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thousand dollars and where the contravention is a continuing one to a further fine not exceeding fifty thousand dollars per day for each additional day during which the contravention continues.

Admissibility  
of documents  
in evidence.

47. For the purposes of the Act, and these regulations, a certificate or pass issued under the Act or these Regulations is hereby declared to be admissible in evidence.

## SCHEDULE 1

### Sub-Regulation 2 (1)

#### TECHNICAL CHARACTERISTICS OF SHIPS

ITEM NO.	CHARACTERISTIC
1.	Type of ship (in terms of purpose)
2.	Method of propulsion, including? <ul style="list-style-type: none"> <li>(a) Number and type of boilers;</li> <li>(b) Number and type of engines; and</li> <li>(c) Means of power transmission (including number of screws, paddles, or jets)</li> </ul>
3.	Number of decks
4.	Number of bulkheads
5.	Number of masts
6.	Stem
7.	Stern
8.	Build
9.	Rigging

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10. Principal material of construction of hull
11. Length
12. Maximum breadth
13. Power, being whichever of the following is or are applicable:
  - (a) brake power;
  - (b) indicated power;
  - (c) shaft power
14. Estimated speed

**SCHEDULE 2**

Made under Sub-Regulation 2 (3)

**PRESCRIBED FORMS**

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Guyana Maritime Authority

**FORM 1**  
Paragraph 7 (1) (a)

**APPLICATION FOR REGISTRATION**

I.....hereby apply for registration of the ship below.  
(Name and whether owner or agent)

**PARTICULARS OF SHIP**

Type of ship	Overall length	Proposed ship's name
		1 <sup>st</sup> preference:
Ship to carry paying passengers?	Principal material of construction of hull	2 <sup>nd</sup> preference:
Method of propulsion	Call sign of main radio station*	3 <sup>rd</sup> preference:
IMO number*	Hull identification number*	Proposed home port

**Previous Registration and Building Particulars**

**A** Complete if the ship has been previously registered in Guyana or elsewhere

**B** Building Particulars

Year registered	Registered name of ship	Name of Builder
The register on which the ship was registered	Home port or port of registry	Place of Construction
Official number of ship	Builder's ident. of ship, or ship's name	

If you are unable to supply any information in Section A or B give reasons in the space below.

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**SIGNATURE**

Date	Place
------	-------

--	--

Name of Applicant:

Status of Applicant: whether owner or agent.

Signature of Applicant

Signature of Witness

--	--

Name of Witness

--	--

Address of Witness

If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.

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The information indicated by \* is not required information for the purposes of the Guyana Shipping Act, Cap 49:01.

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Guyana Maritime  
Authority

## FORM 2

Sub-regulation 7 (10)

## NOTICE OF INTENTION TO

## APPLY FOR REGISTRATION

NOTICE IS HEREBY GIVEN of the intention of (Name(s) and address(es) of owner(s) to apply, after the expiration of the period of 30 days commencing on the date of publication of this notice, for the registration under the abovementioned Act of the ship particulars of which are set out below. Objection to registration of the ship in the name(s) of the abovementioned person(s), by persons claiming a legal proprietary right in respect of the ship, should, together with any relevant documents that will verify the claim, be delivered to the Registrar of Guyana ships at the Guyana Maritime Authority Office, or sent by properly prepaid post to the Registrar of Guyana ships at the Guyana Maritime Authority before the expiry of the period referred to above.

## PARTICULARS OF SHIP:

Present name (if any):

Former names (if any):

--	--

Former number (if previously registered):

Present whereabouts:

--	--

Length: \_\_\_\_\_ metres

Principal material of construction of hull:

--

Type of ship:

--

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Guyana Maritime Authority

FORM 3(i)  
Regulation 8(1)

BUILDER'S CERTIFICATE

NAME OF SHIP (IF ANY):

The builder's identification of ship:	
The date of completion of the ship:	
The place of construction of the ship:	
The name and address of the builder:	
The name and address of the person for whom the ship was built:	
The date on which the ship was delivered or handed over to the person for whom the ship was built:	
Particulars of the technical characteristics of the ship:	
ITEM NO.	CHARACTERISTIC
1.	Type of ship (in terms of purpose)
2.	Method of propulsion, including? (a) number and type of boilers; (b) number and type of engines; and (c) means of power transmission (including number of screws, paddles, or jets)
3.	Number of decks
4.	Number of bulkheads
5.	Number of masts
6.	Stem
7.	Stern
8.	Build
9.	Rigging
10.	Principal material of construction of hull
11.	Length
12.	Maximum breadth
13.	Power, being whichever of the following is or are applicable: (a) brake power; (b) indicated power; (c) shaft power
14.	Estimated speed
The proper denomination and tonnage of the ship as estimated by him:	





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**[Subsidiary]**                      *Guyana Shipping (Registration of Ships) Regulations*

**PARTICULARS OF OWNER/CHARTERER**

Full name and Occupation:	Address – (Residential address - for an individual; Registered office address – for a company; Principal place of business – for a statutory body or foreign company)	Citizenship (if a body corporate, the country in which incorporated)	Basis for Citizenship Claim (Birth or naturalisation)	Number of shares/or extent of interest and Date of acquisition (indicate if shares are jointly owned)

If body corporate a statement of the constitution and business thereof as proof of its qualification to own a Guyanese ship:

I/We hereby declare that the best of my/our knowledge and belief no unqualified person or body of person is entitled as owner to any legal or beneficial interest in the ship or any share therein.

**SIGNATURE**

Date	Place
Signature of Owner(s) etc.	Signature of Witness
<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness



Guyana Maritime Authority

**FORM 4**  
Regulation 10

**CERTIFICATE OF REGISTRATION**

PARTICULARS OF SHIP
Name of ship:

LAWS OF GUYANA

Guyana Shipping Act

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[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Distinctive number or letters	Port of Registry	*Date	IMO Number	
Propulsion (Sail, Motor, Steam, Auxillary etc.)  (No. of screws paddles etc.)				
Name of builder:	Address of builder	Date built	Place built	
Length (Metres)	Breadth (Metres)	Moulded Depth Amid ships to Upper Deck.		
<b>PARTICULARS OF TONNAGE</b>				
Gross Tonnage				
Net Tonnage				
Spaces included in Tonnage:				
Gross Tonnage	Net Tonnage			
Name of Space	Location	Length	Name of Space	
			Number of passengers in cabins with not more than 8 berths	
		Number of other passengers		
+Excluded spaces	Moulded draught			
Date and place of original measurement		Date and place of last previous re-measurement		
No. of Decks	No. of Masts	No. of Bulkheads	Stem	Stern

**LAWS OF GUYANA**

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*Guyana Shipping Act*

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[Subsidiary]                      *Guyana Shipping (Registration of Ships) Regulations*

Name of Master	Type of Ship	Construction material	
Name of owner of ship	Occupation of owner of ship	Address	If more than one owner, the proportions in which they are interested in the ship.
Remarks			
I, the undersigned Registrar of Guyana ships hereby certify that the above particulars are correct.  Dated at.....on the.....day of.....20.....  ..... <div style="display: flex; justify-content: space-between;"> <span>Signature</span> <span>Port of Registry</span> </div>			
<p><b>Note: A certificate of Registry is not a document of title. It does not necessarily contain notice of all changes of ownership and in no case does it contain an official record of any mortgages affecting the ship. In case of any change of ownership, it is important for the change to be registered. Should the vessel be lost, sold to foreigners or broken up, notice thereof, together with the Certificate of Registry, if in existence, should immediately be given to the Registrar of Guyana ships at the ship's a Port of Registry.</b></p>			
Official Number		Name of Ship	
Date	Full Name	Certificate of Competency (or Service) No.	Signature

\*Date on which the keel was laid or the ship was at a similar stage of construction (Article 2(6) of International Convention on Tonnage Measurement of Ships 1969, or the date on which the ship underwent alterations or modifications of a major character (Article 3(2)(b), as appropriate.

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

+An asterisk should be added to those spaces listed above which comprise both enclosed and excluded spaces.

Note: Where the Master of a Guyana ship is changed, each of the following persons:

- (a) a Registrar or Deputy Registrar of Guyana ships
- (b) a Guyana Consular Officer
- (c) a proper officer appointed by the Government of Guyana shall endorse and sign a memorandum of the change.

FORM 5

Paragraph 11 (a)

APPLICATION FOR REGISTRATION OF GOVERNMENT SHIP

(Commercial or Non-commercial purposes)



Guyana Maritime Authority

I.....hereby apply for registration of the ship below.

PARTICULARS OF SHIP

Type of ship	Overall length	Proposed ship's name
		1 <sup>st</sup> preference:
Ship to carry paying passengers?	Principal material of construction of hull	2 <sup>nd</sup> preference:
		3 <sup>rd</sup> preference:
Method of propulsion	Call sign of main radio station*	
IMO number*	Hull identification number*	Proposed home port

Previous Registration and Building Particulars

**A** Complete if the ship has been previously registered in Guyana or elsewhere

**B** Building Particulars

Year registered	Registered name of ship	Name of Builder
The register on which the ship was registered	Home port or port of registry	Place of Construction
Official number of ship	Builder's ident. of ship, or ship's name	

**LAWS OF GUYANA**

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*Guyana Shipping Act*

**[Subsidiary]**      *Guyana Shipping (Registration of Ships) Regulations*

*If you are unable to supply any information in Section A or B give reasons in the space below.*

--

**SIGNATURE**

Date

Place

--	--

Signature of Applicant

Signature of Witness

--	--

Name of Witness

--	--

Address of Witness

<p><b>The applicant for registration shall be made by the Permanent Secretary or the Head of the Department to whom the management of the ship is entrusted or by any other official nominated in that behalf by the Government or the Minister.</b></p>	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

The information indicated by \* is not required information for the purposes of the Guyana Shipping Act, Cap. 49:01.



Guyana Maritime Authority

**FORM NO. 6**  
Sub-Regulation 12(3)

**APPLICATION FOR THE REGISTRATION  
OF A SHIP UNDER CONSTRUCTION**

Temporary Name		Intended Port of Registry		How Propelled		
No. of Decks	No. of Masts	Stem	Stem	No. of Bulkheads		
Description of Construction			Type of Ship			
<b>ESTIMATED MEASUREMENTS</b>						
Length		Breadth		Depth		Gross Tonnage
Metres	Centimetres	Metres	Centimetres	Metres	Centimetres	

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

I, the undersigned.....  
(Full Name)  
Declare that it is proposed to have a ship built, the particulars of which are contained in the above description, for  
.....  
(Full Name of Owner) (Address)

By.....  
(Full Name of Builder)  
.....  
(Address)

and that it is intended to complete the said ship on or about the.....day of.....20....  
and to Register it at the Port of.....

Application is hereby made to have the ship registered as a ship under construction.  
Dated at.....on the.....day of.....20....

IN THE PRESENCE OF  
.....

*Signature*

.....  
Name (Please Print) Signature

.....  
Address

.....  
Title (Please Print)

**Note: If the owner is a Corporation, the application should be made on behalf of the Corporation by the officer authorised for the purpose and under the Seal of the Corporation.**

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[Subsidiary] Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM NO. 7  
Sub-Regulation 12 (7)  
MORTGAGE FOR A SHIP UNDER CONSTRUCTION

.....

<i>Steamship, Motor or Sailing</i>		<i>Temporary Name</i>				
*Record No.		Where Building			When Intended to be Launched	
Intended Port of Registry				Type of Ship		
ESTIMATED MEASUREMENT						
Length		Breadth		Depth		Gross Tonnage
Metres	Centimetres	Metres	Centimetres	Metres	Centimetres	
I/We (a)+.....of.....						
.....(hereinafter called the Mortgagor)						
In consideration of (b)+.....						
.....						
.....						
Now covenant with (c)+.....						
.....(hereinafter called the Mortgagee)						
To pay to the Mortgagee the sums for the time being due on this security, whether by way of principal or interest at the times and in the manner aforesaid. For the purpose of better securing to the Mortgagee the payment of such sums as last aforesaid, the Mortgagor hereby mortgages to the Mortgagee..... shares of which the Mortgagor is the owner in the ship above described, and						
<i>number</i>						
in its boats and appurtenances. Further, the Mortgagor covenants with he Mortgagee that the Mortgagor has power to mortgage in the manner aforesaid the above-mentioned shares, and that the same are free from encumbrances (d)+.....						
.....						



[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Dated at.....on the.....day of.....20.....

IN THE PRESENCE OF INDIVIDUAL

.....

**Signature** **Signature**

.....

Name (Please Print) CORPORATION

.....

Address Signature

.....

Per.....

*\*For Official Use* + See Notes

*Overleaf*

TRANSFER OF MORTGAGE

---

I/We.....(Mortgagee)

In consideration of.....

paid to me by.....

Full Name

.....

Address

.....

hereby transfer the benefits of the within-written security

Dated at.....on the.....day of.....20.....

IN THE PRESENCE OF INDIVIDUAL

.....

Signature

**Signature**

.....

Name (Please Print) CORPORATION

.....

Address Signature

.....

Per.....

DISCHARGE OF MORTGAGE

---

Received the sum of

.....

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Guyana Shipping Act

[Subsidiary] Guyana Shipping (Registration of Ships) Regulations

In discharge of the within-written security.

Dated at.....on the.....day of.....20.....

IN THE PRESENCE OF INDIVIDUAL

..... Signature

**Signature**

.....

Name (Please Print) CORPORATION

..... Signature

Address

..... Per.....

NOTES:

1. The expression "Mortgagor" and "Mortgagee" used in this document shall include their heirs, successors, assigns, executors, administrators or any other legal representative.
2. The prompt registration of a Mortgage Instrument at the Port of Registry of the ship is essential to the security of the mortgagee, (see section 59 of the Guyana Shipping Act, Cap. 49:01).
3. Registered mortgagees are reminded of the importance of keeping the Registrar of Guyana Ships informed of any change of residence on their part.
4. (a) Insert the name in full and address of each mortgagor.  
 (b) Describe the nature of the consideration by:
  - (i) entering the principal sum or stating that there is an account current or line of credit and refer to the collateral loan agreement and the date agreement was executed; or
  - (ii) entering the principal sum or stating that there is an account current or line of credit and give details of the interest and method of repayment.
- (c) Insert the name in full and address of each mortgagee.
- (d) If any subsisting encumbrances add "Save as appears by the registry of the said ship".

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM NO. 8

Sub-regulation 13 (1)

APPLICATION FOR REGISTRATION OR RE-REGISTRATION OF AN ABANDONED SHIP

I.....hereby apply for registration of the ship below.  
(Name and whether owner or agent)

**PARTICULARS OF SHIP**

Does owner desire to retain previous name?  Yes  No

If so, state previous name.....

Type of ship	Overall length	Proposed ship's name
		1 <sup>st</sup> preference:
Ship to carry paying passengers?	Principal material of construction	2 <sup>nd</sup> preference:
		3 <sup>rd</sup> preference:
Method of propulsion	Call sign of main radio station*	
IMO number*	Hull identification number*	Proposed home port

**Previous Registration and Building Particulars**

**A** Complete if the ship has been previously registered in Guyana or elsewhere

**B** Building Particulars

Year registered	Registered name of ship	Name of Builder
The register on which the ship was registered	Home port or port of registry	Place of Construction
Official number of ship	Builder's ident. of ship, or ship's name	

**LAWS OF GUYANA**

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*Guyana Shipping Act*

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[Subsidiary]                      *Guyana Shipping (Registration of Ships) Regulations*

*If you are unable to supply any information in Section A or B give reasons in the space below.*

SIGNATURE

Date	Place
Signature of Applicant	Signature of Witness
<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority  
To the Registrar of Guyana ships.

**FORM NO. 9**

Sub-Paragraph 14 (3)(a)(ii)

**APPLICATION FOR ENDORSEMENT OF MASTER  
ON REGISTRATION CERTIFICATE**

I.....hereby request the endorsement of the master's particulars stated below on the ship's Registration certificate.

OFFICIALNUMBER	SHIP'SNAME

**Particulars of Master**

Full Name	Residential Address

Date	Place
Signature of Owner or Registered Agent	Signature of Witness
<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness

LAWS OF GUYANA

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Guyana Shipping Act

[Subsidiary] Guyana Shipping (Registration of Ships) Regulations

NOTES:

1. Regulation 14 of the Shipping Registration regulations requires that a registered ship shall not depart from a Guyanese port to a place outside Guyana, or from a foreign port where there is a Guyanese representative to another foreign port, unless details of the master are endorsed on the Registration Certificate.
2. The endorsement may be made by the Registrar of Guyana ships or by a Guyanese diplomatic representative.
3. Where the master makes the request for endorsement, there is to be produced for noting documentary evidence of the appointment of the master.



FORM NO. 10

Sub-Regulation 15 (1)

APPLICATION FOR NEW REGISTRATION CERTIFICATE

Guyana Maritime Authority

To the Registrar of Guyana Ships

I.....hereby apply for the grant of a new Registration Certificate for the ship as describe below.

OFFICIALNUMBER	SHIP'SNAME	DATE BUILT	
Name of Master		Place Built	
Name of Owner	Occupation	Address	Proportion in which Owner(s) interested in ship

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Details as they appear in the tonnage certificate:

--

**REASON WHY A NEW REGISTRATION CERTIFICATE IS REQUIRED**

(If it is mislaid, lost or destroyed, describe the circumstances)

--

**SIGNATURE**

Date	Place
Signature of Registered Agent or Master (see below)	Signature of Witness
<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness
<p>Where the master makes the application, there is to be produced for noting documentary evidence of the appointment of the master.</p>	

LAWS OF GUYANA

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Guyana Shipping Act

[Subsidiary] Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM 11  
Sub-Regulation 16 (2)

PROVISIONAL CERTIFICATE OF REGISTRATION

Official Number	Name of Ship	Date Built

Name of Master	Place Built

Name of Owner	Occupation	Address	Proportion in which Owner(s) interested in Ship

Details as they appear in the tonnage certificate:

--

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Registrar of Guyana ships



[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

**FORM 12**  
Paragraph 19 (1) (a)

**APPLICATION FOR PROVISIONAL CERTIFICATE  
FOR SHIP ENTITLED TO BE REGISTERED WHEN ABROAD**

To the Registrar of Guyana Ships

I.....hereby apply for provisional registration of the ship below:  
(Name and whether owner or agent)

**PARTICULARS OF SHIP**

Existing Name of Ship (if any)	Overall length	Proposed ship's name
		1 <sup>st</sup> preference:
Proposed home port	Principal material of construction	2 <sup>nd</sup> preference:
Method of propulsion	Call sign of main radio station*	3 <sup>rd</sup> preference:
IMO number*	Hull identification number*	

**Previous Registration and Building Particulars**

**A** Complete if the ship has been previously registered in Guyana or elsewhere    **B** Building Particulars

Year registered	Registered name of ship	Name and Address of Builder
The register on which the ship was registered	Home port or port of registry	Place of Construction
Official number of ship	Year of Completion of ship	Builder's ident. of ship, or ship's name

**TECHNICAL CHARACTERISTICS OF SHIP**

Type of Ship (in terms of purpose)	Method of Propulsion

**LAWS OF GUYANA**

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**Cap. 49:01**

*Guyana Shipping Act*

**[Subsidiary]**

*Guyana Shipping (Registration of Ships) Regulations*

Number of Decks	Number of Bulkheads	Number of Masts	Stern	Stem	Build	Rigging
Principal Material of Construction of Hull		Length	Maximum Breadth		Power	Estimated Speed
If there is no Tonnage Certificate, give:						
The estimated Gross Tonnage of the Ship			The identity of the person by whom the estimate was made			

Name of Each Owner	Address of Each Owner	Extent of Interest in Ship

If the application is in respect of a ship, the registration of which under the Act, depends upon its being a ship on bareboat charter to a Guyana-based operator:

Name of Each Charterer	Address of Each Charter	Extent of Interest in Ship

Date of Acquisition	Manner of Acquisition

Name of Each Person for whom Ship was Acquired	Address of Each Person for whom Ship was Acquired	Description of Each Person for whom Ship was Acquired

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Give details of any application for registration of the ship, which has been lodged in accordance with Regulation 7.

--

In relation to each person authorised by the owner(s) to be Master of the Ship:

Name of Master	Address of Master

*If you are unable to supply any information in Section A or B give reasons in the space below.*

--

SIGNATURE

Date

Place

--	--

Signature of Applicant      Signature of Witness

<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	<p>Name of Witness</p>
	<p>Address of Witness</p>

The information indicated by \* is not required information for the purposes of the Guyana Shipping Act, Cap. 49:01

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Guyana Shipping Act

[Subsidiary] Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM 13 Regulation 20

APPLICATION FOR EXTENSION OF PERIOD OF CURRENCY OF PROVISIONAL CERTIFICATE

To the Registrar of Guyana Ships

I.....hereby apply for the grant of an extension of provisional certificate. (Name and whether owner or Master)

Table with 2 columns: OFFICIAL NUMBER, SHIP'S NAME

Table with 2 columns: Date of Issue of Provisional Certificate of Registration, Place of Issue of Provisional Certificate of Registration

Table with 2 columns: Name of Guyanese Port of Next Arrival, Date of Expected Arrival at Guyanese Port

Reason for making the Application

Large empty rectangular box for text entry.

SIGNATURE

Table with 2 columns: Date, Place

Signature of Owner or Master (see below)

Signature of Witness

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness
<p>Where the master makes the request for endorsement, there is to be produced for noting documentary evidence of the appointment of the master.</p>	



Guyana Maritime Authority

**FORM 14**  
Regulation 21 (1)

**APPLICATION FOR TEMPORARY PASS**

To the Registrar of Guyana Ships

I.....hereby apply for a temporary pass.  
(Name and whether builder, owner etc.)

**PARTICULARS OF SHIP**

Type of Ship (in terms of its purpose)	Year of completion of Ship	Overall Length
Builder's ident.of ship, or ship's name	Principal material of construction	Name of Builder
Method of Propulsion	Call sign of main radio station*	Address of Builder
IMO number*	Hull identification number*	Proposed home port
Port at which Voyage is to Commence	Port at which Voyage is to Conclude	Anticipated Duration of Voyage

Give reasons for seeking the grant of the pass

**LAWS OF GUYANA**

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*Guyana Shipping Act*

**[Subsidiary]**

*Guyana Shipping (Registration of Ships) Regulations*

--

If there is no Tonnage Certificate, give:

The estimated Gross Tonnage of the Ship	The identity of the person by whom the estimate was made
Name of Each Owner	Address of Each Owner

Name of Each Charterer	Address of Each Charterer

**SIGNATURE**

Date	Place
Signature of Applicant	Signature of Witness
If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.	Name of Witness
	Address of Witness
The information indicated by * is not required information for the purposes of the Guyana Shipping Act, Cap. 49:01	

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

**FORM 15**  
Sub-Regulation 21 (6)  
**TEMPORARY PASS**

I, the undersigned, Registrar of Guyana ships at the port of..... upon the application of..... hereby certify that pursuant to section 42 of the Guyana Shipping Act, Cap. 49:01 and Regulation 21 of the Shipping (Registration of Ships) Regulations, 2000, the Minister has directed that permission be granted the below-named ship a pass as indicated.

**PARTICULARS OF SHIP**

Type of Ship (in terms of its purpose)	Year of completion of Ship	Overall Length
Builder's ident. of ship, or ship's name	Principal material of construction	Name of Builder
Method of Propulsion	Call sign of main radio station*	Address of Builder
IMO number*	Hull identification number*	Proposed home port
Port at which Voyage is to Commence	Port at which Voyage is to Conclude	Duration of Voyage
Date of Commencement of Voyage	Date of Completion of Voyage	Gross Tonnage

Name of Each Owner	Address of Each Owner

Name of Each Charterer	Address of Each Charterer
------------------------	---------------------------

LAWS OF GUYANA

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Guyana Shipping Act

[Subsidiary] Guyana Shipping (Registration of Ships) Regulations

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SIGNATURE

Date

Place

--	--

Signature of Registrar

--



Guyana Maritime Authority

FORM 16  
Sub-Paragraph 22(3)(a)(i)

NOTICE OF CHANGE OF NAME, ADDRESS AND NATIONALITY OF OWNER, CHARTERER OR MORTGAGEE

To the Registrar of Guyana Ships

I.....hereby notify you of the following changed particulars as specified below.  
(Name and whether owner, agent etc.)

OFFICIAL NUMBER

SHIP'S NAME

--	--

CHANGED PARTICULARS

Present Name

Former name

--	--



[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

New Address

--

The address must be:  
 Residential address-for an individual;  
 Registered office address-for a company;  
 Principal place of business-for a statutory  
 body or a foreign company.

New Nationality

--

**SIGNATURE**

Date

Place

--	--

Signature of Owner/Charterer/Mortgagee

Signature of Witness

<p><b>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</b></p>	
	<p>Name of Witness</p>
	<p>Address of Witness</p>

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[Subsidiary] Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM 17

Sub-Regulation 24 (1)

APPLICATION FOR CHANGE OF NAME OF REGISTERED SHIP

To the Registrar of Guyana Ships

I.....hereby apply for a change of the name of the ship described below. (Name and whether owner, agent etc.)

OFFICIAL NUMBER	SHIP'S NAME

PROPOSED NAMES FOR THE SHIP (in order of preference)

1. 
2. 
3. 

SIGNATURE

Date

Place

--	--

Signature of owner or registered agent

Signature of Witness

<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Name of Witness

--

Address of Witness

--

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM 18

Paragraph 25(b)

NOTICE BY THE REGISTRAR AUTHORISING THE BEARING OF THE NATIONAL FLAG AT AN AREA OTHER THAN THE STERN

NOTICE IS HEREBY GIVEN that in accordance with regulation 25 of the Guyana Shipping (Registration of ships) Regulations approval has been granted to fly the National flag at/on the.....

PARTICULARS OF SHIP:

Official Number	Name of Ship	Date Built
Name of Master	Place Built	
Present Name (if any):	Former Names (if any):	
Former number (if previously registered):	Present whereabouts:	

Length: \_\_\_\_\_metres

Principal material of construction of hull:

[Empty box for principal material of construction of hull]

Type of Ship:

[Empty box for type of ship]

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

**LAWS OF GUYANA**

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*Guyana Shipping Act*

[Subsidiary]

*Guyana Shipping (Registration of Ships) Regulations*

Registrar of Guyana Ships



Guyana Maritime  
Authority

**FORM 19**

Sub-Regulation 26(1)

**NOTICE OF ALTERATION TO SHIP**

To the Registrar of Guyana Ships

I/We.....hereby give notice of an alteration to the ship named below.  
This notice is accompanied by:

**SHIP**

Official Number of Ship

Name of Ship

--	--

**NATURE OF ALTERATION:**

Brief description of the alteration

--

SIGNATURE

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Date	Place
Signature of Owner or Registered Agent	Signature of Witness
<p>If the registered agent is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness



Guyana Maritime Authority

FORM 20

Sub-Regulation 27 (3)

APPLICATION FOR CHANGE OF HOME PORT

To the Registrar of Guyana Ships

I.....hereby apply for approval to change the home port of the ship described below.  
(Name and whether owner, agent etc.)

<b>OFFICIAL NUMBER</b>	<b>SHIP'S NAME</b>

**HOME PORT**

Present Home Port

--

Proposed Home Port

--

The presently approved home ports are:

**LAWS OF GUYANA**

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*Guyana Shipping Act*

**[Subsidiary]**      *Guyana Shipping (Registration of Ships) Regulations*

**SIGNATURE**

Date

Place

--	--

Signature of Owner or Registered Agent

Signature of Witness

--	--

Name of Witness

Address of Witness

If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.



Guyana Maritime Authority

**FORM 21**

Sub-Regulation 28 (1)

**BILL OF SALE**

To the Registrar of Guyana Ships

I, .....the registered owner and seller, hereby acknowledge the transfer of shares in the ship described below to the buyer for the amount shown. Further, for myself and my successors I covenant with the buyer and his/her/their assigns that I have power to transfer the shares and declare that the shares are mortgaged as shown.

**OFFICIAL NUMBER**

**SHIP'S NAME**

--	--

**REGISTERED MORTGAGES**

**LAWS OF GUYANA**

*Guyana Shipping Act*

**Cap. 49:01**

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[Subsidiary]

*Guyana Shipping (Registration of Ships) Regulations*

Description of Ship as contained in the certificate of Survey

**PARTICULARS OF SALE**

Seller's Full Name and Address

Buyer's Full Name and Address

--	--

Amount paid; or consideration

Number of shares transferred

--	--

**SIGNATURE**

Date

Place

Signature of Seller	Signature of Witness 1	Signature of Witness 2
	Name of Witness 1	Name of Witness 2
	Address of Witness	Address of Witness 2

**LAWS OF GUYANA**

404      **Cap. 49:01**

*Guyana Shipping Act*

**[Subsidiary]**      *Guyana Shipping (Registration of Ships) Regulations*

<p>If the seller is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>		
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Guyana Maritime  
Authority

**FORM 22**

Paragraph 28 (2) (a)

**DECLARATION OF TRANSFER**

Name of Ship	Official Number	Date of Bill of Sale

Name of transferee	Ground for claim of citizenship	Statement of the qualification of the transferee to own a Guyana ship, or if the transferee is a body corporate, of the circumstances of its constitution and business as proof of its qualification to own a Guyana ship	Extent of interest

I.....hereby declare that to the best of my knowledge and belief, no unqualified person or body of persons is entitled to any legal or beneficial interest in the ship or any share therein.

Date	Place



[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Signature of Applicant	Signature of Witness
<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness

1. Declarations shall be made before a Justice of the Peace, or a Commissioner for Oaths, or a Consular Officer or before any person authorised by law to administer oaths.
2. Declarations may be made on behalf of a corporation by an officer of the corporation authorised by it for the purpose. Such authorization may be evidenced by the affixing of the Seal of the corporation to this declaration or a document in writing executed by the corporation under its Seal in which the declarant is authorised to sign on its behalf.



Guyana Maritime Authority

**FORM 23**

Sub-Regulation 28 (3)

**NOTICE OF CHANGE OF NAME AND ADDRESS OF REGISTERED AGENT**

Registrar of Guyana Ships

I hereby notify you of the particulars of the registered agent as specified below

<b>OFFICIAL NUMBER</b>	<b>SHIP'S NAME</b>

**PARTICULARS OF THE REGISTERED AGENT**

<b>Present Name</b>	<b>Former Name</b>
<b>New Address</b>	<b>Former Address</b>

LAWS OF GUYANA

406 Cap. 49:01

Guyana Shipping Act

[Subsidiary] Guyana Shipping (Registration of Ships) Regulations

<p>The address must be:                  Residential address-for an individual;                  Registered office address-for a company;                  Principal place of business-for a statutory body or a foreign company</p>	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

SIGNATURE

Date	Place

Signature of Registered Agent	Signature of Witness
<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness



Guyana Maritime Authority

FORM 24(a)  
Regulation 29

APPLICATION FOR SALE OF SHIP  
AT PLACE OUTSIDE OF GUYANA

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

To the Registrar of Guyana Ships  I, .....hereby declare that I am desirous of disposing of a ship by (Name and capacity)  way of sale at a place out of Guyana.			
Name of Ship	Official Number		
Name of person by whom power of sale to be exercised	Address of person by whom power of sale to be exercised	Minimum price at which sale to be made	
Place where power to be exercised		Date by which power of sale must be exercised	
Where no place for exercise of power is specified.  I.....hereby declare that the power may be exercised anywhere, subject to this Act.			

Date	Place

Signature of Owner etc.	Signature of Witness
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If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.	
	Name of Witness
	Address of Witness

1. Declarations shall be made before a Justice of the Peace, or a Commissioner for Oaths, or a Consular Officer or before any person authorised by law to administer oaths.
2. Declarations may be made on behalf of a corporation by an officer of the corporation authorised by it for the purpose. Such authorization may be evidenced by the affixing of the Seal of the corporation to this declaration or a document in writing executed by the corporation under its Seal in which the declarant is authorised to sign on its behalf.

**LAWS OF GUYANA**

408      **Cap. 49:01**

*Guyana Shipping Act*

[Subsidiary]

*Guyana Shipping (Registration of Ships) Regulations*



Guyana Maritime  
Authority

**FORM 24(b)**

Regulation 29

**APPLICATION FOR MORTGAGE OF SHIP  
AT PLACE OUTSIDE OF GUYANA**

To the Registrar of Guyana Ships

I, .....hereby declare that I am desirous of disposing of a ship by way of mortgage at a place out of Guyana.

Name of Ship	Official Number		
Name of person by whom power of mortgage to be exercised	Address of person by whom power of mortgage to be exercised	Maximum amount of mortgage	
Place where power to be exercised		Date by which power of mortgage must be exercised	
Where no place for exercise of power is specified.			
I.....hereby declare that the power may be exercised anywhere, subject to this Act.			

Date	Place

Signature of Owner etc.	Signature of Witness
	Name of Witness

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	<p>Address of Witness</p>
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1. Declarations shall be made before a Justice of the Peace, or a Commissioner for Oaths, or a Consular Officer or before any person authorised by law to administer oaths.
2. Declarations may be made on behalf of a corporation by an officer of the corporation authorised by it for the purpose. Such authorization may be evidenced by the affixing of the Seal of the corporation to this declaration or a document in writing executed by the corporation under its Seal in which the declarant is authorised to sign on its behalf.



Guyana Maritime Authority

FORM 25  
Regulation 30

CERTIFICATE OF SALE

Name of Ship	Official Number		
Name of person by whom power of sale to be exercised		Address of person by whom power of sale to be exercised	Minimum price at which sale to be made
Place where power to be exercised		Date by which power of sale must be exercised	

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Registrar of Guyana Ships

LAWS OF GUYANA

410 Cap. 49:01

Guyana Shipping Act

[Subsidiary] Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM 26  
Regulation 31

CERTIFICATE OF MORTGAGE

Name of Ship	Official Number		
Name of person by whom power of mortgage to be exercised	Address of person by whom power of mortgage to be exercised	Maximum amount of mortgage	
Place where power to be exercised	Date by which power of mortgage must be exercised		

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_

\_\_\_\_\_

Registrar of Guyana Ships

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime Authority

FORM 27  
Regulation 32

MORTGAGE FOR A SHIP

*Record No.			
Official Number	Name of Ship	No.	Year Port of Registry
Intended Port of Registry		Type of Ship	

ESTIMATED MEASUREMENT						
Length		Breadth		Depth		Gross Tonnage
Metres	Centimetres	Metres	Centimetres	Metres	Centimetres	
I/We (a)+..... ..... .....(hereinafter called the Mortgagor)						
In consideration of (b)+..... ..... .....						
Now covenant with (c)+..... .....(hereinafter called the Mortgagee)						
To pay to the Mortgagee the sums for the time being due on this security, whether by way of principal or interest at the times and in the manner aforesaid. For the purpose of better securing to the Mortgagee the payment of such sums as last aforesaid, the Mortgagor hereby mortgages to the Mortgagee..... shares of which the Mortgagor is the owner in the ship above described, and <i>number</i> in its boats and appurtenances. Further, the Mortgagor covenants with he Mortgagee that the Mortgagor has power to mortgage in the manner aforesaid the above-mentioned shares, and that the same are free from encumbrances (d)+..... .....						
Dated at.....on the.....day of.....20.....						

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*Guyana Shipping Act*

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*Guyana Shipping (Registration of Ships) Regulations*

IN THE PRESENCE OF  ..... <b>Signature</b>  ..... <i>Name (Please Print)</i>  ..... <i>Address</i>  ..... *For Official Use	INDIVIDUAL  ..... <i>Signature</i>  ..... CORPORATION  ..... Signature  ..... Per.....  + See Notes
-----------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------

TRANSFER OF MORTGAGE	
I/We.....(Mortgagee)	
In consideration of.....	
paid to me by.....	
(Full Name)	
.....	
(Address)	
hereby transfer the benefits of the within-written security	
Dated at.....on the.....day of.....20.....	
IN THE PRESENCE OF  ..... <b>Signature</b>  ..... <i>Name (Please Print)</i>  ..... <i>Address</i>  ..... Per.....	INDIVIDUAL  ..... Signature  ..... CORPORATION  ..... Signature  ..... Per.....
DISCHARGE OF MORTGAGE	
Received the sum of	
.....	
In discharge of the within-written security.	



[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Dated at.....on the.....day of.....20.....	
IN THE PRESENCE OF  .....  <i>Signature</i>  ..... Name (Please Print)	INDIVIDUAL  .....  Signature  ..... CORPORATION  ..... Address  ..... Signature  ..... Per.....

NOTES:

1. The expression "Mortgagor" and "Mortgagee" used in this document shall include their heirs, successors, assigns, executors, administrators or any other legal representative.
2. The prompt registration of a Mortgage Instrument at the Port of Registry of the ship is essential to the security of the mortgagee, (see section 59 of the Guyana Shipping Act, Cap. 49:01).
3. Registered mortgagees are reminded of the importance of keeping the Registrar of Guyana Ships informed of any change of residence on their part.
4. (a) Insert the name in full and address of each mortgagor.  
 (b) Describe the nature of the consideration by:
  - (i) entering the principal sum or stating that there is an account current or line of credit and refer to the collateral loan agreement and the date agreement was executed; or
  - (ii) entering the principal sum or stating that there is an account current or line for credit and give details of the interest and method of repayment.
- (c) Insert the name in full and address of each mortgagee.
- (d) If any subsisting encumbrances add "Save as appears by the registry of the said ship".

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Guyana Maritime Authority

FORM 28  
Sub-Paragraph 34(1)(a)(i)

APPLICATION FOR TRANSFER OF  
REGISTRATION FROM A FOREIGN PORT OF REGISTRY

To the Registrar of Guyana Ships

I.....hereby apply for a transfer of registration from a foreign port.  
(Owner)

Type of ship	Overall length	Proposed ship's name
		1 <sup>st</sup> preference:
Ship to carry paying passengers?	Principal material of construction of hull	2 <sup>nd</sup> preference:
		3 <sup>rd</sup> preference:
Method of propulsion	Call sign of main radio station*	

IMO number*	Hull identification number*	Proposed home port

**Previous Registration and Building Particulars**

**A** Complete if the ship has been previously registered in Guyana or elsewhere

**B** Building Particulars

Year registered	Registered name of ship	Name of Builder

The register on which the ship was registered      Home port or port of registry      Place of Construction

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Official number of ship      Builder's ident. of ship, or ship's name

--	--

SIGNATURE

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

Date	Place
Signature of Applicant	Signature of Witness
<p>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</p>	
	Name of Witness
	Address of Witness
<p>The information indicated by * is not required information for the purposes of the Guyana Shipping Act, Cap. 49:01</p>	



Guyana Maritime Authority

FORM 29  
Sub-Regulation 41(1)

CAVEAT

Registrar of Guyana Ships

<p>Take notice that, <i>(full name of caveator in block letters)</i></p> <p>of <i>(address of caveator in block letters)</i></p> <p>claiming the interest described below in <i>(Description sufficient to identify the ship and, where appropriate, the share in the ship in which the caveator claims the interest)</i></p> <p>the official number of which ship is</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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forbids the entry in the Register of any instrument relating to any dealing with the said ship or share.

The interest claimed in the said ship or share is *(Description sufficient to identify interest claimed by caveator)*

The address at which notice relating to this caveat or to which proceedings in respect of this caveator may be served is *(Specify address within Guyana)*

Address as changed *(specify address within Guyana):*

Dated at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Signed by

*(Full name of caveator, attorney-at-law or agent)*

*(If signed by attorney-at-law or agent, statement to that effect)*

*(Office address of attorney-at-law or residential address of agent)* *(Signature)*

in presence  
of

*(Legible statement of Name and Address of Witness)* *(Signature)*

[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations



Guyana Maritime  
Authority

Registrar of Guyana Ships

**FORM 30**  
Sub-Regulation 41(2)  
**NOTICE OF CHANGE OF NAME OF  
CAVEATOR OR OF ADDRESS FOR SERVICE**

I, *(full name of person giving notice)*

of *(address)*

Being a person entitled pursuant to sub-regulation 36 (6) of the Guyana Shipping (Registration of Ships) Regulations, Cap. 49:01 to withdraw the caveat entered in the Register on *(date)*

in respect of the ship *(name and official number of ship)*

give notice as follows:

Name of caveator as specified in caveat:

Name as changed:

The address for service of notices as specified in Caveat:

Address as changed *(specify address within Guyana)*:

Date of change:

Dated at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signed by

*(Full name of caveator, solicitor or agent)*

*(If signed by solicitor or agent, statement to that effect)*

*(Office address of solicitor or residential address of agent)*

*(Signature)*

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*Guyana Shipping Act*

**[Subsidiary]** *Guyana Shipping (Registration of Ships) Regulations*

in presence of  <i>(Legible statement of Name and Address of Witness)</i>	   <i>(Signature)</i>
------------------------------------------------------------------------------------	--------------------------------



Guyana Maritime  
Authority

To the Registrar of Guyana Ships

**FORM 31**  
Sub-Regulation 43(2)

**APPLICATION FOR EXTENSION OF TIME  
FOR THE LODGEMENT OF DOCUMENTS**

I.....hereby apply for an extension of the time for the lodgement of the following document.

OFFICIAL NUMBER	SHIP'S NAME

Document(s) to be Submitted

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**REASON WHY AN EXTENSION OF TIME IS BEING SOUGHT:**  
(If document was mislaid, lost or destroyed, describe the circumstances)

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[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

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**SIGNATURE**

Date	Place
Signature of Registered Agent or Master (see below)	Signature of Witness
<p><b>If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.</b></p>	
	Name of Witness
	Address of Witness
<p>Where the master makes the application, there is to be produced for noting documentary evidence of the appointment of the master.</p>	

\_\_\_\_\_

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[Subsidiary]

Guyana Shipping (Registration of Ships) Regulations

SCHEDULE 3

<b>N.B. All fees are stated in United States dollars and shall be payable at the rate of exchange pertaining at the Bank of Guyana for the sale of foreign currency by the Bank as at the date of payment.</b>			
		<b>MATTER</b>	<b>FEE</b>
1.		The following fees apply:-	
	(a)	Application for registration: Forms 1 & 5 – regulation 7 (1) d & 11	
		Where the ship to be registered is -	
		(i) not exceeding 500 gross tons	\$500
		(ii) exceeding 500 gross tons but not exceeding 1,000 gross tons	\$700
		(iii) exceeding 1,000 gross tons but not exceeding 1,500 gross tons	\$900
		(iv) exceeding 1,500 gross tons but not exceeding 2,000 gross tons	\$1,100
		(v) exceeding 2,000 gross tons but not exceeding 2,500 gross tons	\$1,300
		(vi) exceeding 2,500 gross tons but not exceeding 3,000 gross tons	\$1,500
		(vii) exceeding 3,000 gross tons but not exceeding 3,500 gross tons	\$1,700
		(viii) exceeding 3,500 gross tons but not exceeding 4,000 gross tons	\$1,900
		(ix) exceeding 4,000 gross tons but not exceeding 4,500 gross tons	\$2,100
		(x) exceeding 4,500 gross tons but not exceeding 5,000 gross tons	\$2,300
		(xi) exceeding 5,000 gross tons	\$0.60 per gross ton
		<b>N.B. On registration of a Guyanese ship in any year and before the 1<sup>st</sup> January of each subsequent year an annual fee of \$0.35 per gross registered ton shall be paid to the Registrar.</b>	
	(b)	Application for registration of ship under construction: Form 6 – sub-regulation 12(3)	\$250
	(c)	Application for registration or re-registration of abandoned ship: Form 8 – sub-regulation 13(3)	\$500
	(d)	Endorsement of particulars of Master: Form 9 – sub-regulation 14(3)(a)(iii)	\$50
	(e)	Application for new certificate of registration: Form 10 – sub-regulation 16(1)(e)	\$100
	(f)	Application for provisional certificate of registration at foreign port where certificate lost, destroyed or lodged: Form 11 – sub-regulation 16(3)(c)	\$150
	(g)	Application for provisional certificate where vessel becomes entitled to be registered: Form 12 – sub-regulation 19(1)(c)	\$500
	(h)	Application for extension of provisional registration: Form 13 – sub-regulation 20(d)	\$100



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	(i)	Application for temporary pass: Form 14 – sub-regulation 21(10)	\$300
	(j)	Application for change of name: Form 17 – sub-regulation 24(3)	\$100
	(k)	For issue of notice of flag position where ship has no stern: Form 18 – paragraph 25(b)	\$25
	(l)	Registration of Alterations: Form 19 – sub-regulation 26(1)	\$25
	(m)	Application for change of home port: Form 20 – sub-regulation 27(7)	\$50
	(n)	Registration of transfer of ownership: Forms 21 & 22 – regulation 28	\$200
	(o)	Application for sale or mortgage of ship, or share outside of Guyana: Forms 24 (a)& (b) – regulation 29	\$150
	(p)	Recording of mortgage: Form 27 – regulation 32	\$500
	(q)	Recording of transfer of mortgage: Form 27 – regulation 33	\$150
	(r)	Application for registration of ship under foreign certificate of sale: Form 28 – sub-regulation 34 (1)(a)(v)	\$300
	(s)	Lodging caveat: Form 29 – sub-regulation 36(8)	\$200
	(t)	Lodging notice of withdrawal of caveat: Form 30 – sub-regulation 36(4)	\$50
	(u)	Application for extension of time for lodgement of document: Form 31 – sub-regulation 43(2)(d)	\$50
2.		Inspector of Register in relation to a registered ship.	\$10
3.		Search by staff of any Register for each period of 15 minutes or part of such period.	\$1
4.		Supply of certified extract of Register entry or document forming part of or associated with Register.	\$15
5.		Supply of certified copy of Register entry.	\$15
6.		Supply of certified copy of documents forming part of or associated with the Register – For each page thereof	\$10
7.		Supply of certified copy of Register entry by facsimile	\$35
8.		Supply of certified copy of Register entry by facsimile and by post	\$50
9.		Endorsement of change of master	\$100
10.		Issue of a claim for payment of a fee or fees specified in this Schedule	\$100
11.		For any certificate required to be issued under these regulations:	\$50
12.		Any application required to be made under these regulations not specifically provided for herein:	\$50
13.		Any entry on the Register not specifically provided for herein:	\$50
14.		Issuing any document not specifically provided for herein:	\$50
15.		Any endorsement, whether in any document or in the Register not specifically provided for herein:	\$50

**GUYANA SHIPPING (LICENSING OF SHIPS) REGULATIONS**

*made under sections 51, 452 and 458*

**ARRANGEMENT OF REGULATIONS**

REGULATION

**PART I  
GENERAL**

1. Citation.
2. Interpretation and application.

**PART II  
LICENSING AND RECORDS**

3. Licences and voyage permits.
4. Application for licence.
5. Vessels fitted with mechanical means of propulsion, etc.
6. Licensee required to notify the Registrar of any change of address of the owner or his agent and any cessation of agency.
7. Service of documents.
8. Obligation to obtain licence.
9. Display of licence numbers, carving and marking.
10. Discretion to issue, suspend, cancel or amend licence or permit.
11. Licence to be kept on board and produced.
12. Issue of duplicate licence if destroyed, etc.
13. Penalty for fraudulent use.
14. Issue of licence.
15. International radio call sign.
16. Licensing of Government vessels.
17. Re-licensing of abandoned ships.

## REGULATION

**PART III  
TRANSFER AND MORTGAGE**

18. Change of ownership.
19. Termination of requirement for licensing.
20. Bill of sale.
21. Recording of sale transaction.
22. Mortgage of vessel or share therein.
23. Priority of mortgages.
24. Discharged of mortgages.
25. Registration of mortgages executed and discharged by companies.

**PART IV  
DISCIPLINE AND SAFETY MEASURES**

26. Number of persons vessel permitted to carry.
27. Carriage of passengers in mechanically propelled vessels.
28. Life saving appliances for passenger carrying vessels.
29. Passenger-carrying vessels to be kept clean.
30. Navigation or signal lights.
31. Vessels to be properly manned and equipped.
32. No vessel to be used for unlawful purposes.
33. Steamships not to be approached.
34. Prohibition of false bottoms.
35. Prohibition of dangerous goods.
36. No use of drags without permission.
37. Vessels not to be used for towing.

**PART V  
LOCAL CERTIFICATES OF COMPETENCY**

38. Vessels required to carry certificated masters and engineers.
39. Issue of local certificates of competency.

REGULATION

40. Loss, etc., of local certificates of competency.

**PART VI  
CAVEATS**

41. Caveat may be lodged forbidding registration of certain instruments.
42. Notice of caveat.
43. When caveat to lapse.
44. No dealing to be registered while caveat in force.
45. Compensation for lodging caveat without reasonable cause.
46. Form of Caveat and Notice.

**PART VII  
MISCELLANEOUS**

47. Registration of alternations.
48. Change of name of Company.
49. Inspection of Register, etc.
50. Fees.
51. Penalties.
52. Regulations subject to other law.

FIRST SCHEDULE – PRESCRIBED FORMS

SECOND SCHEDULE – FEES

**PART I  
GENERAL**

Citation.                    1. These Regulations may be cited as the Guyana Shipping (Licensing of Ships) Regulations.

Interpretation.            2. (1) In these Regulations, unless the context

[Subsidiary]

*Guyana Shipping (Licensing of Ships) Regulations*

otherwise requires –

c. 49:01

“Act” means the Guyana Shipping Act;

“commercial vessel” means a vessel which is not a pleasure or fishing vessel;

“fishing vessel” means a vessel used or intended to be used for catching fish for gain;

“length” means length as defined in the Guyana Shipping (Tonnage) Regulations;

“Minister” means the Minister to whom the responsibility for shipping is assigned;

“passenger vessel” means a ship which is constructed for, or which is habitually or on any particular occasion used for carrying more than twelve (12) passengers;

“pleasure vessel” means –

(a) any vessel which at the time it is being used is –

(i)

(aa) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

- (bb) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
  - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the

[Subsidiary]

*Guyana Shipping (Licensing of Ships) Regulations*

general use of the club; and

- (c) in the case of any vessel referred to in paragraphs (a) or (b) no other payments are made by or on behalf of users of the vessel, other than by the owner;

“Registrar” means the registrar of ships are provided for in section 4 (2) (b) of the Act;

“surveyor” means a person appointed as such pursuant to subsection 35 (1) of the Act;

“vessel” means a ship to which section 49 and 50 of the Act and sub-regulation (2) apply.

(2) These Regulations apply to every vessel under 24 metres in length and shall include vessels plying as mechanically propelled vessels, sailing vessels, cargo boats or water boats, vessels used as fish drying vessels and vessels used, constructed or adapted principally for dwelling purposes, that tend to remain stationary in any part of the waters of Guyana, miscellaneous types, such as pilot boats, trading boats, fishing boats, hawker boats, pleasure boats hired from beaches, jet propelled boats, jet skis, jet bikes, salvage boats, floating dry docks and floating workshops that tend to remain stationary in the waters of Guyana, floating restaurants, kitchen boats, fish carriers, storage barges, separation barges, landing pontoons or other vessels that tend to remain stationary and are ancillary thereto and other vessels which do not fall clearly within any other category for registration purposes.

(3) A reference in these Regulations to a form by number shall be read as a reference to the form so numbered in the First Schedule.

(4) A reference in these Regulations or any other subsidiary legislation made under the Act, to the Guyana Maritime Authority, shall be deemed to be a reference to the Maritime Administration Department within the meaning of the Act.

## PART II LICENSING AND RECORDS

Licences and  
voyage permits.

3. (1) (a) Every person to whom section 15 of the Act applies shall in respect of any vessel owned by him apply to the Registrar to have such vessel licensed and the Registrar is hereby authorised to issue a licence under these regulations to enable the grant of the recognition and rights to such vessel in accordance with section 12 (6) of the Act.
- (b) Every licence shall be in accordance with Form 1 and shall be subject to such conditions as the Registrar may think fit and such conditions shall be specified in the respective licences.

(2) Every licence issued pursuant to an application under regulations 4(6) or 16(a) shall be issued for a period not exceeding 12 months on payment of the appropriate prescribed fee.

(3) All licences, on expiry, shall be surrendered to the Registrar.

(4) The Registrar, at his discretion, may, on



[Subsidiary]

*Guyana Shipping (Licensing of Ships) Regulations*

application and upon payment of the prescribed fee, issue to the owner or master of any vessel-

- (a) which has entered any port of Guyana and to which no licence can be issued, an anchorage permit allowing the vessel to remain in the waters of Guyana for any one period not exceeding 7 days; or
- (b) a voyage permit allowing the vessel to proceed on a single voyage from Guyana to a specified port for a specified purpose.

(5) The Registrar shall maintain a register of all Vessels licensed under this regulation which shall be called and referred to as the "Register of Licensed Vessels" or the "Register" in these regulations, and shall keep the Register in accordance with the provisions of sub-section 21 (2) of the Act.

(6) On the expiry of any license, the person in whose name the licence has been issued shall apply for renewal of such licence.

Application for licence.

4. (1) In every application for the issue of a licence under regulation 3 the applicant shall declare in writing –

- (a) the name and address of the owner (or owners) of the vessel in respect of which the application is made; or
- (b) if the owner (or owners) of the vessel is not resident in, or has no address in Guyana, the name and address of a person, resident in and having an address in Guyana, who has agreed to act as the agent of the owner for the

purposes of these regulations.

(2) An applicant who is acting as agent for the owner of the vessel shall furnish to the Registrar a written agreement signed by the owner authorising him to apply for the licence and to comply with all requirements connected therewith.

(3) If the applicant declares the names and address of some other person as the agent of the owner of the vessel he shall furnish to the Registrar an agreement in writing signed by the owner authorising such person to act as his agent for the purposes of these regulations and by such other person agreeing to act as the agent of the owner.

(4) The Registrar shall cause the name and address of the owner of the vessel and the name and address of the agent (if any) of the owner as declared under this regulation –

- (a) to be endorsed on the licence issued under regulation 3 in respect of the vessel; and
- (b) to be noted in the register maintained by him under regulation 3 (5).

(5) The Registrar may refuse to issue a licence under regulation 3 if he is satisfied that an applicant has not complied with paragraph (1), (2) or (3).

(6) The application for a Licence and for the renewal thereof, shall be in accordance with Form 2, and shall be accompanied by the following –

- (a) The Declaration of Ownership made before the Registrar, a Justice of the Peace, a Commissioner of Affidavits,

or a Guyana Consular Officer in accordance with Form 3;

- (b) the Builder's Certificate (if any) in accordance with Form 4, that is to say, a certificate signed by the builder of the ship and containing a true account of the main dimensions and tonnage of the vessel as determined by him, the time when and the place where the vessel was built and the name of the person, if any, on whose account the ship was built;
- (c) where the vessel has been purchased, the Bill of Sale;
- (d) any other proof of ownership required by the Registrar, and
- (e) the prescribed fee payable under regulation 3 (2).

(7) Where the Registrar is satisfied as to the evidence of ownership he shall cause the vessel to be measured by a surveyor of ships to ascertain its dimensions and tonnage, in accordance with the Guyana Shipping (Tonnage) Regulations, and thereafter the surveyor shall submit to the Registrar a Certificate of Survey in respect of the ship. The applicant for a licence or renewal thereof shall pay the prescribed fee for the Certificate referred to herein.

(8) On the licensing of a ship the Registrar shall retain in his possession those documents mentioned and described in section 22 of the Act, so far as same may be required under these regulations.

(9) Where the application under paragraph (6) is

for a renewal of the licence the applicant shall be exempted from providing the documents referred to in that paragraph.

Vessels fitted with mechanical means of propulsion, etc.

5. (1) The owner of every vessel fitted with mechanical means of propulsion or other prime mover not connected with propulsion, applying for a licence or renewal thereof, shall produce to the Registrar a certificate of inspection from a surveyor in accordance with Form 5 and certifying that –

- (a) an inspection of the complete machinery installation and the arrangements of fuel storage and piping in connection therewith has been made; and
- (b) the equipment for extinguishing fires has been examined and found satisfactory or that, having regard to the primitive build and the service in which the vessel is to be engaged, there does not appear to be an undue risk of fire or explosion.

(2) The following particulars shall be entered by the Surveyor in the certificate of inspection –

- (a) the type of engines;
- (b) the number of engines and their total horsepower;
- (c) the maker's engine numbers;
- (d) the number of propellers;
- (e) the number of fuel tanks and their

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aggregate capacity;

- (f) the number and type of fire appliances provided;
- (g) the number and type of life-saving appliances provided;
- (h) the number of crew and number of passengers allowed.

(3) The machinery space of every vessel fitted with mechanical means of propulsion shall, where considered necessary, be bounded at both ends by efficient bulkheads.

(4) The owner of every vessel fitted with a steam boiler, pressure unit, mechanical or electrical appliance, whether for propulsion, pumping, working cargo or any other purpose, on applying for a licence or renewal thereof, shall produce to the Registrar a certificate from a surveyor certifying that the boiler, pressure unit, mechanical or electrical appliance is fit for the service intended.

(5) The applicant for a licence or renewal thereof under regulation 4 shall pay the prescribed fee for the certificate referred to in regulation 5(1).

Licensee required to notify the Registrar of any change of address of the owner or his agent and any cessation of agency.

**6. (1) If –**

- (a) the owner of a vessel licensed under regulation 3 or his agent as declared under regulation 4 (if any) ceases to reside in, or have an address in, Guyana, or
- (b) the agent as declared under regulation 4 (if any) of the owner ceases to act as the agent of the owner,

the licensee shall notify the Registrar thereof in writing and shall deliver the licence to the Registrar.

(2) The time within which a licensee shall comply with paragraph (1) shall be, 72 hours, after –

- (i) the owner of the vessel or his declared agent has ceased to reside in, or to have an address in, Guyana, or
- (ii) the declared agent has ceased to act as the agent of the owner,

as the case may be.

(3) If the licensee is the agent of the owner of the vessel he shall, when giving notification to the Registrar of the particulars specified in paragraph (1) of this regulation, comply with the requirements specified in paragraphs (1), (2) and (3) of regulation 4 as if he were an applicant applying for the issue of a licence under regulations 3.

(4) On receipt of a notification under this regulation the Registrar shall cause free of any charge the change of address of the owner of the vessel or his declared agent or the name and address of the new agent, if any, of the owner, as the case may be, to be –

- (a) endorsed on the licence; and
- (b) noted in the register maintained by him under regulation 3 (5).

(5) Any licensee who contravenes paragraph (1), (2) or (3) shall be guilty of an offence and shall be liable on

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conviction to a fine not exceeding one hundred thousand dollars.

(6) The Registrar may suspend, cancel or refuse to renew any licence issued under regulation 3 if he is satisfied that a licensee has not complied with paragraph (1), (2) or (3).

Service of  
documents.

7. (1) Subject to the Act and these Regulations, a notice or other document that is required or permitted by the Act or these Regulations to be given to, or served upon, a person by the Registrar may be so given or served by delivering it, or sending it by properly pre-paid post or by telegram or facsimile transmission, to the person at the address that is last-known to the Registrar as the address of that person.

(2) Where for the purposes of these regulations any document is served or to be served on any person, that document may be served –

- (a) by delivering a copy thereof personally to the person to be served, or by leaving such copy at his last known place of abode or by transmitting or sending by pre-paid post or by telegram or facsimile to his last known place of abode;
- (b) if the document is to be served on the master of a ship where there is a master, or on a person belonging to a ship, by leaving such documents for him on board that ship with the person being or appearing to be in command or charge of the ship; and
- (c) if the document is to be served on the master of a ship, and there is no

master and the ship is in Guyana, on the managing owner of the ship or, if there is no managing owner in Guyana, on the agent of the owner residing in Guyana or where no such agent is known or can be found, by affixing a copy thereof in some conspicuous place in the ship.

(3) Service of a notice or other document that is sent to a person by telegram in pursuance of sub-regulation (1) shall be deemed, unless the contrary is proved, to have been effected at the time at which the telegram would be received in the ordinary course of transmission.

Obligation to obtain licence.

8. (1) No person shall possess, use, engage or let out for hire any vessel in the waters of Guyana unless a licence, an anchorage permit or a voyage permit in respect of such vessel has been issued by the Registrar under these regulations.

(2) No vessel shall go on a voyage without a licence or voyage permit issued by the Registrar under these regulations.

Display of licence numbers carving and making.

9. (1) Every licence shall have a licence number which said number shall serve as the Identity Mark for the licensed vessel.

(2) The Registrar shall upon completion of all requirements for licensing allot to the vessel an identity mark.

(3) Where in respect of a vessel an identity mark has been allocated, the Registrar shall issue a Carving and Marking Note which shall be returned to the Registrar after the carving and marking as indicated in the Note has been carried out in accordance with sub-regulation (4) and certified



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by a surveyor.

(4)

- (a) Every ship shall, prior to being licensed, be marked permanently and conspicuously to the satisfaction of the Registrar in the manner provided herein –
- (i) the identity mark allotted to the vessel shall be marked on each of the bows;
  - (ii) the marking shall be in white or yellow numerals or letters on a dark background or in black numerals or letters on a light background;
  - (iii) the numerals or letters shall be not less than one decimetre in height and of proportionate breadth.
- (b) The identity mark, together with, in all cases, the number denoting the vessel's tonnage shall be –
- (i) permanently cut in or welded on the ship's main structure in a conspicuous place as approved by the surveyor; or
  - (ii) engraved on plates of metal, wood or plastic,

secured to the main beam, or where there is no main beam, to a readily accessible visible permanent part of the structure, with rivets, through bolts with ends clenched, or screws with slots removed or sealed in.

Discretion to issue, suspend cancel or amend licence or permit.

10.(1) The Registrar may refuse to issue a licence, voyage permit or anchorage permit if he thinks that it is reasonable to do so.

(2) It shall be lawful for the Registrar to suspend or cancel any licence or permit for any breach of any conditions of a licence or permit or of any of these regulations.

(3) The Registrar may, at any time, make such additions or amendments to the conditions of any licence or permit as may appear to him to be necessary or advisable in the interest of discipline or safety.

(4) Notwithstanding that any vessel in respect of which an application to be licensed has been made is entitled to be licensed the Director may direct the Registrar not to licence a vessel where he is satisfied having regard to the condition of the ship that it should not be registered.

License to be kept on board and produced.

11.(1) Every licence or permit issued under these regulations shall, at all times, except where otherwise provided by law, be kept on board the vessel for which it is issued and shall be produced on demand to any marine, police or revenue officers.

(2) Failure to comply with paragraph (1) shall

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constitute an offence.

Issue of  
duplicate  
licence if  
destroyed, etc.

12. Where any licence or permit issued under these regulations is accidentally destroyed, defaced or lost, the person in whose name the license or permit has been issued may apply to the Registrar for a duplicate license or permit, clearly setting out the circumstances under which the said licence was destroyed, defaced or lost, and the Registrar may, if he is satisfied as to the destruction, defacement or loss of such licence or permit, issue a duplicate licence or permit and such duplicate shall have the same force and effect as the original licence or permit. The prescribed fees shall be payable and shall accompany every application in respect of the issue of such duplicate licence or permit.

Penalty for  
fraudulent use.

13. Any person who fraudulently alters or uses, or permits to be fraudulently altered or used, a licence or permit issued under these regulations, or a duplicate of any such licence or permit, shall be guilty of an offence and shall be liable on conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

Issue of licence.

14. Upon completion of all the requirements for licensing under these Regulations, the Registrar shall enter the particulars of the ship in the Register of Licensed Vessels and shall issue to the owners of the ship a Licence in the prescribed form.

International  
radio call sign.

15. The owner of a vessel licensed under these which is equipped with a radio telephony installation shall make application to the Registrar to have a call sign assigned to his vessel. Such application shall be accompanied by the prescribed fee.

Licensing of  
Government  
vessels.

16. A Government vessel may be licensed in the same manner as other vessels except as provided herein –

(a) the application for a licence and for a

renewal of thereof, shall be made by the Permanent Secretary of the Ministry or the Head of the Department to whom the management of the vessel is entrusted or by any other officer nominated in this behalf by the Government or the relevant Minister, as the case may be, and shall be in accordance with Form 6, and shall contain the following particulars –

- (i) the name and description of the vessel;
  - (ii) a statement of the time, when and the place where the vessel was built;
  - (iii) a statement of the nature of the title of the said ship;
  - (iv) other evidence of the title satisfactory to the Registrar;
- (b) neither a Declaration of Ownership nor a Builders' Certificate shall be necessary;
- (c) the Registrar, upon receiving such application and upon being satisfied that all the necessary formalities have been complied with, shall enter the vessel in the Register as belonging to

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the Government of Guyana.

Re-licensing of  
abandoned  
ships.

17.(1) Where a ship has ceased to be licensed by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a Guyana ship, the vessel shall not be re-licensed until such vessel has, at the expense of the applicant for registration, been surveyed by a surveyor and certified by him to be seaworthy.

(2) On completion of the requirements for first licensing or licensing of an abandoned vessel, the Registrar shall make the following entry in the Register in the space allotted for "number, date and previous registry, if any":

*"(Certificate of sea worthiness, dated at....., day of..... was granted as required under regulation 17(1) of the Guyana Shipping (Licensing of Ships) Regulations."*

### PART III TRANSFER AND MORTGAGE

Change of  
ownership.

18.(1) On transfer of ownership of any vessel which is licensed under the provisions of these regulations the person to whom the vessel is transferred shall within 7 days, exclusive of general holidays, after the transfer deliver to the Registrar a declaration of transfer, in accordance with Form 7, executed by the transferee or his agent together with –

- (a) the current licence of the vessel;
- (b) the current certificate of survey of the vessel;
- (c) the bill of sale under which the change of ownership was effected; and

- (d) the prescribed fee for registration of such transfer.

(2) Subject to regulation 21, upon receipt of the declaration referred to in paragraph (1) the Registrar shall, if so required by the transferee –

- (a) issue a new licence in the name of the transferee or appropriately endorse the existing current licence; and
- (b) deliver the current certificate of survey of the vessel to the transferee.

(3) Any person who fails to comply with any of the provisions of paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine of one hundred thousand dollars.

Termination of requirement for licensing.

**19.**(1) If for any reason the owner of any vessel licensed under these regulations ceases to require that the vessel shall continue to be so licensed, he shall within 7 days after the cessation of such requirement deliver notice thereof, in accordance with Form 8, to the Registrar, and shall return to the Registrar the current licence of the vessel.

(2) Any person who fails to comply with any of the provisions of paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine of fifty thousand dollars.

Bill of sale.

**20.**(1) A transfer of ownership of a Vessel licensed under these regulations or any shares therein shall be effected by a Bill of Sale in accordance with Form 9.

(2) In the case of joint ownership, all the joint owners shall join in the execution of the Bill of Sale.

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Recording of  
sale transaction.

21.(1) Upon production of the documents required under regulation 18 by the transferee together with the prescribed fee, the Registrar shall make the necessary entries in the Register and endorse on the Bill of Sale the date and hour of acceptance.

(2) The vessel shall then be licensed in the name of the new owner.

Mortgage of  
vessel or share  
therein.

22.(1) Every instrument of mortgage of a vessel licensed under these regulations shall be in accordance with Form 10, and the mortgagor shall notify the Registrar of the execution of such instrument and present it for registration with the prescribed fee for such registration.

(2) On presentation of the instrument of mortgage to the Registrar, together with the prescribed fee, the Registrar shall, upon being satisfied that the instrument is properly executed and that it does not contain notice of any trust, express, implied or constructive, record the transaction in the Register with the date and hour of acceptance and endorse on the mortgage instrument the fact of such recording and the date and hour of acceptance.

Priority of  
mortgages.

23. Where several mortgages on the same vessel are recorded in the Register book their respective priorities shall be indicated in the appropriate column by capital letters, in alphabetical sequence.

Discharge of  
mortgage.

24.(1) When the mortgage debt is transferred or fully discharged, the Registrar shall upon being satisfied that the receipt endorsed on the instrument of mortgage is in order, and that the endorsement is properly witnessed, record the transfer or discharge in the Register book and endorse on the instrument of mortgage the fact of such recording and the date and hour of acceptance; the signatory to every transfer or discharge of a mortgage shall notify the Registrar of such transfer or discharge by presenting the instrument of

mortgage containing the endorsement of such transfer or discharge for registration, and every such presentation shall be accompanied by the prescribed fee.

(2) A payment of an installment of a mortgage debt shall not be recorded by the Registrar in the Register book.

Registration of mortgages executed and discharge by companies.  
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25. Where a mortgage of a vessel is executed or discharged by a company, the Registrar shall not register the mortgage or enter the discharge unless the company has been registered under the Companies Act.

#### PART IV DISCIPLINE AND SAFETY MEASURES

Number of persons vessel permitted to carry.

26. No vessel propelled by machinery engaged in carrying passengers shall carry more than one person, together with his personal baggage, for every 0.5 square metres of the deck surface of such vessel, and if such vessel has no deck, then for the equivalent area as if a deck existed: Provided that such surface or area shall not include the space occupied by the machinery, open hatches, skylights, or fuel carried, nor the space occupied by any cargo carried on deck or on its equivalent area.

Carriage of passengers in mechanically propelled vessels.

27. No passengers shall be carried on any vessel fitted with propelling machinery of any type other than the compression-ignition type.

Life saving appliances for passenger carrying vessels.

28. All vessels licensed to carry passengers, shall have on board at least the number of life jackets as the number of persons, passengers and crew inclusive, that the vessel is licensed to carry, and shall carry such other live saving appliances as prescribed by the conditions of its licence.

Passenger carrying vessels

29. The master of every vessel having a licence or



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to be kept cle permit for the conveyance of passengers shall cause such vessel to be kept in a proper state of cleanliness and repair and its equipment and appliances to be maintained in good order and kept in readiness for immediate use.

Navigation or signal lights.

30. (1) Every mechanically propelled vessel shall –

- (a) carry or show the lights prescribed by the Guyana Shipping (Distress Signals and Prevention of Collisions) Regulations; and
- (b) have an efficient mechanical means of making sound signals (this shall not consist of a device blown by mouth).

(2) Every vessel propelled by oars, when under way or at anchor or alongside any wharf in Guyana waters shall, from sunset to sunrise, exhibit at a height of not less than 3 feet above the gunwale, a white light visible all round the horizon.

(3) Every vessel holding or required to hold a licence or a permit issued under these regulations when being towed shall, from sunset to sunrise, exhibit the lights prescribed by the Guyana Shipping (Distress Signals and Prevention of Collisions) Regulations.

(4) Every vessel, holding or required to hold a licence or permit issued under these regulations which is not mechanically propelled nor propelled by oars nor towed, when under way shall carry the lights prescribed by the Guyana Shipping (Distress Signals and Prevention of Collisions) Regulations.

(5) All lights required by paragraph (2) to be carried or shown shall be of such a character as to be visible on a dark night with a clear atmosphere at a distance of at

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least one mile.

(6) The lanterns containing the lights referred to in this regulation shall be of a construction approved by the Director.

(7) If a vessel fails to comply with any provision of this regulation, the master of the vessel shall be guilty of an offence and shall be liable on conviction to a fine of one hundred thousand dollars.

Vessels to be properly manned and equipped.

**31.**(1) No vessel which is not properly manned and adequately equipped shall be under way within the waters of Guyana.

(2) No vessel shall be loaded in such a manner as to render her unseaworthy.

No vessel to be used for unlawful purposes.

**32.**(1) No vessel shall be used for the purposes of prostitution, for the conveyance of women for the purpose of prostitution or any other immoral purpose.

(2) No vessel shall be used for gambling or any other unlawful purpose.

Steamships not to be approached.

**33.** No vessel shall attempt to go alongside of, or loiter within 100 feet of any ship, including a ship of war, against the wishes of the master of that ship.

Prohibition of false bottoms.

**34.** If any vessel having a false bottom or secret compartment is used within the waters of Guyana, the owner, agent (if any) and master shall, unless, in each case, he proves that he did not know and had no reason to believe that the false bottom or compartment existed, each be guilty of an offence and shall each be liable on conviction to a fine of two hundred thousand dollars and to imprisonment for six months.

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Prohibition of dangerous goods.

35.(1) No master, owner or agent of any vessel shall receive or have on board the vessel, and no person shall place on board any vessel, any dangerous goods unless –

- (a) in the case of petroleum products carried in bulk, a declaration in accordance with Form 11 to the effect that the vessel is fit to carry such products in bulk; or
- (b) in the case of any other dangerous goods, a permit for the carriage of those goods, has been issued in respect of the vessel by the Director.

(2) The master of any vessel shall not use that vessel for the towage of dangerous goods.

(3) Any master, owner or agent who contravenes this regulation shall be guilty of an offence and shall be liable on conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

(4) Where any person referred to in paragraph (3) is convicted of an offence against that paragraph, the court may, in addition to any other penalty that it may impose, order that any dangerous goods involved in the commission of the offence be forfeited to the State.

No use of drags without permission.

36.(1) No person on any vessel shall, without the written permission of the Director use drags, grapplings or other devices, within the waters of Guyana, for the purpose of lifting articles or things from the bed thereof other than fish or shellfish. Notwithstanding any other penalty, which may be imposed, any articles lifted from the sea bed in contravention of this regulation shall be liable to confiscation.

(2) No person on any vessel shall use drags,

grapplings, or other devices for any purpose whatsoever or catch or attempt to catch fish within any cable reserve.

Vessels not to be used for towing.

37. The master of any vessel for which a licence or permit has been issued under these regulations, shall not use his vessel or allow his vessel to be used for towing another vessel unless such towing is undertaken in order to save the other vessel or her crew from danger.

## PART V

### LOCAL CERTIFICATES OF COMPETENCY

Vessels required to carry certificated masters and engineers.

38. (1) No vessel equipped with mechanical means of propulsion shall be under way in the waters of Guyana unless there is on board –

- (a) a person in charge thereof who is the holder of an appropriate and valid local certificate of competency as master; and
- (b) in addition to such person, a person in charge of the machinery who is the holder of an appropriate and valid local certificate of competency as engineer:

Provided that where a surveyor, having regard to the size and speed of the vessel, the power of the machinery and the location of the controls, certifies that such vessel can be properly controlled by one person it shall be sufficient for the purposes of this regulation if the person in charge of the vessel is the holder of both a valid local certificate of competency as master and a valid local certificate of competency as engineer.

- (2) Any person while in charge of a vessel and any

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person while in charge of the machinery thereof shall carry with him in the vessel his local certificate of competency.

(3) If any provision of this regulation is contravened, the owner of the vessel in question, whether he was on board the vessel at the time of the contravention or not, and the person having charge of the vessel at such time shall each be guilty of an offence and shall be liable on conviction to a fine of one hundred thousand dollars.

Issue of local certificates of competency.

39. (1) The Director may issue local certificates of competency as master or engineer in accordance with the provisions of this regulation.

(2) Every application for a local certificate of competency as master or engineer shall be made in accordance with Form 12 and shall be accompanied by –

- (a) 3 identical photographs of passport size of the applicant; and
- (b) the prescribed fee.

(3) A local certificate of competency as master or engineer shall not be issued –

- (a) in relation to a fishing vessel, to a person who is under 18 years of age; or
- (b) in relation to any other vessel, to a person who is under 21 years of age.

(4) A local certificate of competency as master or engineer shall not be issued to any person in relation to a vessel, other than a fishing vessel, unless that person has served in the manner provided by paragraph (5) on a vessel equipped with mechanical means of propulsion for not less

than 3 years.

(5) For the purpose of paragraph (4) an applicant for examination for a local certificate of competency –

- (a) as a master, shall have served as a deck hand; and
- (b) as an engineer, shall have served in such capacity in relation to the machinery as the Director considers likely to provide adequate practical mechanical experience.

(6) Before issuing a local certificate of competency as master or engineer the Director may require the applicant therefor to satisfy him by examination in such other manner, and in such other subjects or matters, as the Director may determine, as to his competency to be a master or engineer, as the case may be.

(7) Every local certificate of competency as master or engineer shall be in the appropriate form as prescribed in Form 13 (a) or Form 13 (b), as the case may be. Provided that the Minister may by order modify the form of any local certificate of competency issued in relation to a fishing vessel in such manner as he may consider appropriate.

Loss, etc., of  
local certificates  
of competency.

**40.** (1) If the Director is satisfied that a local certificate of competency issued under regulation 39 has been lost, destroyed or defaced he may, upon payment of the appropriate prescribed fee, issue a duplicate certificate.

(2) Any duplicate certificate issued under paragraph (1) shall be clearly endorsed in a conspicuous place with the word "Duplicate".

**PART VI**  
**CAVEATS**

Caveat may be lodged forbidding registration of certain instruments.

41. (1) A person claiming an interest in a vessel or in a share in a vessel under any unregistered instrument, or by operation of law or otherwise, may lodge with the Registrar a caveat in accordance with the prescribed form forbidding the entry in the Register of any instrument relating to any dealing with that vessel or share until after notice of the intended dealing is given to the caveator.

(2) Every caveat shall state the name and address of the caveator and shall contain a sufficient description to identify the vessel or the share in the vessel in which the caveator claims an interest and the interest claimed by the caveator and shall be signed by the caveator or by his or her Attorney at law or agent.

(3) A caveat shall not be entered in the Register by the Registrar unless there is specified in the caveat an address in Guyana at which notices relating to the caveat or to proceedings in respect of the caveat may be served.

(4) Where a person entitled to withdraw a caveat notifies the Registrar, by lodging a notice in the prescribed form, that the name of the caveator or the address for service of notices on the caveator has been changed from the name or address specified in the caveat, the Registrar shall record on the caveat and in the Register the name or address so notified and that name or address shall thereupon be the name of, or the address for service of notices on, the caveator.

(5) Every notice relating to a caveat or to any proceeding in respect of a caveat shall be deemed to be duly served if served in accordance with a manner of service specified in these regulations –

- (a) at –
- (i) the address stated in the caveat in pursuance of subsection (3); or
  - (ii) if an address has been notified under subsection (4), the address, or the last address, so notified; or
- (b) if the caveat was signed by an Attorney-at-law or agent, at the office of that Attorney at law or at the address of that agent.

(6) A caveat may be withdrawn-

- (a) by the caveator or by the Attorney-at-law or agent of the caveator if the Attorney-at-law or agent is authorised so to withdraw it;
- (b) where the caveator is dead, by the executor of the will, or the administrator of the estate, of the caveator;
- (c) by a trustee or official receiver or other person in whom the interest claimed by the caveator is vested; or
- (d) by any person in whom there is entrusted, by reason of the mental incapacity of the caveator, pursuant to an order of a court or pursuant to a written law, the management and



care of the interest claimed by the caveator.

(7) Where there is lodged for entry in the Register an instrument relating to a dealing with a vessel, or a share in a vessel, in respect of which a caveat has been lodged and the Registrar is satisfied that, upon entry of that instrument in the Register there will vest in the caveator the interest claimed by the caveator in the caveat, the Registrar may, notwithstanding the caveat and the provisions of regulations 43 and 44, enter the dealing in the Register and may record on the caveat or in the Register that the caveat has lapsed.

Notice of caveat

42. (1) Upon entry in the Register of a caveat, the Registrar shall notify particulars of the caveat-

- (a) if the caveat relates to the vessel to the person or each person entered in the Register as an owner or part owner, or as a mortgagee, of the vessel; and
- (b) if the caveat relates to a share in the vessel to the person or each person entered in the Register as an owner or part owner, or as a mortgagee, of that share.

(2) Any person notified, or required to be notified under sub-regulation (1), of the entry in the Register of a caveat may, if he or she thinks fit, summon the caveator to attend before a Judge of the High Court of the Supreme Court of Judicature of Guyana or the Court to show cause why the caveat should not be removed.

(3) The Judge of the High Court of the Supreme Court of Judicature of Guyana or the Court, upon proof that the caveator has been summoned, may make such order, either *ex parte* or otherwise, as the Judge or the Court thinks

fit.

When caveat to lapse.

**43.** A caveat entered in the Register in respect of a vessel or a share in a vessel shall, unless an order to the contrary is made by a Judge of the High Court of the Supreme Court of Judicature of Guyana or the Court, and served on the Registrar, be deemed to have lapsed upon the expiration of 14 days after notice is given to the caveator that

- (a) if the caveat relates to a vessel, the person or each person entered in the Register as an owner or part-owner of the vessel or a person having a right to register a dealing with the vessel, or
- (b) if the caveat relates to a share in the vessel, the person or each person entered in the Register as an owner or part-owner of the share or a person having a right to register a dealing with the share; has applied for the registration of any dealing with the vessel or share.

No dealing to be registered while caveat in force.

**44.** (1) Subject to this section, so long as a caveat remains in force in respect of a vessel or a share in a vessel, the Registrar shall not, except with the consent in writing of a person entitled to withdraw the caveat, enter in the Register particulars of any dealing with that vessel or share.

(2) Subsection (1) shall not operate to prevent the entry in the Register of a dealing with a vessel or a share in a vessel which, when the caveat was lodged with the Registrar, had previously been lodged with the Registrar in a form satisfactory for entry in the Register.

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(3) Except to the extent that it otherwise specifies, a caveat shall not prevent the Registrar from entering in the Register –

- (a) the transmission of a vessel or of a share in a vessel to a person where that person becomes so entitled by operation of law; or
- (b) a dealing by a person as the mortgagee under a mortgage of a vessel or a share in a vessel, being a mortgage to the entry of which the caveator has consented or in respect of which the caveat has lapsed.

Compensation for lodging caveat without reasonable cause.

45. A person who lodges a caveat with the Registrar without reasonable cause is liable to pay to a person who has sustained damage thereby such compensation as is just and the compensation is recoverable in an action in a court or competent reasonable jurisdiction by the person who has sustained damage from the person who lodged the caveat.

Form of caveat and notice.

46.(1) A caveat under regulation 41 of these regulations shall be in accordance with Form 14 and shall be accompanied by the prescribed fee.

(2) A notice under sub-regulation 41 (4) of these regulations shall be in accordance with Form 15 and shall be accompanied by the prescribed fee.

## PART V MISCELLANEOUS

Registration of alternations.

47.(1) The holder of a licence issued under regulation 3 shall notify the Registrar in writing of any alteration made to the vessel licensed under the said licence and every such notification shall be in accordance with Form 16, and shall be

accompanied by a Certificate of Survey giving details of the alterations and the licence in respect of the vessel.

(2) Where the alterations are material, that is to say, alterations in the hull affecting the principal dimensions of a ship or alterations in the means of propulsion, the Registrar shall cancel any existing licence and shall proceed to licence the ship anew and thereupon the requirements for first Licensing shall apply as appropriate.

(3) Where the alterations are not material have been carried out in Guyana the Licence shall be produced to the Registrar within seven days of the completion of the alterations and the Registrar shall upon payment of the prescribed fee, either –

- (a) retain and cancel the licence and grant a new licence containing a description of the vessel as altered; or
- (b) endorse and sign on the existing licence a memorandum of the alteration.

Change of name  
of company.

**48.** Where a company in whose name a vessel has been licensed under these regulations has changed its name subsequent to licensing the Registrar shall, on production of the Certificate of Incorporation relating to the new name make a note of such change in the Register in respect of each vessel owned by the company.

Inspection of the  
Register, etc.

**49.** Any person may, upon making an application to the Registrar and paying the prescribed fee.

- (a) inspect a Register;
- (b) obtain certified copies of entries in a

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*Guyana Shipping (Licensing of Ships) Regulations*

Register;

- (c) obtain copies of other documents relating to the licensing of vessels.

Fees.  
Second Sched

**50.** Fees shall be levied under these Regulations at the rates and for the purposes specified in the Second Schedule.

Penalties.

**51.** Unless otherwise provided in the Act any person who contravenes any provisions of these Regulations is liable to a fine not exceeding two hundred and fifty thousand dollars and where the contravention is a continuing one to a farther fine not exceeding twenty thousand dollars per day for each additional day during which the contravention continues.

Regulations  
subject to othe  
law.

**52.** Where a vessel is required under any other law to be licensed for purposes other than those referred to in regulation 3(1), nothing in these Regulations shall exempt such vessel from the provisions of such other law.

## SCHEDULE 1

*Sub- regulation 2(3)*

### PRESCRIBED FORMS



Guyana Maritime  
Authority

## FORM 1

Paragraph 3(l)(b)

### VESSEL LICENCE

Licence Number

Name of Vessel

Type of vessel

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Effective date of licence			Expiration date of licence		
Name of owner		Address		Proportion in which Owner(s) interested in ship	
Name of Agent (if any)			Address of Agent		
Dimensions					
Length: (m)	Breadth : (m)	Moulded depth : (m)		Gross Tonnage	
Number of persons vessel is licensed to carry		Number of crew vessel is licensed to carry		Permanent Ballast	
Machinery					
Type of main engine	Makers engine No.	Auxilliary machinery		Remarks	
Fire Fighting Appliances					
Number and type of fire extinguishers					
Life saving appliances					
Number of lifebuoys		Number of life jackets		Other life saving appliances	
Lights and sound signals					
Navigation Lights:	Mast	Side	Stern	Towing	Anchor
Sound signals	Mechanical		Fog horn	Bell	

[Subsidiary]

Guyana Shipping (Licensing of Ships) Regulations

	horn		
Make and model of radar set		Make and model of radio set	
Remarks		Remarks	
CONDITIONS OF LICENCE			

Dated the .....day of ....., 20

\_\_\_\_\_  
Registrar of Ships



Guyana Maritim  
Authority

**FORM 2**  
Sub-regulation 4 (6)  
**APPLICATION FOR LICENCE**

I            of  
hereby apply to have the vessel described below licensed in my name.

Type of vessel	Gross tonnage	Proposed vessel name
		1 <sup>st</sup> preference:

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Number of passengers vessel to carry (if any)	Principal material of construction	2 <sup>nd</sup> preference:
Method of propulsion	Call sign of main radio station	3 <sup>rd</sup> preference.

**Particulars of Vessel**

Number of crew

Length (m.)	Breadth (m.)	Moulded Depth (m.)
Engine horse power	Permanent ballast	Type of main engines

Auxiliary machinery    Make and model of radar set                      Makers' engine number

Navigation lights					Sound signals (tick as appropriate)			Make and model of radio set
Mast	Side	Stem	Towing	Anchor	Mechanical	Foghorn	Bell	

Name of owner(s)	Address of owner (s)	Proportion in which owners are interested in the ship.



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If the owner of the vessel is not resident in, or has no address in, Guyana the name and address of a person, resident in and having an address in Guyana, who has agreed to act as the agent of the owner for the purposes of these regulations.	
Name of agent.	Address of agent:

Signature

Date	Place
Signature of Applicant	Signature of Witness

If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.	 
	Name of Witness
	Address of Witness



Guyana Maritime Authority

**FORM 3**  
Paragraph 4(6) (a)  
Declaration of Ownership

I \_\_\_\_\_ of \_\_\_\_\_ hereby  
declare that the particulars of ownership and acquisition of the vessel are as stated  
below.

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Vessel's Name

**PARTICULARS OF OWNER**

Full Name	Address (Residential address — for an individual; Registered office address — for a company; Principal place of business — for a statutory body or foreign company)	Citizenship (if a body corporate, the country in which incorporated)	Basis for Nationality Claim (Birth or naturalisation)	Number of shares and Date of Purchase (indicate if shares are jointly owned)

Signature

Date

Place

Signature of owner	Signature of Witness
If the applicant is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation May sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.	
	Name of Witness
	Address of Witness

1. Declarations shall be made before a Justice of the Peace, or a Commissioner for Oaths, or a Consular Officer or before any person authorised by law to administer oaths.
  
2. Declarations may be made on behalf of a corporation by an officer of the corporation authorised by it for the purpose. Such authorization may be evidenced by the affixing of the Seal of the corporation to this declaration or

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a document in writing executed by the corporation under its Seal in which the declarant is authorised to sign on its behalf.



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**FORM 4**  
Paragraph 4(6) (b)  
**BUILDER'S CERTIFICATE**

**BUILDING PARTICULARS**

<u>Name of vessel</u>	<u>Place of Construction</u>	<u>Date of Completion</u>

Builder's identification of vessel (if unnamed)

--

Full name and address of builder

Full name and address of person/company for whom built

--	--

**Particulars of Vessel**

<u>Type of Vessel</u>	<u>Build</u>	<u>Stem</u>
<u>Stern</u>	<u>Rigging</u>	<u>Number of decks</u>

Number of Bulkheads

Number of masts

Principal material of construction

Watertight: Non-watertight:		
Length overall	Breadth	Moulded depth
metres	metre:	metre

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Brake power	Indicated power	Shaft power
kW	kW	kW

Estimated max. speed under power	Gross Tonnage	Number of hulls
kn	metres	

**Particulars of Propulsion**

Method of Propulsion	Power transmission

**Particulars of engines**

*(the number of engines, type, maker's name, no. of cylinders, serial number)*

Number and type of boilers

--

**DELIVERY**

Date vessel was/will be delivered

The vessel was delivered:

Encumbrance free  Encumbered   $\Rightarrow$  Particulars of encumbrance

**Certification**

I/We the builder of the vessel described herein certify that the particulars in the certificate are true and correct.

Date	Place

Signature of Applicant

Signature of Witness

	Name of Witness

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<p>If the builder is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed</p>	<p>Address of Witness</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------



**FORM 5**  
Regulation 5  
**CERTIFICATE OF INSPECTION**

Guyana Maritime  
Authority

Licence Number	Name of Ship

This is to certify that an inspection of the complete machinery installation and the arrangements of fuel storage and piping in connection the vessel been made; and the equipment for extinguishing fires has been examined and found satisfactory.

(or)

This is to certify that an inspection of the complete machinery installation and the arrangements of fuel storage and piping in connection the vessel been made; and that, having regard to the primitive build and the service in which the vessel is to be engaged, there does not appear to be an undue risk of fire or explosion;

(and if applicable)

This is to certify that that the . . . (boiler, pressure unit, mechanical or electrical appliance) ... as the case may be is fit for . . . (the service intended).

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Surveyor

Date

Number of Fire Appliances provided	Type of fire Appliances provided	
Type of Engines	Number of Engines	Total Horsepower

Maker's Engine Numbers	No. of Propellers	No. of fuel tanks	Aggregate capacity of fuel tanks

Name of Engineer	Certificate No. of Engineer

Number of Life Saving Appliances provided	Type of Life Saving Appliances provided

Number of Crew permitted	Number of Passengers permitted

Name of Surveyor :	
--------------------	--

.....  
Surveyor

.....  
Date

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Guyana Maritime Authority

**FORM 6**  
Paragraph 16(a)  
**APPLICATION FOR LICENCE FOR A GOVERNMENT VESSEL**

I \_\_\_\_\_ hereby apply to have the vessel described below licensed.  
(Name and office)

**PARTICULARS OF VESSEL**

Type of vessel	Gross Tonnage	Proposed vessel's name
Vessel to carry paying passengers?		Principal material of construction
Method of propulsion		Call sign of main radio station
		1 <sup>st</sup> preference:
		2 <sup>nd</sup> preference:
		3 <sup>rd</sup> preference:

Length	Breadth	Moulded Depth

Engine horse power	Permanent ballast	Type of main engines

Auxiliary machinery	Make and model of radar set	Makers' engine number

Navigation lights				Sound signals			
Mast	Side	Stern	Towing	Anchor	Mechanical	Foghorn	Bell

Description of vessel	Statement of time when and place built

Statement of the Nature of the Title

--

Signature	
Date	Place

Signature of Applicant

Signature of Witness

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	Name of Witness
	Address of Witness
This application must be made by the Permanent Secretary of the Ministry or Head of Department to whom the management of the vessel is entrusted.	



**Form 7**  
**Sub-regulation 18(1)**  
**Declaration of Transfer**

Guyana Maritime Authority

To the Registrar of Ships

I \_\_\_\_\_ of \_\_\_\_\_ hereby declare that the particulars of ownership of the vessel purchased by bill of sale dated \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to be as follows, and further declare that to the best of my/our knowledge, the vessel's particulars are correct and the vessel will not cease to be a Guyanese-owned vessel by reason only of this transfer.

<b>OFFICIAL NUMBER</b>	<b>VESSEL'S NAME</b>

Particulars of buyer/transferee				
Full Name	Address (Residential address for an individual; Registered office address-for a company, Principal place of business-for a statutory body or foreign company)	Citizenship (if a body corporate, the country in which incorporated)	Basis for Nationality Claim (Birth or naturalisation)	Number of shares and Date of Purchase (indicate if shares are jointly owned)





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FORM 9
Sub-Regulation 20(1)
BILL OF SALE



Guyana Maritime Authority

I. the registered owner and seller, hereby acknowledge the transfer of shares in the vessel described below to the buyer for the amount shown Further, for myself and my successors I covenant with the buyer and his/her/their assigns that I have power to transfer the shares.

Licence Number Vessel's Name

REGISTERED MORTGAGES

[Empty box for registered mortgages]

PARTICULARS OF SALE

Seller's Full Name and Address Buyer's Full Name and Address

Amount paid, or consideration Number of shares transferred

SIGNATURE Date Place

Signature of Seller Signature of Witness

If the seller is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed. Name of Witness Address of Witness

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**FORM NO. 10**

Sub-Regulation 22(1)



**MORTGAGE FOR A VESSEL**

Guyana Maritime Authority

Official Number	Name of vessel	No.	Year	Port of Registry
Intended Port of Registry	Type of vessel			
(ESTIMATED) MEASUREMENTS				
Length	Breadth	Moulded Depth		Gross Tonnage
Metres	Centimetres	Metres	Centimetres	Metres
		Metres	Centimetres	

I/We(a)+.....(hereinafter called the Mortgagor)

I consideration of

(b)+.....

.....  
.....

Now covenant with

(c)+.....

.....(hereinafter called the Mortgagee)

To pay to the Mortgagee the sums for the time being due on this security, whether by way of principal or interest at the limes and in the manner aforesaid. For the purpose of better securing to the Mortgagee the payment of such sums as last aforesaid, the Mortgagor hereby mortgages to the Mortgagee

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.....(number) shares of which the Mortgagor is the owner in the ship above described, and in its boats and appurtenances. Further, the Mortgagor covenants with the Mortgagee that the Mortgagor has power to mortgage in the manner aforesaid the above-mentioned shares, and that the same are free from encumbrances (d)+ .....

Dated at ..... on the .....

IN THE PRESENCE OF INDIVIDUAL

Signature..... Signature.....

.....

Name (Please Print)

CORPORATION

.....

Address

.....

Signature

Per.....

\*For Official Use

+ See Notes

TRANSFER OF MORTGAGE

I/We..... (Mortgagee) in consideration of ..... paid to me by (Name) ..... of (address) ..... hereby transfer the benefits of the within-written security

Dated at ..... on the .....

IN THE PRESENCE OF INDIVIDUAL

.....Signature

Signature

.....

Name (Please Print)

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CORPORATION

.....Signature  
Address

..... Per .....

DISCHARGE OF MORTGAGE

Received the sum of ..... In discharge of the within-written security.

Dated at ..... on the .....

IN THE PRESENCE OF

INDIVIDUAL

.....

.....

Signature

Signature

.....

Name (Please Print)

CORPORATION

.....

Address

.....

Signature

.....

NOTES:

1. The expression "Mortgagor" and "Mortgagee" used in this document shall include their heirs, successors, assigns, executors, administrators or any other legal representative.
2. The prompt registration of a Mortgage Instrument at the Port of Registry of the vessel is essential to the security of the mortgagee, (see section 59 of the Guyana Shipping Act)
3. Registered mortgagees are reminded of the importance of keeping the Registrar of vessel informed of any change of residence on their part
4. (a) Insert the name in full and the address of each mortgagor
  - (b) Describe the nature of consideration by:
    - (i) entering the principal sum or stating that there is an account current or line of credit and refer to the collateral loan agreement and the date agreement was executed; or
    - (ii) entering the principal sum or stating that there is an account current or line of credit and give details of the interest and method of repayment.
  - (c) Insert the name in full and address of each mortgagee.
  - (d) If any subsisting encumbrances add "Save as appears by the registry of the said vessel".

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**FORM 11**  
**Paragraph 35(1) (a)**



**DECLARATION OF FITNESS FOR VESSEL TO CARRY PETROLOEUM  
PRODUCT IN BULK**

Guyana Maritime  
Authority

<b>Licence no.</b>	<b>NAME OF VESSEL</b>

<b>Name of Owner</b>	<b>Occupation</b>	<b>Address</b>

Registered Dimensions

Length:	Breadth:	Moulded Depth:	Gross Tonnage:
Number of persons vessel is licensed to carry:	Capacity	Lowest flash point for which this certificate is valid	

Fire Fighting Appliances

Number and type of Fire Extinguishers:	
Life saving appliances	
Number of lifebuoys:    Number of life jackets:	Other life saving appliances:

Limitations imposed by this certificate

I, the undersigned Surveyor of ships, having inspected the (Name of vessel).....

Licence No..... on.....20..... hereby certify that I am satisfied the hull, machinery (where fitted) and equipment, are sufficient for to carry petroleum products in bulk and are in good condition, and that all openings in the main deck are efficiently protected by coamings or casings and are capable of being closed watertight.

This certificate is valid for a period of.....months from.....20..... provided that the Fire and Life Saving equipment described above is on board, in good condition, and ready for instant use.

Surveyor .....

Date.....



Guyana Maritime Authority

FORM 12

Sub-regulation 39(2)

APPLICATION FOR CERTIFICATE OF COMPETENCY - MASTER/ENGINEER

I.....of.....  
 hereby apply for a certificate of competency as master.

FULL NAME:	ADDRESS	OCCUPATION:
Age last birthday:	Date of birth:	Height (m.)
Qualifications:	Identification No.	Nationality

EXPERIENCE:

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SIGNATURE

<b>Date</b>	<b>Place</b>
<b>Signature of Applicant</b>	<b>Signature of Witness</b>
	<b>Name of Witness</b>
	<b>Address of Witness</b>
<b>ATTACH CERTIFICATES</b>	

*FORM 13 (a)*

Sub-regulation 39(7)

**CERTIFICATE OF COMPETENCY - MASTER**



Guyana Maritime  
Authority

Certificate No. Record Book Ref. No.

--	--

This is to certify that the Bearer.....of.....

.....

Age.....Height.....Metres.....Nationality.....

Identity No. .... has passed the prescribed examination and is considered competent to take charge of a powered vessel of.....gross tons and under as Master.



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Examination fee \$..... Receipt No. ....
Further Qualifications.....
.....
.....
PHOTOGRAPH
ENDORSEMENTS

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RECORD OF SERVICE

<p>.....</p> <p>Director</p> <p>Dated the.....day of....., 20__.</p>			

FORM 13 (b)

Sub-regulation 39(7)

CERTIFICATE OF COMPETENCY - ENGINEER



Guyana Maritime Authority

Certificate No.

Record Book Ref. No.

--	--

This is to certify that the Bearer.....

.....( )

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<p>Age.....Height.....Metres.....Nationality.....</p> <p>Identity No. .... has passed the prescribed examination and is considered competent to take charge of a powered vessel of.....gross tons and under as Engineer.</p> <p>Examination fee \$..... Receipt No. ....</p> <p>Further Qualifications.....</p> <p>.....</p> <p>.....</p>
<p>PHOTOGRAPH</p>
<p>ENDORSEMENTS</p>

**RECORD OF SERVICE**

Name of Vessel	Date		Signature
	From	To	

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<p>.....</p> <p>Director</p> <p>Dated the.....day of....., 20__.</p>			



FORM 14

Sub-Regulation 46(1)

CAVEAT

Guyana Maritime Authority

Registrar of Vessels

<p>Take notice that, (full name of caveator in block letters).....</p> <p>of (address of caveator in block letters).....</p> <p>claiming the interest described below in (Description sufficient to identify the ship and, where appropriate, the share in the ship in which the caveator claims the interest).....</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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.....  
 .....  
 the official number of which vessel is.....  
 forbids the entry in the Register of any instrument relating to any dealing with the said vessel or share.  
 The interest claimed in the said vessel or share is *(Description sufficient to identify interest claimed by caveator)*  
 .....  
 .....  
 The address at which notice relating to this caveat or to which proceedings in respect of this caveator may  
 be served is *(Specify address within Guyana)*.....  
 Address as changed *(specify address within Guyana)*:.....

Dated at....., this.....day of....., 20.....

Signed by  
  
*(Full name of caveator, attorney-at-law or agent)*  
  
*(If signed by attorney-at-law or agent, statement to that effect)*  
  
*(Office address of attorney-at-law or residential address of agent)*      *(Signature)*

---

in presence  
of  
  
*(Legible statement of Name and Address of Witness)*      *(Signature)*

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Guyana Maritime Authority

Registrar of Guyana Ships

FORM 15
Sub-Regulation 46(2)

NOTICE OF CHANGE OF NAME OF CAVEATOR OR OF ADDRESS FOR SERVICE

I, (full name of person giving notice).....
of (address).....
Being a person entitled pursuant to sub-regulation 41(4) of the Guyana Shipping (Licensing of Ships) Regulations 2001 to withdraw the caveat entered in the Register on (date)
in respect of the vessel (name and official number of vessel).....
give notice as follows:
Name of caveator as specified in caveat:
Name as changed:
The address for service of notices as specified in Caveat:
Address as changed (specify address within Guyana):
Date of change:

Dated at....., this.....day of....., 20.....

Signed by
(Full name of caveator, attorney-at-law or agent)
(If signed by attorney-at-law or agent, statement to that effect)
(Office address of attorney-at-law or residential address of agent) (Signature)

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in presence of  <div style="text-align: center;"><i>(Legible statement of Name and Address of Witness)</i></div>	<div style="text-align: center;"><i>(Signature)</i></div>
---------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------

The information requested in this form is required by the Shipping Registration Act, 1998. It will be used for the purposes of the Act and will be available for search. It may be made available to government agencies for statistical and administrative purposes.



Authority

FORM 16

Sub-Regulation 47(1)

NOTICE OF ALTERATION TO SHIP

To the Registrar of Vessels

I.....hereby give notice of an alteration to the vessel named below.

This notice is accompanied by:

VESSEL

Official Number of Vessel	Name of Vessel

NATURE OF ALTERATION

Brief description of the alteration

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[Subsidiary] Guyana Shipping (Licensing of Ships) Regulations

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SIGNATURE

Date	Place
Signature of Owner or Agent	Signature of Witness
	Name of Witness
If the owner is a corporation, the document may be formally executed under the corporate seal. Alternatively, an officer of the corporation may sign it, endorse it with a legible statement of his/her name designation and have the signature witnessed.	Address of Witness



[Subsidiary]

Guyana Shipping (Licensing of Ships) Regulations

## SECOND SCHEDULE

**N.B. All fees are stated in United States dollars and shall be payable at the rate of exchange pertaining at the Bank of Guyana for the sale of foreign currency by the Bank as at the date of payment.**

	MATTER	FEE
1.	The following fees apply:-	
	(a) Application for licence or renewal – regulation 3(2) and 4(6)(e)	\$250
	(b) Application for anchorage permit – regulation 3(4)(a)	\$150
	(c) Application for voyage permit – regulation 3(4)(b)	\$150
	(d) For certificate of survey of vessel and certificate of inspection – regulations 4(7) and 5(5) respectively.	\$50
	(e) Issue of duplicate licence or permit – regulation 12	\$25
	(f) Application for call sign – regulation 15	\$20
	(g) Registration of transfer – regulation 18(1)(d)	\$100
	(h) Registration of mortgage – regulation 22(1)	\$150
	(i) Transfer of mortgage – regulation 24(1)	\$75
	(j) Discharge of mortgage – regulation 24 (1)	\$25
	(k) Application for certificate of competency – regulation 39(2)(b)	\$10
	(l) Duplicate certificate of competency – regulation 40(1)	\$5
	(m) Lodging caveat – regulation 46(1)	\$50
	(n) Notice that the name of the caveator or the address for service of notices on the caveator has been changed - regulation 41(4)	\$5
	(o) Certified copies of entries in a Register - regulation 49(b)	\$2 per copy
	(p) Certified copies of other documents relating to the licensing of vessels – regulation 49(c)	\$2 per copy
	(q) Any application required to be made under these regulations not specifically provided for herein:	\$15
	(r) Any entry on the Register not specifically provided for herein:	\$10
	(s) Issuing any document not specifically provided for herein:	\$15
	(t) Any endorsement, whether in any document or in the Register not specifically provided for herein:	\$5

Reg. 5/2005

**GUYANA SHIPPING (SMALL COMMERCIAL SHIP  
SAFETY) REGULATIONS**

*made under sections 51,105,251,452 and 458*

**ARRANGEMENT OF REGULATIONS**

REGULATION

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3. [Omitted].
4. Application.
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8. Certificate of inspection.
9. Inspections.
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11. Suspension of certificate of inspection.
12. Prohibition on proceeding to sea.

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14. Issue of Licence, standards and conditions.
15. Grade and area restriction of Boat Masters Licences.

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

REGULATION

16. Grade and area restrictions of Boat Engineer Licences.
17. Existing licences.
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24. Working hours in vessels on voyages which exceed 24 hours.
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27. Manning.
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**PART I  
GENERAL**

Citation. 1. These Regulations may be cited as the Guyana Shipping (Small Commercial Ship Safety) Regulations.

Interpretation. 2. (1) In these Regulations –

c. 49:01 "Act" means the Guyana Shipping Act;

"Department" means the Maritime Administration Department established under the provisions of section 4 of the Act;

"Director" means the Director of Maritime Affairs as defined in section 2(1) of the Act;

"existing licence" means a licence to operate a small commercial ship of less than 24 metres in length, issued prior to the coming into force of these Regulations;

"existing ship" means a ship which is not a new ship;

"fishing vessel" has the meaning given in section 2(1) of the Act;

"Guyana small commercial ship" means a small commercial ship which is registered or licensed in Guyana under the Act;

"managing owner" in relation to a small commercial ship has the meaning given in section 2(1) of the Act;

"master" includes every person lawfully having, for the time being, command or charge of any small commercial ship;

"new small commercial ship" means a small commercial ship

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

the keel of which was laid or the construction or lay-up was started or which has undergone repairs, alterations or modifications of a major character, as identified in Chapter 1/9.4 of the SCV Code on or after the day and date on which these Regulations came into force;

"owner" means, in relation to a small commercial ship, the person who owns the said ship and includes a demise or bareboat charterer and a managing owner;

"passenger" has the meaning given in section 2(1) of the Act;

"passenger ship" has the meaning given in section 2(1) of the Act;

"Registrar" means the Registrar of Seamen identified in section 4 of the Act;

"SCV Code" means the Code of Safety for Small Commercial Vessels operating in the Caribbean Sea as prepared by the International Maritime Organisation for Caribbean Countries, revised up to July, 2002, as set out in the Annex;

"ship" has the meaning given in section 2(1) of the Act;

"small commercial ship" means a ship of less than 24 metres in length in commercial use and includes a passenger ship and a ship that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house or guest house or other establishment, but does not include a fishing vessel;

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping, 1978 as amended in 1995 and as amended from time to time;

"surveyor" has the meaning given in section 2(1) of the Act and shall include persons appointed as surveyors under sections 35 and 253 of the Act;

"voyage" includes an excursion.

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

### 3. [Omitted]

Application.

4. Subject to regulation 5, these Regulations shall apply to Guyana small commercial ships wherever they may be and to other small commercial ships whilst they are within Guyana waters.

Exemptions.

5. (1) The Director may grant exemptions from all or any of the provisions of these Regulations, as may be specified in the exemption, for classes or cases or individual cases on such terms, if any, as he may so specify.

(2) Any approval or exemption given pursuant to these Regulations shall be in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

Equivalent Standards.

6. Where these Regulations require that a particular piece of equipment or machinery shall be provided or carried in a small commercial ship or that any particular provision shall be made, the Director may permit any other piece of equipment or machinery to be provided or carried, or any other provision to be made, where he is satisfied by trials thereof or otherwise that such other piece of equipment or machinery or provision is at least as effective as that required

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

by these Regulations.

**PART II**  
**REQUIREMENTS FOR SMALL COMMERCIAL SHIPS**

Small commercial ships to be surveyed within one year.

Certificate of Inspection.

7. Every small commercial ship to which these Regulations apply shall be inspected for the issue of a Certificate of Inspection in accordance with regulation 8.

8. (1) Application for a Certificate of Inspection shall be made in writing to the Department and such application for a small commercial ship being newly constructed or converted shall be submitted prior to the start of the construction or conversion.

(2) All inspections to be conducted under these Regulations shall be undertaken by a surveyor.

(3) Upon a satisfactory inspection for compliance with the SCV Code a Certificate of Inspection shall be issued by the Department and such Certificate shall remain valid for a period not exceeding 3 years from the date of inspection, unless revoked by the Department, provided always that the ship successfully completes an annual inspection.

Inspections.

9. (1) An initial or renewal inspection shall include an inspection of the hull and related items on dry-dock, structure, machinery, electrical equipment, lifesaving equipment, fire protection equipment, pressure vessels and boilers, steering systems, miscellaneous equipment and systems, sanitation and operational practices including the competence and composition of the crew, to ensure that the small commercial ship complies with the relevant requirements of the SCV Code.

(2) The annual inspection shall be such as to ensure that the ship and its equipment has been maintained in accordance with the SCV Code and is in satisfactory working order.

(3) An inspection for the renewal of a Certificate of Inspection shall be conducted within the period two months prior to the expiry of the certificate and where a small commercial ship is inspected within the thirty (30) days before the date of expiry of a Certificate of Inspection, the new certificate shall be dated from the expiry date.

(4) An annual inspection shall be conducted between the tenth to fourteenth month of the anniversary date of the issuance of the Certificate of Inspection.

(5) The Director may, at any time where he considers it necessary, require a dry-dock inspection to be carried out on a small commercial ship.

(6) Every application for the inspection of a small commercial ship under these Regulations shall be made by or on behalf of the owner of the small commercial ship to the Director and shall be accompanied by such information relating to the small commercial ship as the Director may require for the purpose of the inspection, and the prescribed fee.

Responsibilities of owner and master.

10. The owner, managing owner or master of every small commercial ship to which these Regulations apply shall ensure that –

- (a) the condition of the safety equipment is maintained so as to comply with the SCV Code;
- (b) after any inspection required by these



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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

Regulations has been completed, no material change is made in the safety equipment subject to such inspection without the approval of the Director; and

- (c) whenever an accident occurs to a small commercial ship or a defect is discovered either of which affects the safety of the small commercial ship or the efficiency or completeness of its safety equipment, it shall be reported at the earliest opportunity to the Director who shall cause investigations to be initiated to determine whether an inspection is necessary and shall in that event require such an inspection to be carried out and where the small commercial ship is in a port outside of Guyana the master, owner or managing owner shall, in addition, make such a report immediately to the appropriate authorities of the country in which the port is situated.

Suspension of  
Certificate of  
Inspection.

**11.** (1) In any case where a small commercial ship does not comply with the requirements of these Regulations or the SCV Code, the Director may suspend the validity of the Certificate of Inspection.

(2) Where the Director suspends the validity of a Certificate of Inspection the owner, master or managing owner shall thereupon deliver up the certificate issued in relation to the small commercial ship.

(3) When the Director is satisfied that corrective action has been taken he shall restore the validity of the certificate and return the certificate issued in relation to the small commercial ship, to the owner, master or managing owner.

Prohibition on proceeding to sea.

**12.** A small commercial ship shall not proceed or attempt to proceed to sea unless –

- (a) the Certificate of Inspection is currently in force; and
- (b) the small commercial ship complies with the requirements of the SCV Code, including any requirements as to operation, manning and maintenance and is operated in accordance with any conditions as specified in the certificate; and
- (c) the certificate is displayed in some conspicuous place on board.

### PART III

#### BOATMASTER AND BOAT ENGINEERS

Master and Engineers.

**13. (1)** A ship to which these Regulations apply shall be commanded by a person who –

- (a) is the holder of a licence issued by the Director under regulation 14 stating that he is qualified to have command of a small commercial ship, where-
  - (i) the licence is in force and is of a

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

grade appropriate in respect to the waters in which the small commercial ship is being navigated, the size of the small commercial ship and the number of passengers carried; and

- (ii) the small commercial ship is in an area specified in the licence as one in which a small commercial ship may be navigated under the command of the holder; or

- (b) is the holder of a certificate of competency as a Deck officer issued in accordance with the provisions of the STCW Convention.

(2) A small commercial ship fitted with main propulsion machinery of up to 750 KW shall, where an engineer is required by the Director, or Chapter IX, Part A, Table IX/8.2 of the SCV Code, carry as an engineer a person who-

- (a) is the holder of a licence issued by the Director under regulation 14 stating that he is qualified to be in charge of the engines and machinery of such a small commercial ship where –

- (i) the licence is in force and is of a grade appropriate in respect both of the waters in which the small commercial ship is being navigated; and
- (ii) the small commercial ship is in

an area specified in the licence as one in which a small commercial ship may be operated under the charge of the holder; or

- (b) he is the holder of a certificate of competency as an engineer officer issued in accordance with the provisions of the STCW Convention

(3) Except as authorised by the Director, small commercial ships with engines of higher power shall carry engineers qualified in accordance with the STCW Convention.

Issue of Licence standards and conditions.

**14.** (1) The Director may issue either a Boatmaster Licence or a Boat Engineer Licence, as appropriate to persons who meet the requirements of this regulation on application and on receipt of the prescribed fee, in such form as he may from time to time specify.

(2) Subject to regulation 14 (3) –

- (a) the standards of competence to be attained and the conditions, including conditions as to medical fitness, to be satisfied by a person in order for a licence to be issued to him under these Regulations;
- (b) any exceptions applicable with respect to any such standards or conditions;
- (c) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

evidenced; and

- (d) the conduct of any examinations and the conditions of admission to them;

shall be those specified in Chapter IX/5 to IX/7 and IX/9 to IX/11 of the SCV Code or those which may from time to time be specified by the Director in a Notice.

(3) Notwithstanding that an applicant for a licence under this regulation complies with the standards and satisfies the conditions specified in regulation 14 (2), the Director shall not issue a licence to the applicant unless he is satisfied, having regard to all the relevant circumstances, that the applicant is a fit person to be the holder of such a licence.

Grade and area  
restrictions of  
Boatmaster  
Licences.

15. (1) A licence issued to a master under regulation 14 shall bear the title "Boat Master Licence" and shall be of one of the following grades, which shall be stated in the licence –

Boatmaster	Licence,	Grade 1
Boatmaster	Licence,	Grade 2
Boatmaster	Licence,	Grade 3.

(2) The grade of licence appropriate in respect of a small commercial ship shall be determined in accordance with Chapter IX/4 of the SCV Code.

(3) A Boatmaster licence of any grade shall be subject to such restriction as the Director may determine as to the area or areas in which a small commercial ship may be navigated under the command of the holder, and every such restriction shall be stated in the licence.

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

Grade and  
area  
restrictions of  
Boat  
Engineer  
Licences .

16. (1) A licence issued to an engineer under regulation 14 shall bear the title "Boat Engineer Licence" and shall be of one of the following grades, which shall be stated in the licence.

Boat Engineer Licence, Grade 1

Boat Engineer Licence, Grade 2

(2) The grade of licence appropriate in respect of a small commercial ship shall be determined in accordance with Chapter IX/8 of the SCV Code.

(3) A Boat Engineer licence of any grade shall be subject to such restriction as the Director may determine as to the area or areas in which a small commercial ship may be operated under the charge of the holder, and every such restriction shall be stated in the licence.

Existing  
licences.

17. The Director shall on the application of the holder of an existing licence and on receipt of the prescribed fee, issue to him a licence under these Regulations and the licence shall –

(a) be of the grade which is appropriate in respect of –

(i) a small commercial ship when being navigated or operated in waters in the area or areas stated in the existing licence as the area or areas of operation; and

(ii) the size of small commercial ship which in the period of twelve months before the coming into force of these Regulations was navigated or operated in that area under

[Subsidiary]

*Guyana Shipping (Small Commercial Ship Safety) Regulations*

the command or charge of the holder of the existing licence; and

- (b) state the area or areas in which a small commercial ship may be navigated or operated under the command or charge of the holder, as the area or areas stated in the existing licence as the area or areas of operation.

Validity and renewal of licences.

18. (1) Licences shall be subject to re-validation every three years for persons up to sixty-three years of age and such re-validation shall be subject to the prescribed fee and the holder providing proof that he has had at least 45 days service in small commercial ships for which the licence is valid during the previous three years, and the submission of a valid medical fitness certificate issued in accordance with the Guyana Shipping (Medical Examination) Regulations 2004.

(2) Licences held by persons sixty-three years of age and over shall be subject to revalidation annually and such revalidation shall be subject to the prescribed fee and the holder providing proof that he has had at least fifteen days service in a small commercial ship for which the licence is valid during the previous year, and the submission of a valid medical fitness certificate issued in accordance with the Guyana Shipping (Medical Examination) Regulations 2004.

(3) Where a person is unable to produce proof of the experience required under regulation 18 (1) or 18 (2) that person shall apply for an examination.

(4) A licence issued under these Regulations shall remain valid only so long as the holder complies with the

standards of competence and the conditions, including conditions as to medical fitness, specified in regulation 14(2).

Record and  
surrender  
of licences.

**19.** (1) The Director shall make and, during the period of the licence, retain a copy of every licence issued under these Regulations.

(2) A record of-

- (a) every licence issued under this Part;
- (b) every suspension, cancellation or alteration of and any other matter affecting such a licence;

shall be kept, in such manner as the Director may require, by the Registrar or by such other person as the Director may direct.

Loss of licences.

**20.**(1) Where the holder of a Boatmaster's Licence or a Boat Engineer's Licence loses the licence the Director may, on receipt of the prescribed fee, cause a copy of the licence to be issued to him.

(2) Any copy issued under regulation 20(1) shall be certified as a copy by the Registrar or, as the case may be, such other person as the Director may have directed.

Suspension of  
Licence.

**21.** (1) Where it appears to the Director that a licenced Boatmaster or Boat Engineer is unfit to discharge his duties, whether by reason of incompetence or misconduct or for any other reason, he shall cause an inquiry to be held by one or more persons appointed by him and shall suspend, pending the outcome of the inquiry, the certificate in question.

(2) A licence so suspended shall be surrendered by the Boatmaster or Boat Engineer to the Director within seven



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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

days of notification in writing of the suspension and the holder thereof shall not perform any of the functions of Boatmaster or Boat Engineer as the case may be from the date of such notification.

(3) Where the inquiry recommends the cancellation, suspension or return of the certificate it shall be cancelled, withheld or returned to the owner accordingly.

(4) Any person who performs or carries out any of the functions of Boatmaster or Boat Engineer without the requisite licence whilst such licence is suspended shall be guilty of an offence.

#### PART IV HOURS OF WORK

Interpretation.

22. (1) In this Part unless the context otherwise requires –

"crew" includes every person, except masters and pilots, employed or engaged in any capacity on board a small commercial ship;

"employer", in relation to a master who has command of a small commercial ship in the course of his employment, means the person who employs that master in that employment;

"working day", in relation to any person to whom these Regulations apply means any period during which he is on duty which is not followed by an interval for rest being less than 8 hours.

(2) For the purposes of this Part a director of a company shall be deemed to be employed by it.

Duty of owner,  
Master, crew.

23. (1) It shall be the duty of the owner or managing owner to ensure so far as is reasonably practicable, that the master and seamen do not work more hours than is safe in relation to the safety of the small commercial ship, its cargo and persons carried on board.

(2) It shall be the duty of every master of a small commercial ship to ensure, so far as is reasonably practicable, that seamen do not work more hours than is safe in relation to the safety of the small commercial ship its cargo and persons carried on board.

(3) Every master and seaman, so far as reasonably practicable, shall ensure that he is properly rested when commencing duty on a small commercial ship and that he obtains adequate rest during periods when he is off duty.

Working hours  
in small  
commercial  
ships on  
voyages  
which exceed  
24 hours.

24. (1) This regulation applies to small commercial ships which do not complete a voyage within twenty-four hours.

(2) The hours of rest shall not be less than ten hours in every 24- hour period which may be divided into no more than two periods, one of which shall be at least six hours rest in length and the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that such reduction shall not extend beyond two days, and not less than seventy (70) hours of rest are provided in each seven day period.

(3) The requirements for rest period specified in regulation 24(2) need not be maintained in cases of any emergency including giving assistance to other ships, persons in distress at sea, or drill or any overriding operational conditions.

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[Subsidiary]

*Guyana Shipping (Small Commercial Ship Safety) Regulations*

Working hours  
in small  
commercial  
ships on  
voyages of less  
than 24 hours.

**25.** (1) This regulation applies to small commercial ships which complete a voyage or voyages within twenty-four hours.

(2) Reference to a person being on duty are references –

- (a) in the case of a master who has command of a small commercial ship in the course of his employment, to his being on duty, whether for the purpose of having the command of a small commercial ship to which this regulation applies or for other purposes, in the employment of the person who employs him in that employment or in any other employment under that person; and
- (b) in the case of a master who has command of a small commercial ship for the purposes of a trade or business carried on by him, to his having command of a small commercial ship to which this regulation applies for the purposes of that trade or business or being otherwise engaged in work for the purposes of that trade or business, being work in connection with such a small commercial ship or the passengers carried by it.

(3) Subject to regulations 25(4) and 25(5) –

- (a) the working hours of a master or engineer shall not exceed 16 hours.

- (b) a master shall not on any working day con a small commercial ship or small commercial ships to which this regulation applies for periods amounting in the aggregate to more than 10 hours;
- (c) where on any working day a master has been on duty -
  - (i) for a period of 6 hours and at the end of that period does not mark the end of the working day there shall be an interval of not less than 30 minutes in which the master may obtain rest and refreshments; or
  - (ii) for periods amounting in the aggregate to 6 hours and there has not been between any of those periods an interval of not less than 30 minutes in which the master was able to obtain rest and refreshment and at the end of the last of those periods does not mark the end of the working day there shall be such an interval at the end of the last of those periods.
- (d) there shall be, between any two successive working days of a master, an interval for rest which shall not be of less than 8 hours; and, in the case of a master who has command of a small commercial ship in the course of his employment a period of time shall not

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

be treated as not being an interval for rest by reason only that he may be called upon to report for duty if required.

(4) the requirements for rest period specified in regulation 25 (3) need not be maintained in cases of any emergency including giving assistance to other ships, persons in distress at sea, or drill or any overriding operational conditions.

(5) where the director considers that it would be appropriate to grant an exemption from all or any of the requirements of regulation 25(3) he may on such terms, if any, as may be specified grant such an exemption and, subject to giving reasonable notice, the Director may alter or cancel an exemption so granted.

Contravention  
of regulation  
25.

**26.** (1) Subject to regulation 26(2) where any of the requirements of regulation 25 is contravened in the case of any master, that master and any other person, being that master's employer or a person to whose orders that master was subject, who caused or permitted the contravention commits an offence.

(2) A person shall not be liable under this regulation where he can prove –

- (a) that the contravention was due to an unavoidable delay in the completion of the voyage arising out of circumstances which he could not reasonably have foreseen; or
- (b) in the case of a person other than the master, that the contravention was due to the fact that the master had for

any particular period or periods, conned a small commercial ship or small commercial ships or been on duty otherwise than in the employment of the person charged or, as the case may be, otherwise than in the employment in which he was subject to the orders of the person charged and that the person charged was not, and could not reasonably have become, aware of that fact.

#### PART V MANNING AND TRAINING

Manning.

27. A small commercial ship to which these Regulations apply shall not proceed on a voyage unless the manning of the small commercial ship is in accordance with the Certificate of Inspection or approved by the Director in accordance with Chapter IX/17 of the SCV Code.

Training in  
Emergency  
Procedures.

28. The owner of a small commercial ship to which these Regulations apply shall –

- (a) establish procedures applying to the person having command of the small commercial ship and any other person or persons employed or engaged in any capacity on board the small commercial ship which shall state actions to be taken during an emergency by the master and crew to assist passengers, and to deal with the emergency in general;
- (b) ensure that each of those persons has received on-board training in the

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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

procedures to be observed by that person in such an event.

## PART VI MISCELLANEOUS

Penalties.

**29.** (1) Any owner, managing owner or master who contravenes any of the provision of Parts II or III or regulation 27 shall be guilty of an offence and shall be liable on summary conviction to a fine of one million dollars or, to imprisonment for six months or to both such fine and imprisonment.

(2) Any person who contravenes any provision of Part IV or regulation 28 shall be guilty of an offence and shall be liable on summary conviction, to a fine of four hundred thousand dollars.

(3) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that he took all reasonable steps to avoid commission of the offence.

Power to detain.

**30.** In any case where a small commercial ship does not comply with the requirements of these Regulations, that small commercial ship shall be liable to be detained and section 440 of the Act shall have effect in relation to the small commercial ship, as if for the words "this Act" wherever they appear, there were substituted the words "the Guyana Shipping (Small Commercial Ship Safety) Regulations 2004."

Application of Code.

**31.** The provisions of the SCV Code are hereby applied to Guyana except as may be specifically excepted by these Regulations or any other law and adapted as may be necessary to bring it into conformity with the laws of Guyana.

Fees Schedule.

**32.** Fees shall be levied under these Regulations at the rates and for the purposes specified in the Schedule.

**LAWS OF GUYANA**

508      **Cap. 49:01**

*Guyana Shipping Act*

**[Subsidiary]**      *Guyana Shipping (Small Commercial Ship Safety) Regulations*

Reg. 32 (2)

**SCHEDULE**

<p>N.B. All fees are stated in United States dollars and shall be payable at the rate of exchange pertaining at the Bank of Guyana for the sale of foreign currency by the Bank as at the date of payment</p>		
	The following fees apply:-	
	MATTER	FEE(US\$)
(a)	Application for inspection - regulation 9(6)	\$150.00
(b)	Issue of licences -regulation 14, 15 and 16. Boatmaster Licence, Grade 1. Boatmaster Licence, Grade 2. Boatmaster Licence, Grade 3. Boat Engineer Licence, Grade 1 Boat Engineer Licence, Grade 2.	\$150.00  \$125.00 \$100.00 \$100.00 \$75.00
(c)	Issue of licences to existing licence holder - regulation 17. Boatmaster Licence, Grade 1. Boatmaster Licence, Grade 2. Boatmaster Licence, Grade 3. Boat Engineer Licence, Grade 1. Boat Engineer Licence, Grade 2.	\$150.00  \$125.00 \$100.00 \$100.00 \$75.00
(d)	Revalidation - regulation 18(1) Boatmaster Licence, Grade 1. Boatmaster Licence, Grade 2. Boatmaster Licence, Grade 3. Boat Engineer Licence, Grade 1. Boat Engineer Licence, Grade 2.	\$100.00 \$75.00 \$50.00 \$50.00 \$25.00
(e)	Revalidation - regulation 18(2) Boatmaster Licence, Grade 1. Boatmaster Licence, Grade 2. Boatmaster Licence, Grade 3. Boat Engineer Licence, Grade 1.	\$50.00 \$40.00 \$30.00 \$25.00 \$15.00



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*Guyana Shipping (Small Commercial Ship Safety) Regulations*

		Boat Engineer Licence, Grade 2.	
	(f)	Replacement licence -regulation 20.(1)	\$50.00
	(g)	Any application required to be made under these regulations not specifically provided for herein	\$25.00
	(h)	Issuing any document not specifically provided for herein.	\$15.00
	(i)	Any endorsement, whether in any document or in the Register not specifically provided for herein.	\$5.00

ANNEX  
(Regulation 2)



CODE OF SAFETY FOR SMALL COMMERCIAL VESSELS  
OPERATING IN THE CARIBBEAN SEA  
SCV CODE

Prepared  
by the  
International Maritime Organization  
for  
Caribbean Countries

## PREAMBLE

The aim of this Code is to prescribe standards of construction, and emergency equipment for small commercial vessels operating in the Caribbean Sea. The regulations are based on the United States Coast Guard Code of Federal Regulations 46 Sub-Chapter T (certification of small passenger vessels) which are regarded as equivalent to IMO Convention requirements for such vessels, Sub-Chapter C (Uninspected vessels) and The United Kingdom Code of Practice for the Safety of Small Workboats and Pilot Boats.

It should be noted that requirements for small commercial vessels of 24 metres and over in length, on international voyages, or those under 24 metres in length which carry more than 150 passengers or provide overnight accommodation for more than 50 passengers, are given in the Code of Safety for Caribbean Cargo Ships and the International Convention on the Safety of Life at Sea, 1974, as amended, (SOLAS) for cargo and passenger ships respectively. Nevertheless, small commercial vessels of 24 metres and over in length engaged on voyages in national waters only, could be allowed to operate under the provisions of this Code by the Administration.

Administrations that are party to SOLAS, who notify IMO that the Code has been determined to be equivalent to the provisions of SOLAS under regulation 1/5, for passenger vessels of less than 24 metres in length on international voyages, can issue such vessels with a SOLAS Passenger Ship Safety Certificate along with a copy of the notification of equivalency to IMO.

This publication was revised up to July 2002.

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**CHAPTER I - GENERAL PROVISIONS****PART A - APPLICATION AND INTERPRETATION****1 Application**

1.1 These regulations apply to commercial vessels, which are cargo, and passenger vessels of less than 24 metres, but 5 metres or more in length and which carry not more than 150 passengers or provide overnight accommodation for up to 50 passengers.

1.2 These regulations shall not apply to:

- .1 fishing or pleasure vessels;
- .2 a vessel holding a valid International Passenger Ship Safety Certificate issued under the provisions of the International Convention on the Safety of Life at Sea, 1974, as amended (SOLAS) or Caribbean Cargo Ship Safety Certificate as appropriate;
- .3 a boat forming part of a vessels lifesaving equipment that is used to carry passengers only in emergencies or during emergency exercises; and
- .4 a vessel of a foreign country, who's government has inspection laws approximating those of this Code, which has on board a current valid certificate of inspection or other certificates permitting the carrying of passengers, or cargo in the appropriate sea areas, issued by its Government, unless there are clear grounds

for believing that the condition of the vessel or of its equipment does not correspond substantially with the particulars of any of the certificates or is such that the vessel is not fit to proceed to sea without presenting an unreasonable threat to the safety of the vessel or its crew and passengers or the environment.

1.3 Unless otherwise specified these regulations apply to both new and existing vessels.

## 2 Definitions

For the purpose of these Regulations, unless expressly provided otherwise –

- .1 *Accommodation space* means any space other than machinery spaces, control spaces and storerooms, used or accessible by passengers or crew including, but not limited to:

Hall;  
Dining room and messroom;  
Lounge or cafe;  
Public sales room;  
Overnight accommodation space;  
Barber shop or beauty parlour;  
Office or conference room;  
Washroom or toilet space;  
Medical treatment room or dispensary; or  
Game or hobby room.

- .2 *Administration* means the Maritime Administration of a Country.

- .3 *Beam or B* means the maximum width of a

vessel measured from:

On wooden vessels from the outside of planking on one side the outside of planking on the other; and

On all other vessels from the outside of a frame on one side to the outside of a frame on the other.

- .4 *Bulbous bow* means a design of bow in which the forward underwater frames ahead of the forward perpendicular are swelled out at the forefoot into a bulbous formation.
- .5 *Bulkhead deck* means the uppermost deck to which watertight bulkheads and the watertight shell extends.
- .6 *Cargo space* means a: Cargo hold; Refrigerated cargo space; or A trunk leading to or from a space listed above.
- .7 *Coastal waters* means an area designated as such by the Administration and where this is not so designated it means an area not more than 20 miles from a safe refuge.
- .8 *Cockpit vessel* means a vessel with an exposed recess in the weather deck extending not more than one-half of the length of the vessel measured over the weather deck.
- .9 *Commercial vessel* means a vessel in commercial use and includes passenger vessels.

- .10 *Crew* includes every person, except masters and pilots, employed or engaged in any capacity on board a vessel;
- .11 *Crew accommodation space* means an accommodation space designated for the use of crew members and which passengers are normally not allowed to occupy.
- .12 *Draft* means the vertical distance from the moulded baseline of a vessel at mid length to the waterline.
- .13 *Employer*, in relation to a master who has command of a vessel in the course of his employment, means the person who employs that master in that employment;
- .14 *Existing vessel* means a vessel that is not a new vessel or a vessel for which initial construction has begun before (1 July 2002)
- .15 *Exposed waters* is a term used in connection with stability criteria and means any waters that are more than 20 nautical miles from a harbour or safe refuge, or those waters which are less than 20 nautical miles from a harbour or safe refuge and which are not designated coastal or protected waters.
- .16 *Ferry* means a vessel that: has provisions only for deck passengers or vehicles, or both; and operates on a short run on a scheduled service between two or more places.
- .17 *Fishing vessel* means a vessel used or

intended to be used for fishing for profit and does not include vessels used for the carriage of passengers used for sport fishing.

- .18 *Flash point* means the temperature at which a liquid gives off a flammable vapour when heated using the Pensky-Martens Closed Cup Tester method.
- .19 *Float-free* launching or arrangement means that method of launching a survival craft whereby the survival craft is automatically released and break free from a sinking vessel in such a manner as to be ready for use by survivors.
- .20 *Flush deck vessel* means a vessel with a continuous weather deck located at the uppermost sheer line of the hull.
- 20A *Galley* means a space containing appliances with cooking surfaces that may exceed 120°C (250°F).
- .21 *Gross or net tonnage* is the measurement of a vessel as determined by the Administration.
- .22 *Harbour or safe refuge* means a port, inlet or other body of water normally sheltered from heavy seas by land and in which a vessel can navigate and safely moor. The suitability of a location as a harbour or safe refuge is as determined by the Administration.
- .23 *Inflatable survival craft* or *Inflatable lifejacket* means one which depends upon non-rigid,

gas-filled chambers for buoyancy and which are normally kept deflated until ready for use.

- .24 *IMDG Code* means the International Maritime Dangerous Goods Code published by the International Maritime Organization.
- .25 *International voyage* means a voyage between one country and a port outside that country.
- .26 *Launching appliance* means a device for transferring a survival craft, rescue boat or boat for the recovery of a man overboard from its stowed position safely to the water. For a launching appliance using a davit, the term includes davit, winch and falls.
- .27 *Length* means length overall, the distance between the foreside of the foremost fixed permanent structure and the after side of the aftermost permanent structure.
- .28 *LSA Code* means the International Life-Saving Appliance (LSA) Code adopted by the Maritime Safety Committee of the International Maritime Organization at its sixty-sixth session by Resolution MSC.48(66) as amended
- .29 *Machinery space* means a space including a trunk, alleyway, stairway or duct to such a space that contains:

propulsion machinery of any type;  
steam or internal combustion machinery; oil transfer equipment; electrical motors of



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more than 7.5 kW (10 p); cargo refrigeration equipment; one or more oil-fired boilers or heaters; or electrical generating machinery.

- .30 *Major conversion* means repairs, alterations or modifications that: -
- (a) substantially alter the dimensions of a vessel;
  - (b) substantially increase a vessel's service life; or
  - (c) alter the functional aspects of a vessel
- .31 *Master* means the individual having command of a commercial vessel.
- .32 *Means of escape* means a continuous and unobstructed route from any point in a vessel to an embarkation station. A means of escape can be both vertical and horizontal, and may include doorways, passageways, stair towers and public spaces. Cargo spaces, machinery spaces, rest rooms, hazardous areas, escalators and elevators shall not form any part of a means of escape.
- .33 *New vessel* means a vessel for which the initial construction began on or after [1 July 2002] or a vessel, which has undergone repairs, alterations or modifications of a major character, as identified in I/9.4 on or after this date.
- .34 *Non-self-propelled vessel* means a vessel, which does not have a means of propulsion

installed, such as propulsive machinery, masts, spars or sails.

- .35 *Open boat* means a vessel which is open to the elements and is not fitted with a complete watertight or weather tight deck or complete structure above the waterline.
- .36 *Operating station* means the principal steering station on the vessel from which the individual on duty normally navigates the vessel.
- .37 *Overnight accommodation or overnight accommodation space* means an accommodation space for use by passengers or by crew members which has one or more berths, including beds or bunks, for passengers or crew members to rest for extended periods. Overnight accommodations do not include spaces, which contain only seats, including reclining seats.
- .38 *Passenger* means any person carried in a vessel except a person employed or engaged in any capacity on board the vessel or a child under one year of age.
- .39 *Passenger vessel* means a vessel other than a pleasure vessel carrying more than 12 passengers, and includes a vessel that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment.
- .40 *Piping system* includes piping, associated

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fittings and valves.

.41 *Pleasure vessel* means –

.1 (a) any vessel which at the time it is being used is –

(i) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(ii) in the case of a vessel owned by a body corporate, one on which the persons are employees, officers or shareholders of the body corporate, or their immediate family or friends; and

(b) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

.2 any vessel wholly owned by or on behalf of a club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of the club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and

.3 in the case of any vessel referred to in paragraphs (1) or (2), no other payments are made by or on behalf of the users of the vessel, other than by the owner; and in this definition, "immediate family" means, in relation to an individual, the husband or wife of the individual, and a relative of the individual or the relative's husband or wife, "relative" means brother, sister, ancestor or lineal descendant, and "owner" includes charterer.

- .42 *Protected waters* means an area of sheltered waters presenting no special hazards such as most rivers, harbours and lakes, designated by the Administration for the operation of small vessels and where not so designated means an area not more than 3 miles from a safe haven.
- .43 *Survival craft* means a lifeboat, liferaft, buoyant apparatus or small boat carried aboard a vessel.
- .44 *Vessel* includes any ship or boat or any other description of vessel capable of being navigated.
- .45 *Voyage* includes an excursion.
- .46 *Watertight* means designed and constructed to prevent the passage of water in any direction.
- .47 *Weathertight* means that in any sea conditions water will not penetrate into the vessel.
- .48 *Well deck vessel* means a vessel with a weather

deck fitted with solid bulwarks that impede the drainage of water over the sides or a vessel with an exposed recess in the weather deck extending more than one-half of the length of the vessel measured over the weather deck.

- .49 *Working day*, in relation to any person to whom Chapter IX of this Code applies means any period during which the person is on duty which is not followed by an interval for rest of not less than 8 hours.
- .50 *Workspace* means a space, not normally occupied by a passenger, in which a crewmember performs work and includes, but is not limited to, a galley, operating station or machinery space.

### 3 Equivalence and exemptions

3.1 Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, piece of equipment or machinery shall be fitted or carried in a vessel, or that any particular provision shall be made, the Administration may permit any other fitting, material, appliance or apparatus or type thereof, piece of equipment or machinery to be fitted or carried or other provision to be made in that vessel where it is satisfied by trials or otherwise that the alternative is at least as effective as that required by these Regulations.

3.2 The Administration may exempt any vessel or description of vessels from all or any of the provisions of these Regulations, as shall be specified in the exemption.

Providing that the Administration is satisfied that

compliance with such provision is either impracticable or unreasonable in the case of that vessel or description of vessels. The exemption may be issued on such terms, if any, as the Administration may specify and subject to giving reasonable notice, alter or cancel any such exemption.

#### **4 Approved equipment and material**

Equipment and material that is required by these regulations to be approved or of an approved type shall have been manufactured and approved in accordance with the design and testing requirements of the Administration. In construing the term "to the satisfaction of the Administration" in relation to standards for type approval these shall be equivalent to those of the Canadian Coast Guard (CCG), European Economic Community (EEC), the United States Coast Guard (USCG), the International Maritime Organization (IMO) or an organization recognized to perform statutory work on behalf of the Administration in terms of certification and survey functions connected with the issuance of international certificates.

### **PART B – INSPECTIONS**

#### **5 Extension of Inspection**

5.1 Inspections for certification are based on the information, specifications, drawings and calculations available to the Administration.

5.2 The initial or renewal inspection will cover the following items: hull, machinery, electrical equipment, lifesaving equipment, fire protection equipment, pressure vessels and boilers, steering systems, miscellaneous equipment and systems, sanitation and operational practices including the competence and composition of the crew.

5.3 In general, the scope of an annual inspection is the same as for the inspection for issue of a certificate of inspection but in less detail.

## **6 Notice of inspection deficiencies and requirements**

During the inspection of a vessel, the marine surveyor will record any deficiencies. The surveyor will provide a copy of these to the owner and discuss arrangements for rectification.

## **7 Unsafe practices**

During the course of any inspection due regard shall be given to confirming that all unsafe practices identified on board have been corrected. Examples of this include fire hazards by virtue of oily residues, unguarded machinery and provision of any protective clothing or devices necessary for the safety of the crew

## **8 Hull and Tailshaft Examinations**

8.1 A thorough examination of the hull, tailshaft, rudders and propellers shall be carried out at the initial and renewal surveys or at the discretion of the Administration.

8.2 A passenger vessel certified for operation in exposed waters shall undergo a thorough examination of the hull and tailshaft annually.

8.3 Hull and tailshaft examinations shall include all fittings, fixtures and penetrations of the hull and strengthening arrangements.

## **9 Repairs, Alterations and Modifications**

9.1 Repairs or alterations to the hull, machinery or equipment, which affect the safety of the vessel shall not be made without the approval of the Administration, except in an emergency. Drawings or written specifications of proposed alterations should be submitted to the Administration which may require that an inspection and test be carried out.

9.2 Safe working practices shall be observed in the planning and execution of any alterations, repairs or other operations involving riveting, welding, burning or other fire producing actions aboard a vessel particularly where these take place adjacent to fuel tanks or apparatus connected to the fuel tanks.

9.3 Repairs, alterations and modifications of a major character and outfitting related thereto on existing vessels shall meet the requirements prescribed for a new vessel to such extent as the Administration deems reasonable and practicable. The owner shall inform the Administration of the proposed alterations and modifications before such alterations and modifications are carried out.

9.4 For the purpose of the Code, the following repairs, alterations and modifications shall be recognized as being of "major character":

- (a) any changes that substantially alter the dimensions of the vessel;
- (b) any changes that substantially increase a vessel's service life; or
- (c) any conversions that alter the functional aspects of the vessel.



## 10 Additional tests and inspections

The Administration may make inspections or tests of the vessel in addition to those described above, as deemed necessary to determine that the vessel and its equipment are suitable for the service in which they are to be employed.

## PART C – CERTIFICATION

### 11 Application for a Certificate of Inspection

A Certificate of Inspection may be obtained or renewed by making an application in writing to the Administration. The application for inspection of a vessel being newly constructed or converted shall be submitted prior to the start of the construction or conversion.

### 12 Certificate of Inspection

12.1 A vessel to which these regulations apply shall not be operated without having on board a valid Certificate of Inspection issued by the Administration following a satisfactory inspection. The form of the certificate is given in **Annex 1**. This certificate shall remain valid for a period not exceeding 3 years from the date of inspection provided that the vessel successfully completes an annual inspection or unless revoked by the Administration.

12.2.1 The inspection for the renewal of the certificate shall be conducted up to 2 months prior to the expiry of the Certificate of Inspection. Where a vessel is inspected not more than 30 days before the date of expiry of a Certificate of Inspection, the new certificate shall be dated from the expiry date.

12.2.2 The annual inspection shall be conducted

between the 10th to 14th month of the anniversary date of the issuance of the Certificate of Inspection.

12.3 Every vessel to which a Certificate of Inspection has been issued shall conform to these regulations and any additional measures deemed appropriate by the Administration throughout the period of validity of the certificate.

12.4 Where necessary to prevent delay of the vessel, a temporary Certificate of Inspection may be issued pending the issuance and delivery of the regular Certificate of Inspection and shall be carried in the same manner as the regular certificate.

### 13 Description of Certificate

The Certificate of Inspection issued to a vessel shall describe:

the vessel,  
the date of inspection and expiry of the certificate,  
the issuing authority, the operating area specified under headings "*Protected waters*", "*Coastal waters*" or "*Exposed Waters*".  
the minimum manning requirements,  
the fire detection and extinguishing equipment required  
the life saving appliances to be carried  
the maximum number of passengers and total persons that shall be carried,  
the number of passengers the vessel may carry in overnight accommodation spaces,  
the name of the owner and managing operator, any equivalencies or exemptions accepted or authorised by the Administration, any other such conditions

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of operation as may be determined by the Administration.

#### **14 Posting of Certificates, Permits and Stability Letters**

The Certificate of Inspection or any stability letters, shall be posted under glass or other suitable transparent material, such that all pages are visible, in a conspicuous place on the vessel where observation by passengers is likely. Where posting is impracticable, the certificates shall be kept on board in a weathertight container readily available for use by the crew to display to passengers and others on request.

#### **15 Special Permits**

15.1 Where a vessel does not hold a valid Certificate of Inspection, the Administration may permit the vessel to proceed without passengers to another port for repairs, under such conditions as may be considered necessary. Application for such permission should be made in writing to the Administration.

15.2 The Administration, in exceptional circumstances, may permit a vessel to engage in a voyage with a greater number of persons or on a more extended route, or both, than permitted by its Certificate of Inspection where it is satisfied that the operation can be undertaken safely.

### **PART D - PASSENGER AND CREW CAPACITY**

#### **16 Total Number of persons permitted**

16.1 The total numbers of persons permitted to be carried on a vessel shall be determined by the Administration.

16.2 In determining the total number of persons permitted to be carried the Administration shall take into account the applicable stability restrictions and subdivision requirements in **Chapter III**, the vessel's operating area, general arrangement, means of escape, lifesaving equipment, and minimum manning requirements and the maximum number of passengers permitted in accordance with **II/15.1** and **II/15.2**.

16.3 The total number of persons permitted to be carried should not exceed the total number of persons calculated to be on board when the vessel successfully completed the stability requirements of regulation **III/8**.

## **PART E - INTERNATIONAL SAFETY MANAGEMENT**

### **17 Safety Management System\***

17.1 The owner of a passenger vessel engaged on international voyages, or any other organization or person such as the manager or the bareboat charterer who has assumed responsibility for the operation of the ship from the owner, and the vessel shall comply with the requirements of:

- .1 Chapter IX of the International Convention for the Safety of Life at Sea (SOLAS) 1974 as amended; and
- .2 the International Safety Management Code for the Safe Operation of Ships and Pollution Prevention, adopted in London on 24 May 1994.

17.2.1 A Document of Compliance shall be issued to every company which complies with the requirements of

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the International Safety Management Code. This document shall be issued by the Administration, by an organization recognized by the Administration, or at the request of the Administration by another Contracting Government to SOLAS.

17.2.2 A copy of the Document of Compliance shall be kept onboard the ship in order that the master can produce it on request for verification.

17.2.3 A Certificate, called a Safety Management Certificate, shall be issued to every ship by the Administration or an organization recognized by the Administration. The Administration or organization recognized by it shall, before issuing the Safety Management Certificate, verify that the company and its shipboard management operate in accordance with the approved safety-management system.

17.3 The safety-management system shall be maintained in accordance with the provisions of the International Safety Management Code.

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\* The United States Coast Guard has developed a simple Draft Safety Management System which can be used as a guide to put in place a safety management system that complies with the requirements of the ISM Code. This Draft System is available on request.

## CHAPTER II - CONSTRUCTION

### PART A - GENERAL PROVISIONS

#### 1 General Provisions

1.1 The construction and arrangement of a vessel

shall allow the safe operation of the vessel in accordance with the terms of its Certificate of Inspection giving consideration to:

provisions for a seaworthy hull,  
protection against fire,  
means of escape from all spaces likely to be occupied by passengers or crew,  
guards and rails in hazardous places,  
ventilation of enclosed spaces,  
necessary facilities for the accommodation and use of passengers and crew.

The Administration shall arrange for the phasing in of the provisions of this Chapter to existing vessels within 3 years of the coming into force of these Regulations.

1.2 Unless authorized by the Administration, a vessel classed for operating in exposed waters shall be fitted with a watertight weather deck over the length of the vessel and be of adequate structural strength to withstand the sea and weather conditions likely to be encountered in the area of operation. The vessel shall be so constructed as to meet the appropriate requirements of Chapter III.

## **2 Plans and Information to be Submitted**

2.1 The owner of a vessel requesting initial inspection for certification shall, prior to the start of construction unless otherwise allowed by the Administration, submit for approval to the Administration, at least two copies of plans concerning the following areas: machinery installation including piping systems; electrical installation; arrangement in detail of lifesaving equipment; arrangement in detail of fire equipment, mast and rigging arrangements; navigation lights; steering and control equipment; and sanitation arrangements.

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2.2 For a vessel of not more than 20 m (65 feet) in length, the owner may submit specifications, sketches, photographs, line drawings or written descriptions instead of any of the required drawings, provided the required information is adequately detailed and acceptable to the Administration.

2.3 The provisions of 11/2.1 and 11/2.2 apply equally to existing vessels

### 3 Hull Structure

3.1 Except as provided in II/3.2 a vessel shall comply with the structural design requirements of one of the following standards for the material and construction of the vessel:

- .1 Wooden hull vessels - Rules and Regulations for the Classification of Yachts and Small Craft, Lloyd's Register of Shipping (LR).
- .2 Steel hull vessels - Rules and Regulations for the Classification of Special Service Craft, LR; or Rules for Building and Classing Steel Vessels under 90 ms (200 feet) in length, American Bureau of Shipping (ABS).
- .3 Glass fibre reinforced plastic vessels - Rules and Regulations for the Classification of Special Service Craft, LR; or Rules for Building and Classing Reinforced Plastic Vessels, ABS.
- .4 Aluminum hull vessels- Rules and Regulations for the Classification of Special

Service Craft, LR. Rules for Building and Classing Aluminum vessels ABS.

- .5 Inflatable or rigid inflatable vessels shall meet the design and construction requirements of Chapter III of SOLAS and the parts of the LSA Code - which are appropriate to the type of vessel.
- .6 Vessels built to other standards shall be considered specifically by the Administration.

3.2 An existing vessel shall be considered to be of acceptable construction where it is

- .1 built to one of the standards described in **11/3.1**; or
- .2 of a design with a record of at least five years' history of safe operation in an area where the sea and weather conditions and manner of use are no less severe than those likely to be encountered in the area of operation.

3.3 The design, materials, and construction of masts, posts, yards, booms, bowsprits, and standing rigging on a sailing vessel should be suitable for the intended service. The hull structure should be adequately reinforced to ensure sufficient strength and resistance to plate buckling.

#### **4 Means of Escape**

4.1 Each space of more than 3.7 m (12 feet) in length accessible to passengers or used by the crew on a regular basis shall have at least two means of escape, one of



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which shall not be a watertight door.

4.2 The two required means of escape shall be widely separated and, where possible, at opposite ends or sides of the space to minimise the possibility of one incident blocking both escapes. Means of escape may include normal exits and emergency exits, passageways, stairways, ladders, deck scuttles, and windows. The number and dimensions of the means of escape from each space shall be sufficient for rapid evacuation in an emergency of the maximum number of persons likely to occupy the space under any operational conditions. The size of the escapes shall be to the satisfaction of the Administration.

4.3 In a passenger vessel, the sum of the width of all doors and passageways used as means of escape from a space shall not be less than 8.4 mm (0.333 inches) multiplied by the number of passengers for which the space is designed with a minimum clear opening of not less than 810mm (32 inches). In all vessels, doors or passageways used solely by crew members shall have a clear opening not less than 710 mm (28 inches).

4.4 When a deck scuttle serves as a means of escape, it must not be less than 455 mm (18 inches) in diameter and must be fitted with a quick acting release and a holdback device to hold the scuttle in an open position.

## **PART B - WATERTIGHT AND WEATHERTIGHT OPENINGS**

### **5 Hatchways**

5.1 A hatchway, which gives access to spaces below the weather deck shall be of efficient construction and be provided with efficient means of weathertight closure.

5.2 A cover to a hatchway shall be hinged, sliding, or permanently secured by other equivalent means to the structure of the vessel and be provided with sufficient locking devices to enable it to be positively secured in the closed position.

5.3 A hatchway with a hinged cover which is located in the forward portion of the vessel shall normally have the hinges fitted to the forward side of the hatch, as protection of the opening from boarding sea.

5.4 Hatches, which are identified as forming part of a means of escape shall be capable of being opened from both sides.

5.5 Hatches, which are required to be kept closed for safety reasons when the vessel is at sea shall have prominent "keep closed" warning notices attached to the vessel structure on both sides.

## 6 Hatches which are open at sea

6.1 Where operational needs exist for specified hatches to be open at sea for lengthy periods, these hatches shall be:-

- .1 kept as small as practicable, but never more than  $1\text{m}^2$  in plane area at the top of the coaming;
- .2 located at the centre line of the vessel or as close thereto as practicable and compatible with the proper working of the vessel; and
- .3 fitted such that the access opening is at least 300mm (12 inches) above the top of the

adjacent weather deck at the side of the vessel.

## **7 Doorways located above the weather deck**

7.1 A doorway located above the weather deck which, gives access to spaces below shall be provided with a weathertight door. The door shall be of efficient construction, permanently attached to the bulkhead, not open inwards, and sized such that the door overlaps the clear opening on all sides, and has efficient means of closure which can be operated from both sides. It shall be of equivalent strength to the structure in which it is fitted.

7.2 A doorway shall be located as close as practicable to the centre line of the vessel. However, where hinged and located in the side of a deckhouse, the door shall be hinged on the forward edge.

7.3 A doorway, which is either forward or side facing, shall be provided with a coaming, the top of which is at least 150mm (6 inches) above the weather deck. A coaming may be portable provided it is permanently secured to the structure of the vessel and can be locked in position.

## **8 Companion hatch openings**

8.1 A companion hatch opening from a cockpit or recess, which gives access to spaces below the weather deck shall be fitted with a coaming, the top of which is at least 300mm (12 inches) above the sole of the cockpit or recess.

8.2 When washboards are used to close a vertical opening they shall be so arranged and fitted that they will not become accidentally dislodged.

8.3 The breadth of the opening of a companion hatch shall not exceed 1 m (39 inches).

## 9 Skylights

9.1 A skylight on the weather deck, which gives access to spaces below, shall be fitted with a coaming, the top of which is at least 150mm (6 inches) above the deck.

9.2 A skylight shall be of efficient weathertight construction and shall be located on the centre line of the vessel, or as near thereto as practicable. It may be further offset where necessary to provide a means of escape from a compartment below deck.

9.3 When a skylight is an opening type, it shall be provided with efficient means whereby it can be secured in the closed position from both sides.

9.4 In a new vessel, a skylight, which is provided as a means of escape shall be capable of being opened from both sides.

9.5 Unless the glazing material and its method of fixing in the frame is equivalent in strength to that required for the structure in which it is fitted, a portable "blank" shall be provided which can be efficiently secured in place in event of breakage of the glazing. The blank shall be permanently located close to the skylight that it serves and shall be of suitable material and strength to the satisfaction of the Administration.

## 10 Portlights and Windows

10.1 A portlight or window shall be fitted in a position so that its sill is not less than 610mm (24 inches) above the load waterline.

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10.2 A portlight or window to a space below the weather deck or in a step, recess, raised deck structure, deckhouse or superstructure protecting openings leading below the weather deck shall be of sufficient construction which provides weathertight integrity, and be of strength compatible with size of the portlight or window, and the intended area of operation of the vessel. Glass and other glazing material used in windows shall be of a material that will not break into dangerous fragments if fractured.

10.3 Each window, port hole and its means of attachment to the hull or deck house shall be capable of withstanding the maximum load from wave and wind conditions expected due to its location on the vessel and the authorised operating area of the vessel.

10.4 In a new vessel, a portlight or window shall not be fitted in the main hull below the weather deck, unless the glazing material and its method of fixing in the frame are equivalent in strength to that required for the structure in which it is fitted.

10.5 In a new vessel, an opening portlight shall not be provided to a space situated below the weather deck.

10.6 In a new vessel or in an existing vessel where a portlight or window is replaced, portlights, windows and their frames shall meet the requirements of ISO 12216 - Windows, portlights, hatches, deadlights and doors - strength and tightness requirements, or equivalent standard. This standard is recommended for existing vessels.

10.7 In an existing vessel certified for operation in exposed waters, a portlight, fitted below the weather deck and not provided with an attached deadlight shall be

provided with a "blank", the number of blanks, shall be sufficient for at least half of the number of such portlights of each different size in the vessel, which can be efficiently secured in place in the event of breakage of the portlight. The blank shall be of suitable material and strength to the satisfaction of the Administration. Such a "blank" is not required for a non-opening portlight, which satisfies the requirements of II/10.3.

10.8 An opening portlight shall not exceed 250mm (10 inches) in diameter or equivalent area.

10.9 In an existing vessel classed for operation in exposed waters, a window fitted in the main hull below the weather deck, shall meet the requirements of II/10.3, or be provided with a blank meeting the requirements of II/10.7.

10.10 For the wheelhouse:-

- .1 Windows and other openings at the operating station shall be of sufficient size and properly located to provide an adequate view for safe navigation in all operating conditions;
- .2 windows and their frames shall meet the requirements of ISO 12216 (see II/10.6) or equivalent standard, having due regard to the increased thickness of windows comprising one or more laminations in order to achieve equivalent strength;
- .3 polarised or tinted glass shall not be used in windows provided for navigational visibility, although portable tinted screens may be provided for these windows; and

- .4 when a vessel is expected to operate in severe weather, relative to the size of the vessel, efficient storm shutters shall be provided for all front and side facing windows.

## 11 Ventilators

11.1 A ventilator shall be of efficient construction and be provided with a permanently attached means of weathertight closure.

11.2 A ventilator shall be kept as far inboard as practicable and the height above the deck of the ventilator opening shall be sufficient to prevent the admission of water when the vessel is heeled.

11.3 The Administration may permit the fitting of a ventilator which must be kept open, e.g. for the supply of air to machinery or for the discharge of noxious or flammable gases, provided that it is demonstrated with reference **11/11.2** that down flooding will not occur via the ventilator in any foreseeable situation.

## PART C – ACCOMMODATION

### 12 General

12.1 There shall be sufficient hand holds and grab-rails within the accommodation to allow safe movement around the accommodation when the vessel is in a seaway.

12.2 Heavy items of equipment such as batteries, cooking appliances, etc., shall be securely fastened in place to prevent movement due to severe motions of the vessel.

Stowage lockers containing heavy items shall have lids or doors with secure fastening.

12.3 Means of escape from accommodation spaces shall satisfy the requirements of regulation II/4, II/9.2 and II/9.3.

12.4 Effective means of ventilation shall be provided to enclosed spaces which may be entered by persons on board.

12.5 When a vessel is intended to be at sea for more than 24 hours, an adequate standard of accommodation for all on board shall be provided. In providing such accommodation, primary concern shall be directed towards ensuring the health and safety aspects of persons e.g. the ventilation, lighting, water services, galley services, access and escape arrangements.

On vessels which carry berthed persons below deck, mechanical ventilation shall be provided to accommodation spaces, which are situated completely below the level of the weather deck, excluding any coach roof. As far as practicable, such ventilation arrangements shall be designed to provide at least 6 changes of air per hour when the access openings to the spaces are closed and have an emergency shutdown switch located outside of the space for use in case of fire.

### 13 Crew Spaces

13.1 Crew accommodation spaces and work spaces shall be of sufficient size, adequate construction, and with suitable equipment to provide for the safe operation of the vessel and the protection and accommodation of the crew in a manner practicable for the size, facilities, service, route, speed and modes of operation of the vessel. The deck



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above a crew accommodation space shall be located above the deepest load waterline.

13.2 Sleeping accommodation shall be provided for all crew members of the vessel where it is operated for more than 12 hours in a 24-hour period, unless the crew is put ashore and the vessel is provided with a new crew including the Master.

13.3 Sleeping accommodation shall consist of a bunk or cot for each crew member and at least 50% of these shall be provided with lee boards or lee cloths.

#### **14 Passenger Accommodation**

14.1 All passenger accommodation shall be arranged and equipped to provide for the safety of the passengers in consideration of the route, modes of operation and speed of the vessel.

14.2 The height of deck heads in a passenger accommodation space shall be at least 1.9 m (74 inches) but may be reduced at the sides of a space to allow for camber, wiring, ventilation ducts and piping. The space shall be maintained to minimise fire and safety hazards and to preserve sanitary conditions. Aisles shall be kept clear of obstructions.

14.3 A berth to the satisfaction of the Administration shall be provided for each passenger to be carried in overnight accommodation spaces.

14.4 A seat shall be provided for each passenger permitted in a space for which the fixed seating criterion in 11/15.2.3 has been used to determine the number of passengers permitted. A seat shall be constructed to minimise the possibility of injury and avoid trapping

occupants. Installation of seats shall provide for ready escape. Seats, including fixed, temporary or portable seats, shall be arranged as follows:

- .1 An aisle of not more than 3.8 m (15 feet) in overall length shall be not less than 610mm (24 inches) in width;
- .2 An aisle of more than 3.8m (15 feet) in overall length shall not be less than 760mm (30 inches) in width;
- .3 Where seats are in rows, the distance from seat front to seat front shall not be less than 760mm (30 inches) and the seats shall be secured to a deck or bulkhead;

14.5 Seats identified in the determination of the maximum number of passengers permitted shall be secured to the deck, bulkhead or bulwark by effective permanent or temporary means.

## 15 Passenger capacity

15.1 The maximum number of passengers permitted in any passenger vessel shall be the greatest number permitted by any of the following criteria or combination of these criteria.

- .1 Length of Rail - one passenger may be permitted for each 760mm (30 inches) of rail space available to the passengers at the periphery of the deck, not including rail space in congested areas, on stairways and where persons standing in the space would block the vision of the vessel's operators.

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- .2 Deck Area - one passenger may be permitted for each square metre (10 square feet) of free deck area available for the passengers' use. Free deck area does not include:

Concession stands, fixed tables, fixed gambling equipment and similar furnishings;

Toilets and washrooms;

Companionways and stairways;

Spaces occupied and necessary for handling lifesaving equipment or line

handling gear or in way of sail booms or running riggings;

Spaces below deck which are unsuitable for passengers or which would not normally be used by passengers;

Interior passageways less than 760 mm (30 inches) wide and passageways on open deck less than 460 mm (18 inches) wide;

Bow pulpits, swimming platforms and areas which do not have a solid deck, such as netting on multi-hull vessels;

Deck areas in way of paddle wheels; and

Aisle area.

- .3 Fixed Seating - one passenger may be permitted for each 460mm (18 inches) of width of fixed seating provided. (See II/14.4)

15.2 Different passenger capacity criteria may be used on each deck of a vessel and added together to determine the maximum number of passengers to be carried on that vessel. Where seats are provided on part of a deck and not on another, the number of passengers permitted on a

vessel may be the sum of the number permitted by the seating criterion for the space having seats and the number permitted by the deck area criterion for the space having no seats. The length of rail criterion may not be combined with either the deck area criterion or the fixed seating criterion when determining the maximum number of passengers permitted on an individual deck,

15.3 The Administration may give special consideration to increasing the passenger allowances for a vessel operating on short runs on protected waters, such as a ferry,

## 16 Water services

16.1 An adequate supply of fresh drinking water shall be provided and piped to convenient positions throughout the accommodation spaces.

16.2 In addition, an emergency (dedicated reserve) supply of drinking water shall be carried at the rate of 2 litres per person on board.

## 17 Galley

17.1 A galley shall be fitted with a means for cooking and a sink, and have adequate working surfaces for the preparation of food.

17.2 When a cooking appliance is gimballed it shall be protected by a crash bar or other means to prevent it being tilted inadvertently when it is free to swing and a strap, portable bar or other means shall be provided to allow the cook to be secured in position, with both hands free for working, when the vessel is rolling. Means shall be provided to isolate the gimbaling mechanism.

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17.3 There shall be secure stowage for food in the vicinity of the galley.

### **18 Toilet facilities**

18.1 Adequate toilet facilities, separated from the rest of the accommodation, shall be provided for persons on board.

18.2 In general, there shall be at least one marine type flushing water closet and one wash hand basin for every 12 persons.

### **19 Stowage facilities for personal effects**

Adequate stowage facilities for clothing and personal effects shall be provided for each person on board.

## **PART D - WORKING DECKS**

### **20 Surface of Working Decks**

20.1 The surface of a working deck shall be non-slip. Acceptable surfaces are: chequered plate; unpainted wood; a non-skid pattern moulded into fibre reinforced plastic (FRP); non-slip deck paint; or an efficient. non-slip covering.

20.2 A hatch cover fitted on a working deck shall have a non-slip finish.

20.3 In an inflatable boat or rigid inflatable boat the upper surface of the inflated buoyancy tube shall be provided with a non-slip finish.

## 21 Rails and Guards

21.1 Rails or equivalent protection shall be installed near the periphery of all decks of a vessel accessible to passengers or crew. Equivalent protection may include lifelines, wire rope, chains and bulwarks that provide strength and support equivalent to fixed rails. Deck rails shall include a top rail with the minimum height of 1000mm (39.5 inches) and lower courses or equivalent protection. The distance between the lowest course and the deck shall not exceed 230mm (9 inches) and the distance between the other courses shall not exceed 380mm (15 inches).

21.2 In a vessel fitted with a cockpit, which opens aft to the sea, additional guard rails shall be fitted so that there is no unprotected vertical opening, i.e. between vertical "members," greater than 500mm in width.

21.3 In an inflatable boat or a rigid inflatable boat, handgrips, toeholds and handrails shall be provided as necessary to ensure the safety of all persons on board during transit and the worst weather conditions likely to be encountered in the intended area of operation.

21.4 Suitable storm rails or hand grabs shall be installed where necessary in passageways, at deckhouse sides and at ladders and hatches.

21.5 On a vessel authorised to carry one or more vehicles, suitable chains, cables or other barriers shall be installed at the end of each vehicle runway and temporary rails or equivalent protection shall be installed in way of each vehicle ramp when the vessel is underway.

## CHAPTER III - FREEBOARD, STABILITY AND WATERTIGHT INTEGRITY

### PART A - FREEBOARD

#### 1 Minimum Freeboard

1.1 The minimum freeboard shall be that freeboard at which the vessel meets the stability requirements as determined by a simplified stability proof test, carried out in accordance with regulation III/8 or other requirements that the Administration considers appropriate in relation to the type of vessel, its service and its area of operation. The minimum freeboard shall not be less than 250mm (10 inches). Where the least freeboard of the loaded vessel occurs abaft a point 0.75x the length of the vessel from the foreside of the foremost fixed permanent structure, the minimum freeboard shall be taken to be the freeboard measured at that point. The deepest load waterline shall be the load-line equivalent to the minimum freeboard.

1.2 When demonstrating compliance with 111/8.12 or .13, the freeboard shall be measured as follows:

- .1 For a flush deck or well deck vessel, the freeboard shall be measured to the top of the weather deck at the side of the vessel; and
- .2 For a cockpit vessel or for an open boat, the freeboard shall be measured to the top of the gunwale.

#### 2 Loading Marks

A vessel shall have permanent loading marks placed on each side of the vessel forward, amidships and aft to indicate the maximum allowable draft and trim

corresponding to the minimum freeboard determined according to regulation **III/1**. Such a loading mark shall be a horizontal line of at least 200mm (8 inches) in length forward and aft and 300mm (12 inches) amidships and 25mm (1 inch) in height, with its upper edge passing through the point of maximum draft. The loading mark shall be painted in a contrasting colour to the sideshell paint.

### **3 Loading of a vessel**

3.1 Except as provided in regulation **III/3.2** the loading marks of a vessel shall not be submerged at any time when a vessel puts to sea, during a voyage or on arrival.

3.2 When a vessel departs from a port situated on a river or inland waters, deeper loading shall be permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

## **PART B – STABILITY**

### **4 Stability Information for Operating Personnel**

Stability information, i.e. stability details indicated on the Certificate of Inspection, a stability letter or a stability booklet, as determined by the [Administration], is required on all vessels. Sufficient stability information including stability calculations and assumptions made to use them, shall be provided on vessels for the master to be able to determine the stability of the vessel in various loading conditions in relation to accepted standards.

### **5 Stability Information**

Where a vessel is required to comply with **III/4**,



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the owner or operator of the vessel shall submit to the Administration the following information and the necessary calculations used to determine that information:

- .1 allowable number of passengers and crew on each deck;
- .2 Deepest waterline drafts or freeboard;
- .3 location of watertight bulkheads and openings in watertight bulkheads
- .4 explanation of the vessel's subdivision and specific identification of the vessel's subdivision bulkheads;
- .5 location of openings through watertight bulkheads, such as watertight doors, which must be closed to limit flooding in an emergency;
- .6 location, type and amount of fixed ballast;
- .7 location and details of foam flotation material; and
- .8 maximum weight of portable equipment permitted on the vessel, including diving equipment.

## **6 Intact stability requirements in general**

6.1 A vessel shall undergo a simplified stability proof test in accordance with regulation III/8 in the presence of an Administration surveyor.

6.2 A simplified stability proof test in accordance with regulation III/8 is conducted to determine where a vessel, as built and operated, has a minimum level of initial stability. Failure of the simplified test does not necessarily mean that the vessel lacks stability for the intended operating area, service, and operating condition, but that calculations or other methods shall be used to evaluate the stability of the vessel.

6.3 A vessel certified to operate in exposed waters shall have its stability determined by calculation to the satisfaction of the Administration.

## **7 Intact stability requirements for a sailing vessel**

7.1 Subject to III/7.3, each sailing vessel shall undergo a simplified stability proof test in accordance with regulation III/8.

7.2 A sailing vessel that operates in coastal or exposed waters shall be equipped with a self-bailing cockpit.

7.3 The Administration may perform operational tests to determine whether the vessel has adequate stability and satisfactory handling characteristics under sail for protected waters or coastal waters, in lieu of conducting a simplified stability proof test.

7.4 The Administration may prescribe additional or different stability requirements for a broad, shallow draft vessel with little or no ballast outside the hull.

## **8 Simplified stability proof test procedure and assumptions**

8.1 A vessel shall be in the condition specified in III/8.2 to III/8.8 inclusive when a simplified stability proof test

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is performed.

8.2 The vessel shall be moored in a quiet, sheltered area free from extraneous forces such as propeller wash from passing vessels, or sudden discharges from shore-side pumps, and in a manner to allow unrestricted heeling.

8.3 The construction of the vessel shall be complete in all respects

8.4 Ballast, where necessary, shall be in compliance with regulation III/9 and shall be on board and in place.

8.5 Each fuel and water tank shall be approximately three-quarters full.

8.6 A weight equal to the total weight of all passengers, crew, and other loads permitted on the vessel shall be on board and distributed so as to provide normal operating trim and to simulate the vertical centre of gravity causing the least stable condition that is likely to occur in service. For the purposes of regulation III/8 the crew shall be counted as passengers.

8.7 Unless otherwise specified, weight and vertical centre of gravity is assumed to be as follows:

- .1 the weight of primary lifesaving equipment shall be simulated at its normal location, if not on board at the time of the test;
- .2 the weight of one person is considered to be 75 kg (166 pounds) except where the vessel operates exclusively on protected waters, when passenger loads consist of men, women and children, the weight of one

person is considered to be 65 kg (143 pounds);

- .3 the vertical centre for the simulated weight of passengers, crew, and other loads shall be at least 760 mm (2.5 feet) above the relevant deck; and
- .4 where the vessel carries passengers on diving excursions, the total weight of diving gear shall be included in the loaded condition, in the positions they would normally be carried, as follows:
- .5 the total weight of individual diving gear for each passenger carried is assumed to be 36 kg (80 pounds), which includes the weight of scuba tanks, harness, regulator, weight belt, wet suit, mask, and other personal diving equipment; and
- .6 the weight of any air compressors carried.

8.8 On vessels having one upper deck above the main deck available to passengers, the vertical weight distribution shall not be less than the following:

$$\text{Weight on Upper Deck} = (\# \text{ of passengers on upper deck}) \times (\text{Wt per passenger}) \times 1.33$$

$$\text{Weight on Main Deck} = \text{Total Test Weight} - \text{Weight on Upper Deck}$$

8.9 All non-return closures on cockpit scuppers or on weather deck drains shall be kept open during the test.

8.10 A vessel shall not exceed the limitations in

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III/8.12, when subjected to the greater of them following heeling moments:

$$M_p = (W)(B_p)/6; \text{ or}$$

$$M_w = (P)(A)(H)$$

where:

$M_p$  = passenger heeling moment in kilogram - metres (foot-pounds);

$W$  = the total passenger weight using 75 kg (165 pounds) per passenger, or, where the vessel operates exclusively on protected waters, 65 kg (143 pounds) per passenger may be used;

$B_p$  = the maximum transverse distance in metres (feet) of a deck that is accessible to passengers;

$M_w$  = wind heeling moment in kilogram-metres (foot-pounds);

$P$  = wind pressure of:

- (a) 36.6 kilograms/square metre (7.5 pounds/square foot) for operation on protected waters;
- (b) 48.8 kilogram/square metre (10.0 pounds/square foot) for operation on coastal waters; or
- (c) 73.3 kilograms/square metre (15.0 pounds/square foot) for operation on exposed waters;

A = area, in square metres (square feet), of the projected lateral surface of the vessel above the waterline, including each projected area of the hull, superstructure and area bounded by railings and structural canopies. For sailing vessels this is the bare poles area, or, where the vessel has no auxiliary power, with storm sails set; and

H = height, in metres (feet), of the centre of area (A) above the waterline, measured up from the waterline.

8.11 For sailing vessels the heeling moment used for this test shall be the greater of the following:

- .1 Passenger heeling moment from **III/8.10.a**
- .2 Wind heeling moment from **III/8.10.**
- .3 Wind heeling moment calculated from the wind heeling moment equation in **III/8.10**  
As  $M_w = (P)(A)(H)$ ,

where:

$M_w$  = wind heeling moment in kilogram-metres  
(foot-pounds);

P = 4.9 kilograms/square metre (1.0 pounds/square foot);

A = the windage area of the vessel in square metres  
(square feet) with all sails set and trimmed flat;

H = height, in metres (feet), of the centre of effort

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of area (A) above the waterline, measured up from the waterline.

8.12.1 When a vessel is subjected to the greater of the heeling moments determined in regulation **III/8.10**, the immersion of the loading mark shall not exceed the percentage of the freeboard specified in the following:

- .1 on a flush deck vessel, 50 per cent;
- .2 on a well deck vessel that operates on protected waters and has non-return scuppers or freeing ports, 100 per cent where the full freeboard is not more than one-quarter of the vertical distance from the waterline to the gunwale;
- .3 on all other well deck vessels, 50 per cent
- .4 on a cockpit vessel, the percentage is calculated from the following:

on exposed waters:  $(2L - 1.5LN)/4L$

on protected or coastal waters:  $(2L - LN)/4L$

where:

L = length of the weather deck; and

LN = length of cockpit in the same units as L.

- .5 on an open boat, 25 per cent;
- .6 on a flush deck sailing vessel, 100 per cent

8.12.2 Notwithstanding the percentages specified

in regulation.

8.12.3, when the vessel is subject to the greater of the heeling moments determined in regulation **III/8.10**, the immersion shall not exceed a value equivalent to one eighth of the beam of the vessel measured at the point of minimum freeboard as defined in regulation **III/1.1**

8.13 Where during a simplified stability proof test a vessel fails to meet the requirements of regulation **III/8.12**, the entire test shall be repeated with a reduced load equivalent to a reduced number of passengers or a reduced weight of cargo or by utilising any other corrective measures available to enable the vessel to meet the requirements of regulation **III/8.12**.

8.14 A ferry shall also be tested by using equivalent weights, by calculation, or other method acceptable to the Administration to determine whether the trim or heel during loading or unloading will submerge the deck edge. A ferry passes this test where, with the total number of passengers and the maximum vehicle weight permitted on board, the deck edge is not submerged during loading or unloading of the vessel.

8.15 The Small Commercial Vessel Stability Test Procedure is given in **Annex 2**.

## 9 Installation of Ballast

Any solid fixed ballast shall be stowed in a manner that prevents shifting of the ballast and be installed to the satisfaction of the Administration.



## 10 Open Boats

An open boat when fully loaded shall have sufficient buoyancy to be able to remain afloat and should have a positive metacentric height, that is, the vessel returns to the upright when a heeling moment is applied and removed, when totally flooded. The open boat shall be deemed by the Administration to have sufficient buoyancy by practical test or where detailed calculations are confirmed to show that the buoyancy of the vessel is greater than the total weight of the vessel and its load.

## 11 Foam flotation material

11.1 Foam may only be installed as flotation material on a vessel when approved by the Administration.

11.2 Where foam is installed as flotation material on a vessel, the owner shall ensure that the following tests are conducted and requirements are met to the satisfaction of the Administration:

- .1 foam shall not be installed in void spaces that contain ignition sources;
- .2 foam shall not be installed adjacent to fuel tanks, unless the boundary between the tank and the space has double continuous fillet welds;
- .3 the structure enclosing foam shall be strong enough to accommodate the buoyancy of the foam;
- .4 piping and cables shall not pass through foamed spaces unless they are within piping and cableways accessible from both ends;

- .5 blocked foam shall:
  - .1 be used in each area that may be exposed to water; and
  - .2 have a protective cover, approved by the administration, to protect it from damage;
- .6 foam used as floatation material shall be:
  - .1 impervious to water absorption;
  - .2 structurally stable under service conditions;
  - .3 chemically inert in relation to other medium with which it may be in contact;
  - .4 properly secured in place; and
  - .5 easily removable for inspection of the void space
- .7 a water submergence test shall be conducted on the foam for a period of at least 7 days to demonstrate to the satisfaction of the Administration that the foam has adequate strength to withstand a hydrostatic head equivalent to that which would be imposed if the vessel were submerged to its bulkhead deck;
- .8 the owner or operator shall obtain sample

foam specimens during installation of the foam and determine the density of the installed foam.

## PART C - WATERTIGHT INTEGRITY

### 12 Drainage of Weather Decks

12.1 The weather deck on all vessels shall be watertight or fitted with closures to ensure watertight integrity. The drainage from the weather deck shall be such that the watertight integrity is not compromised.

12.2 When a deck is fitted with bulwarks such that shipped water may be trapped, the bulwarks shall be provided with efficient freeing ports.

12.3 The area of freeing ports shall be at least 5% of the bulwark area and be situated in the lower third of the bulwark height, the bottom of which shall be flush with the deck.

12.4 A vessel of less than 12 m in length, certified to operate in coastal waters, having a well deck aft and is fitted with bulwarks all round and which always operates with stern trim, may be provided with a minimum of two ports fitted (one port and one starboard) in the transom, each having a clear area of at least 225 sq.cm.

12.5 Where a non-return shutter or flag is fitted to a freeing port it shall have sufficient clearance to prevent jamming and any hinges shall have pins or bearings of non-corrodible material. Normally, hinges shall be along the upper edge of the non-return shutter or flag.

12.6 Where a vessel has side deck areas of less than one-tenth the length of the vessel, in which water can be trapped a smaller freeing port area may be accepted. The reduced area shall be based on the volume of water, which is likely to become trapped.

12.7 In a vessel in which freeing ports cannot be fitted, other efficient means of clearing trapped water from the vessel shall be provided to the satisfaction of the Administration.

12.8 Structures and spaces considered non-weathertight shall be provided with efficient drainage arrangements.

12.9 Where cargo is to be stowed on deck the stowage arrangement shall be such as to not impede the free flow of water from the deck.

### **13 Air Pipes**

When located on the weather deck, air pipes shall be kept as far inboard as possible and have a height deck sufficient to prevent down flooding when heeled.

### **14 Sea Inlets and Discharges**

14.1 An opening below the weather deck shall be provided with an efficient means of closure.

14.2 When the opening is for the purpose of an inlet or discharge below a line drawn 150mm (6 inches) above the loading mark it shall be fitted with a seacock, valve or other positive means of closure, which is readily accessible in an emergency.

14.3 When the opening is for a log or other sensor,

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which is capable of being withdrawn, it shall be fitted in an efficient watertight manner and provided with an effective means of closure when such a fitting is removed.

14.4 Inlet and discharge pipes from water closets shall be provided with shell fittings as required by 111/14. When the rim of a toilet is less than 300mm above the deepest waterline of the vessel, anti-syphon measures shall be provided.

## **15 Materials for Valves and Associated Piping**

15.1 A valve or similar fitting attached to the side of the vessel below the waterline, shall be normally of steel, bronze or other non-brittle fire resistant material or equivalent. Valves of ordinary cast iron or similar material are not acceptable.

15.2 When plastic piping is used it shall be of good quality and of a type suitable for the purpose. Any such pipe shall be located so as to minimise the risk of accidental damage. Where fitted within an engine space or fire risk area, a means shall be provided to stop the ingress of water in the event of the pipe being damaged, operable from outside the space.

## **PART D – SUBDIVISION**

### **16 Collision Bulkheads**

16.1 A new vessel of 20 m or more in length is required to have a collision bulkhead fitted in accordance with regulations III/17.1 and III/17.2.

16.2 A new vessel of less than 20 m in length shall have a collision bulkhead where it:

- .1 carries 50 or more passengers; or
- .2 is of more than 12m in length and is certified to operate on coastal waters; or
- .3 is certified to operate on exposed waters;

16.3 a ferry of 20m or more in length that may operate on its route ahead or astern shall, in addition to the collision bulkhead required by **III/16.1** is required to have a collision bulkhead fitted in accordance with regulations **III/17.1** and **III/17.3**.

16.4 The Administration shall determine the extent to which this regulation is applied to existing vessels.

## **17 Construction and Location of Collision Bulkheads**

17.1 Each collision bulkhead required by regulation **III/16** shall be constructed in accordance with regulation **111/18** except that it shall: -

- .1 extend to the weather deck or to one deck above the bulkhead deck, whichever is lower, in vessels certified to operate on coastal and exposed waters; and
- .2 not be fitted with any type of penetration or opening except penetrations may be made where they are located as high and as far inboard as practicable and they have a means to make them watertight.

17.2 The forward collision bulkhead required to be on a vessel by regulation **III/16** shall be:-

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- .1 located at least 5 percent but not more than 15 percent of the length between perpendiculars (LBP) aft of the forward perpendicular or for vessels with bulbous bows extending forward of the forward perpendicular and contributing more than 2 percent of the underwater volume of the vessel the bulkhead shall be located at least 5 percent but not more than 15 percent of the LBP aft of the mid-length of such extension; and
- .2 installed in a single plane, with no recess or step, up to the bulkhead deck.

17.3 The after collision bulkhead on a double-ended ferry of 20 m (65 feet) or more in length required by regulation **III/16.3** shall be:

- .1 located at least 5 percent but not more than 15 percent of the LBP forward of the after perpendicular and; shall be
- .2 installed in a single plane, with no recess or step, at least up to the bulkhead deck.

## **18 Watertight Subdivision Bulkheads**

18.1 Where a vessel is required to be fitted with watertight collision or subdivision bulkheads, each watertight bulkhead shall be of sufficient strength to be capable of remaining watertight with a head of water to the top of the bulkhead.

18.2 Each watertight bulkhead shall extend to the bulkhead deck and shall be installed in one plane

without steps or recesses insofar as is reasonable and practicable. Any steps or recesses permitted shall comply with the applicable subdivision requirements in this chapter.

18.3 The number of penetrations in a watertight bulkhead shall be minimised. A penetration in a watertight bulkhead shall be as high and as far inboard in the bulkhead as practicable, and made watertight.

18.4 Sluice valves are not permitted in watertight bulkheads.

18.5 A door fitted in a watertight bulkhead shall be of watertight construction and be kept closed at " sea, unless opened at the discretion of the Master.

18.6 The Administration shall determine the extent to which this regulation is applied to existing vessels.

## **19 Subdivision of Cargo Vessels**

A new cargo vessel of 12 m or more in length shall be fitted with watertight bulkheads at each end of the main propulsion machinery space.

## **20 Subdivision of Passenger Vessels**

20.1 A new passenger vessel of 20 m or more in length shall be fitted with watertight bulkheads fitted in accordance with regulation **111/21**.

20.2 A new vessel of less than 20 m in length shall have watertight bulkheads in accordance with regulation **111/21**, where it:

- .1 carries 50 or more passengers; or



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- .2 is of more than 12m in length and is certified to operate on coastal waters ; or
- 3 is certified to operate in exposed waters.

### **21 Location of Watertight Bulkheads for Subdivision**

21.1 The maximum distance between adjacent main transverse watertight bulkheads on a vessel, required by regulation **III/20** to comply with this regulation, shall not be more than the smaller of the following:

- .1 one third of the length of the bulkhead deck; or
- .2 the distance given by the following equation:  
$$d = (F)(f)(L)D$$

where:

F = the floodable length factor from **Table III/21.1**;

f = the effective freeboard in metres calculated for each pair of adjacent bulkheads in accordance with **III/21.2**;

L = Length Over Deck in metres measured over the bulkhead deck; and

D = the depth in metres (feet), measured amidships at a point one-quarter of the maximum beam out from the centreline, from the inside of the bottom planking or plating to the level of the top of the bulkhead deck.

(See Figure III/21-1).

**TABLE III/21**  
**TABLE OF FLOODABLE LENGTH FACTORS**

(d/L)x100	F
0-15	0.33
20	0.34
25	0.36
30	0.38
35	0.43
40	0.48
45	0.54
50	0.61
55	0.63
60	0.58
65	0.53
70	0.48
75	0.44
80	0.40
85	0.37
90-100	0.34

NOTE 1:

Where:

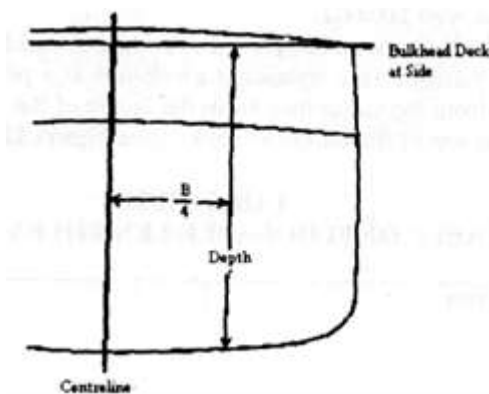
d = distance in metres (feet) from the midpoint of the compartment to the forward- most point on the bulkhead deck excluding sheer; and

L = length over deck in metres (feet) measured over the bulkhead deck.

NOTE 2:

Intermediate values of floodable length factor may be obtained by interpolation.

**Figure III/21-1**  
**Transverse Location for Measuring Depth(D)**



21.2 The effective freeboard for each compartment is calculated by the following equation:

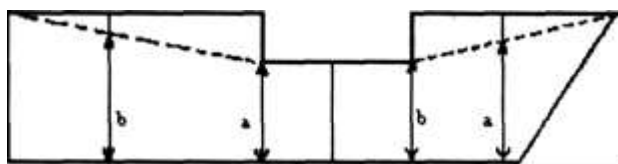
$$f = (a+b)/2$$

where:

f = the effective freeboard in metres (feet),  
a = the freeboard in metres (feet) measured:

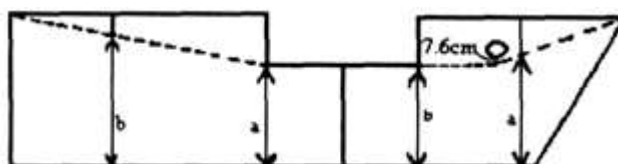
- .1 at the forward main transverse watertight bulkhead; and
  - .2 from the deepest waterline to:
    - .1 the top of the bulkhead deck on a flush deck vessel; and
    - .2 where a vessel has a stepped bulkhead deck, then to the line shown in Figure III/21-2; or
    - .3 where a vessel has an opening scuttle (porthole) below the bulkhead deck, then to the line shown in Figure III/21-3.
- b = the freeboard in metres (feet) measured:
- .1 at the aft main transverse watertight bulkhead; and
  - .2 from the deepest waterline to:
    - .1 the top of the bulkhead deck on a flush deck vessel;
    - .2 where a vessel has a stepped bulkhead deck, the line shown in Figure III/21-2; or
    - .3 where a vessel has an opening scuttle (porthole) below the bulkhead deck, the line shown in Figure III-21-3.

**Figure III/21-2**  
**Freeboard Measurement - Vessel with Stepped Bulkhead Deck**



(a and b shown for two sample compartments)

**Figure III/21-3**  
**Freeboard Measurement - Vessel with Stepped Bulkhead Deck and a Porthole Below the Bulkhead Deck**



21.3 A vessel, required by regulation **III/20** to be fitted with watertight bulkheads shall be measured and subdivided in accordance with the simplified subdivision calculation given in **Annex 3**

## CHAPTER IV – MACHINERY

## PART A - GENERAL PROVISIONS

## 1 General requirements

1.1 The design, construction, installation and operation of propulsion and auxiliary machinery, piping and pressure systems, steering apparatus and associated safety systems shall be to the satisfaction of the Administration. These requirements shall be considered to be satisfactory where they are in accordance with the requirements of a classification society recognised by the Administration.

1.2 In all vessels, the main propulsion machinery and all auxiliary machinery essential to the propulsion and the safety of the vessel shall be designed to operate when the vessel is upright and when inclined at any angle of heel and trim up to and including 15° and 7.5° respectively either way under static conditions.

1.3 Starting motors, generators, and any spark producing device shall be mounted as high above the bilges as practicable. Electrical equipment in spaces, compartments, or enclosures that contain machinery powered by, or fuel tanks for, gasoline or other fuels having a flashpoint of 43°C (11°F) or lower shall be explosion-proof, intrinsically safe, or ignition protected for use in a gasoline atmosphere.

1.4 Gauges to indicate engine revolutions per minute (RPM), jacket water discharge temperature, and lubricating oil pressure shall be provided for all propulsion engines installed in the vessel. The gauges shall be readily visible at the operating station.

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1.5 A cover, guard or rail shall properly protect an exposed hazard, such as gears or rotating machinery.

1.6.1 Shutoff valves, installed so as to close against the fuel flow, shall be fitted in the fuel supply lines, one at the tank connection and one at the engine end of the fuel line to stop fuel flow when servicing accessories. The shutoff valve at the tank shall be manually operable from outside the compartment in which the valve is located, preferably from an accessible position on the weather deck.

1.6.2 Where the handle to the shutoff valve at the tank is located inside the machinery space, it shall be located so that the operator does not have to reach more than 300 mm (12 inches) into the machinery space and the valve handle shall be shielded from flames by non-combustible material. Electric solenoid valves shall not be used, unless used in addition to the manual valve.

1.7 Fuel filling and venting pipes shall be constructed of fuel compatible non-kinking material, adequately supported and of sufficient dimensions to prevent spillage during filling. A venting pipe shall be led to the open atmosphere, terminating in a position level with or higher than the fuel filling mouth and its open end protected against:-

- .1 water ingress - by a goose'neck or other efficient means; and
- .2 flame ingress - by a suitable gauze diaphragm, which can be detached for cleaning.

1.8 An air pipe, of greater than 10mm inside diameter, serving a fuel tank or other tank shall be provided

with a closing appliance of a type, which will prevent excessive pressure on the tank boundaries. Provision shall be made for relieving a vacuum when tanks are being drawn-from or emptied.

1.9 Flexible non-metallic hose may be used in all systems subject to the following:

- .1 when required by the machinery manufacturer, factory-assembled fittings shall be used;
- .2 hose clamps may be used for other installations of short lengths not to exceed 760 mm (30 inches) and subject to pressures of not more than 35 kPa (5 psi);
- .3 in a fuel supply system to engine unit the hose shall be fire resistant/metal reinforced or otherwise protected from fire; and
- .4 they shall be installed and located so as to minimize the risk of accidental damage.

1.10 In systems and applications where flexible hoses are permitted by regulation IV/1.9.2, to be clamped:

- .1 double hose clamping is required where practicable;
- .2 the clamps shall be of a corrosion resistant metallic material;
- .3 the clamps shall not depend on spring tension for their holding power; and
- .4 two clamps shall be used on each end of the



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hose, or one hose clamp can be used where the pipe ends are expanded or beaded to provide a positive stop against hose slippage.

1.11 An enclosed space containing machinery powered by gasoline or other fuels, having a flash point of 43°C (110°F) or lower, shall be equipped with a flammable vapour detection device.

1.12 Piping used in the following systems shall be of ferrous material or other material where approved by the Administration.

- .1 Fuel system;
- .2 Fire main;
- .3 CO<sub>2</sub> system fixed fire fighting;
- .4 Bilge system;
- .5 Steering system;
- .6 Propulsion system and its necessary auxiliaries and controls;
- .7 Vessel's service and emergency electrical generation system and its necessary auxiliaries; and
- .8 A system identified by the Administration as being crucial to the survival of the vessel or to the protection of the personnel on board.

1.13.1 Diesel tanks may only be integral with the

hull where the ship is made of steel, aluminium or GRP, sandwich construction is not acceptable. All other fuel tanks shall be independent of the hull.

1.13.2 Independent fuel tanks shall comply with the following:

- .1 the tank shall be constructed of steel or aluminium;
- .2 tubular glass shall be fitted only to a diesel tank and shall be of heat resistant material, protected from mechanical damage, and provided with tank connection devices that automatically close if the glass is ruptured;
- .3 where any dimension of the tank exceeds 760mm (30) inches, the tank shall be fitted with baffle plates to maintain strength and control the excessive surge of fuel;
- .4 the interior of the tank shall be covered with a protective coating suitable for the type of fuel carried.

1.13.3 Fuel tanks shall be pressure tested to 35kPa (5psi).

1.13.4 Fuel tanks shall be electrically bonded to a common ground.

1.13.5 Fuel tanks shall be adequately supported and braced to prevent movement.

## 2 Gasoline engines for propulsion

2.1 A vessel may be fitted with an inboard gasoline engine where:-

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- .1 the engine is located in an efficiently enclosed space to which a fixed fire extinguishing system is fitted;
- .2 provision is made to ventilate the engine space thoroughly before the engine is started;
- .3 electrical devices within the engine and tank compartments have protection against ignition of surrounding flammable gasses;
- .4 any flexible hose used between the engine and any solidly mounted metallic line to eliminate vibration failure is made of fire resistant fuel hose;
- .5 not more than 12 passengers are carried; and
- .6 the vessel is certified to operate only in coastal waters.

2.2 A vessel fitted with one or more outboard gasoline engines:-

- .1 shall be certified to operate in coastal waters only;
- .2 shall have the engines securely fastened to the hull;
- .3 where the engines are not permanently secured, the engines shall be provided with an effective safety chain or cable;

- .4 shall have effectively drained engine wells that are long enough for the engine to be tilted up; and
  - .5 where the vessel is fitted with a single outboard engine, it shall, where it proceeds beyond protected waters, have an auxiliary outboard engine of sufficient power to enable the vessel to return safely to port or a safe haven.
- 2.3 Gasoline for outboard motors shall be stored:-
- .1 in portable containers that can be readily jettisoned; or
  - .2 in a fixed-in-place inboard tank independent of the hull, where:-
    - .1 the vessel is a rigid hulled vessel or rigid/inflatable boat;
    - .2 the tank is constructed of mild steel or stainless steel and located in a safe place;
    - .3 the tank is tested to a pressure of 0.3 bar, to the satisfaction of a surveyor;
    - .4 the opening of the vent pipe from the petrol tank is protected by a flash proof fitting; and
    - .5 where the possibility of accumulation of hydrocarbon vapours exists and where a source of ignition may be present, a safe detector of

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hydrocarbon gas is fitted under or adjacent to the tank.

.3 electrical devices within the engine and fuel tank compartments shall be protected against ignition of any surrounding flammable gasses (explosion proof).

### 3 Ventilation of Spaces relating to Gasoline

3.1 A space containing machinery powered by, or fuel tanks for, gasoline shall have a ventilation system that complies with this regulation and consist of the following:

.1 for an enclosed space:

- .1 at least two natural ventilation supply ducts located at one end of the space and that extend to the lowest part of the space or to the bilge on each side of the space; and
- .2 a mechanical exhaust system consisting of at least two ventilation exhaust ducts located at the end of the space opposite from where the supply ducts are fitted, which extend to the lowest part or the bilge of the space on each side of the space, and which are led to one or more powered exhaust blowers; and

.2 For a partially enclosed space, at least one ventilation duct installed in the forward part of the space and one ventilation duct installed in the after part of the space, or as otherwise required by the Administration. Ducts for partially enclosed spaces shall have cowls or scoops as required by IV/3.9.

3.2 A mechanical exhaust system required by

regulation IV/3.1.1(b) shall be such as to assure the air changes as noted in Table IV3.2 depending upon the size of the space.

TABLE IV.3.2

**SIZE OF SPACE IN CUBIC METRE (CUBIC FEET) /  
MINUTE PER**

Over	Not Over	Air Change
0	14 (500)	2
14 (500)	28.50 (1000)	3
28.50 (1000)	43 (1500)	4
43 (1500)		5

3.3 An exhaust blower motor where mounted in any space required to be ventilated by this regulation, shall be located as high above the bilge as practicable. Blower blades shall be non-sparking with reference to their housings.

3.4 Where a fixed gas fire extinguishing system is installed in a space, all powered exhaust blowers for the space shall automatically shut down upon release of the extinguishing agent.

3.5 Exhaust blower switches shall be located outside of any space required to be ventilated by this regulation, and shall be of the type interlocked with the starting switch and the ignition switch so that the blowers are started before the engine starter motor circuit or the engine ignition is energised. A red warning sign at the switch shall state that the blowers shall be operated prior to starting the engines for the time sufficient to insure at least one complete change of air in the space served.

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3.6 The area of the ventilation ducts shall be sufficient to limit the air velocity to a maximum of 10 m/s (2,000 ft/min). A duct may be of any shape, provided that in no case will one cross sectional dimension exceed twice the other.'

3.7 A duct shall be so installed that ordinary collection of water in the bilge will not block vapour flow.

3.8 A duct shall be of rigid permanent construction, which does not allow any appreciable vapour flow except through normal openings, and made of the same material as the hull or of non-combustible material. The duct shall lead as directly as possible from its intake opening to its terminus and be securely fastened and supported.

3.9 A supply duct shall be provided at its intake opening with a cowl or scoop having a free area not less than twice the required duct area. When the cowl or scoop is screened, the mouth area shall be increased to compensate for the area of the screen wire. A cowl or scoop shall be kept open at all times, except when the weather is such as to endanger the vessel if the openings are not temporarily closed.

3.10 A duct opening may not be located where the natural flow of air is unduly obstructed, adjacent to possible sources of vapour ignition, or where exhaust air may be taken into a supply duct.

3.11 Provision shall be made for closing all supply duct cowls or scoops and exhaust duct discharge openings for a space protected by a fixed gas extinguishing system. All closure devices shall be readily available and mounted in the vicinity of the vent.

#### 4 Ventilation of spaces relating to diesel.

4.1 A space containing diesel machinery shall be fitted with at least two ducts to furnish natural or powered supply and exhaust ventilation. The total inlet area and the total outlet area of each ventilation duct shall not be less than 650 mm<sup>2</sup> (one square inch) for each 300 cm (foot) of beam of the vessel. These minimum areas shall be increased as necessary when the ducts are considered as part of the air supply to the engines.

4.2 A duct shall be of rigid permanent construction, which does not allow any appreciable vapor flow except through normal openings, and made of noncombustible material. The duct shall lead as directly as possible from its intake opening to its terminus and be securely fastened and supported.

4.3 A supply duct shall be provided with a cowl or scoop having a free area not less than twice the required duct area, which shall be kept open at all times except when the weather is such as to endanger the vessel if the openings are not temporarily closed.

4.4 Dampers shall not be fitted in a supply duct.

4.5 A duct opening shall not be located where the natural flow of air is unduly obstructed, adjacent to possible sources of vapor ignition, or where exhaust air may be taken into a supply duct.

4.6 Provision shall be made for closing all supply duct cowls or scoops and exhaust duct discharge openings for a space protected by a fixed gas extinguishing system. All



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closure devices shall be readily available and mounted in the vicinity of the vent.

4.7 A space containing a diesel fuel tank and no machinery shall meet the following requirements: -

- .1 A space of 14 m<sup>3</sup> (500 ft<sup>3</sup>) or more in volume shall have a gooseneck vent of not less than 65 mm (2.5 inches) in diameter.
- .2 A space of less than 14 m (500 ft<sup>3</sup>) in volume shall have a gooseneck vent of not less than 40 mm (1.5 inches) in diameter.
- .3 Vent openings shall not be located adjacent to possible sources of vapor ignition.

#### 5. Exhausts

An engine exhaust outlet, which penetrates the hull below the weather deck, shall be provided with means to prevent back flooding into the hull through the exhaust system. The means may be provided by system design or arrangement, built-in valve or a portable fitting, which can be applied readily in an emergency.

#### 6. Engine Starting

- 6.1 An engine shall be provided either:
- .1 hand starting;
  - .2 mechanical;
  - .3 electric starting with independent batteries installed in accordance with regulation IV/21; or
  - .4 other means of starting acceptable to

the Administration.

6.2 When the sole means of starting is by battery, the battery shall be installed in accordance with regulation 1V/21 and be in duplicate and connected to the starter motor by means of a "change over switch" so that either battery or both can be used for starting the engine. In normal circumstances, the use of both batteries in parallel should be avoided to prevent simultaneous discharge of both batteries. Charging facilities shall be available for the batteries when the engine is running.

## 7 Portable Plant

7.1 Any portable plant provided on board powered by a petrol engine shall be fitted on the weather deck and properly secured to prevent movement.

7.2 A deck locker or protective enclosure for the portable plant shall have no openings to an enclosed space within the hull of the vessel and the locker or protective enclosure shall be adequately ventilated and drained.

7.3 Petrol tanks provided for the engine shall comply with the following:

- .1 fuel is supplied to the engine from a portable tank of 27 litres or less in capacity complying with the requirements of ISO 13591 - Portable fuel systems for outboard motors - or its equivalent National Standard; and
- .2 a small marinised petrol engine, of less than 3.75 kW (5 horse power), manufactured with

an integral fuel tank is acceptable for either outboard propulsion or portable plant provided a safety warning sign is displayed with details of appropriate precautions to be taken when filling the fuel tank.

## 8 Propulsion Engine Control Systems

8.1 A vessel shall have a reliable means for shutting down a propulsion engine, at the main operating station, which is independent of the engine's speed control.

8.2 A propulsion engine control system, including control at the operating station, shall be designed so that a loss of power to the control system does not result in an increase in shaft speed or propeller pitch.

## PART B - STEERING AND PROPELLER SYSTEMS

### 9 Main Steering Gear

9.1 A vessel shall be provided with main steering gear that is:

- .1 of adequate strength and capable of steering the vessel at all service speeds;
- .2 designed to operate at maximum astern speed without being damaged or jammed; and
- .3 capable of moving the rudder from 35 "on one side to 30 "on the other side in not more than 28 seconds with the vessel moving ahead at maximum service speed.

9.2 Control of the main steering gear, including

control of any necessary associated devices, motor, pump, valve, etc., shall be provided from the operating station.

9.3 The main steering gear shall be designed so that transfer of control from the main steering gear to the auxiliary means of steering required by regulation IV/10 can be achieved rapidly. Any tools or equipment necessary to make the transfer shall be readily available.

9.4 The vessel's operating station shall be arranged to permit the person steering to have the best possible all around vision.

9.5 Strong and effective rudder stops shall be provided to prevent jamming and damage to the rudder and its fittings. These stops may be structural or internal to the main steering gear.

9.6 In addition to meeting the requirements of IV/9.1 to 9.5, a vessel with a power driven main steering gear shall be provided with the following:

- .1 a disconnect switch located in the steering compartment, and instantaneous short circuit protection for electrical power and control circuits sized and located to the satisfaction of the Administration;
- .2 an independent rudder angle indicator at the operating station;
- .3 an arrangement that automatically resumes operation, without reset, when power is restored after a power failure;
- .4 a manual means to centre and steady the rudder(s) in an emergency; and

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- .5 a limit switch to stop the steering gear before it reaches the rudder stops required by **IV/9.5**.

9.7 A vessel of more than 20 m (65 feet) in length with a power driven main steering gear shall in addition be provided with the following:

- .1 a visual means, located at the operating station, to indicate operation of the power **units; and**
- .2 instructions for transfer procedures from the main steering gear or control to the auxiliary means of steering required by regulation **IV/8**, posted at the location where the transfer is carried out.

## 10 Auxiliary Means of Steering

10.1 Except as provided in **IV/10.3**, a vessel shall be provided with an auxiliary means of steering that is:

- .1 of adequate strength;
- .2 capable of moving the rudder from 15 "on one side to 15 "on the other side in not more than 60 seconds with the vessel at one-half its maximum service speed ahead, or 7 knots, whichever is greater; and
- .3 controlled from a location that permits safe manoeuvring of the vessel and does not expose the person operating the auxiliary means of steering to personnel hazards during normal or heavy weather operation.

10.2 A suitable hand tiller may be used as the auxiliary means of steering.

10.3 An auxiliary means of steering need not be provided where:

- .1 the main steering gear and its controls are provided in duplicate;
- .2 multiple propeller propulsion, with independent control from the operating position for each screw, is provided, and the vessel is capable of being steered from the control station;
- 3 no regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit; or
- .4 where a rudder and hand tiller are the main steering gear.

## 11 Propeller Systems

Construction and fitting standards for propellers and associated fittings shall be to the satisfaction of the Administration. Recognised design standards shall be used.

## PART C - BILGE SYSTEMS

### 12 General Provisions for Bilge Systems

A vessel shall be provided with a satisfactory arrangement for draining any watertight compartment, other than small buoyancy compartments, under all

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practicable conditions. Sluice valves shall not be fitted in watertight bulkheads.

### 13 Bilge piping system

13.1 A vessel of 8 m (26 feet) or more in length shall be provided with individual bilge lines and bilge suction for each watertight compartment, except that the space forward of the collision bulkhead need not be fitted with a bilge suction line when the arrangement of the vessel is such that ordinary leakage may be removed from this compartment by the use of a hand portable bilge pump or other equipment, and such equipment is provided.

13.2 A bilge pipe in a vessel of less than 20 m (65 feet) in length shall be not less than 25 mm (1 inch) nominal pipe size. A bilge pipe in a vessel of 20 m or more (65 feet) in length shall be not less than 40 mm (1.5 inches) nominal pipe size. A bilge suction shall be fitted with a suitable strainer having an open area not less than three times the area of the bilge pipe.

13.3 Except when individual pumps are provided for separate spaces, individual bilge suction lines shall be led to a central control point or manifold and provided with a stop valve at the control point or manifold and a non-return valve at some accessible point in the bilge line. A stop non-return valve located at a control point or manifold will meet the requirements for both a stop valve and a non-return valve.

13.4 A bilge pipe piercing the collision bulkhead shall be fitted with a screw-down valve located on the forward side of the collision bulkhead and operate from the weather deck, or, where it is readily accessible under service conditions, a screw-down valve without remote operation may be fitted to the bilge line on the after side of

the collision bulkhead.

**14 Bilge pumps**

14.1 A vessel shall be provided with bilge pumps in accordance with **Table IV.14.1**. A second power pump is an acceptable alternative to a hand pump where it is supplied by a source of power independent of the fixed power bilge pump. Individual power pumps used for separate spaces are to be controlled from a central control point and shall have a light or other visual means at the control point to indicate operation.

**TABLE IV/14.4**

Number of passengers	Length of vessel	Bilge Pumps required	Min. capacity required per pump	
			Ltrs/min	(gal/min)
Any number	20 m (65 ft) or more	2 fixed power pumps	190	(50)
50 or more passengers	Less than 20 m (65 ft) 8 m (26 feet) and over and	1 fixed power pump	95	(25)
		1 portable hand pump	38	(10)
	less than 20 m (65 ft)	1 fixed power pump and 1 portable hand pump;	38	(10)
Less than 50 passengers	Less than 8 m (26 feet)	hand pump; or	19	(5)
		1 fixed hand pump and 1 portable hand pump;	38	(10)
		1 portable hand pump;	19	(5)
		1 portable hand pump.	19	(5)



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14.2 A portable hand bilge pump shall be:

- .1 capable of pumping water, but not necessarily simultaneously, from all watertight compartments; and
- .2 provided with suitable suction and discharge hoses capable of reaching the bilges for each watertight compartment.

14.3 Each fixed power bilge pump shall be self-priming. It may be driven off the main engine or other source of power. It shall be permanently connected to the bilge manifold and may also be connected to the fire main. A power bilge pump may also serve as a fire pump provided it meets the requirements of regulation V/7.

14.4 Where two fixed power bilge pumps are installed, they shall be driven by different sources of power. Where one pump is driven off the main engine in a single propulsion engine installation, the other shall be independently driven. In a twin propulsion engine installation, each pump may be driven off a different propulsion engine.

14.5 A submersible electric bilge pump may be used as a power bilge pump required by **Table IV.14.1** only on a vessel of less than 20 m (65 feet) in length carrying less than 50 passengers, other than a ferry, provided that:

- .1 the pump is listed by Underwriters' Laboratories Inc. or another independent laboratory;
- .2 the pump is used to pump out not more than

one watertight compartment;

- .3 the pump is permanently mounted;
- .4 the pump is equipped with a strainer that can be readily inspected and cleaned without removal;
- .5 the pump discharge line is suitably supported;
- .6 the opening in the hull for the pump discharge is placed as high above the water line as possible;
- .7 a positive shutoff valve is installed at the hull penetration; and
- .8 the capacity of the electrical system, including wiring, and size and number of batteries, is designed to allow all bilge pumps to be operated simultaneously.

14.6 A flexible tube or hose may be used instead of fixed pipe for the discharge line of a submersible electric bilge pump provided the hose or tube does not penetrate any required watertight bulkheads. It shall be of good quality and of substantial construction, suitable for the intended use; and highly resistant to salt water, petroleum oil, heat, and vibration, and shall be located so as to minimize the risk of accidental damage.

14.7 Where a fixed hand pump is used to comply with **Table IV.14.1**, it shall be permanently connected to the bilge system.

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14.8 On a vessel of less than 20 m (65 feet) in length, a power driven fire pump required by regulation V/7 may serve as a fixed power bilge pump required by regulation IV/14.1, provided it has the minimum flow rate required by **Table IV.14.1**.

14.9 On a vessel of 20 m or more (65 feet) in length, a power driven fire pump required by regulation V/7 may serve as one of the two fixed power bilge pumps required by regulation IV/14.1, provided it has the minimum flow rate required by **Table IV.14.1**.

14.10 Where the bilge and fire pump systems are interconnected, the dedicated bilge pump is to be capable of pumping the bilges at the same time as the fire/bilge pump charges the fire main. Stop valves and check valves shall be installed in the piping to isolate the systems during simultaneous operation and prevent possible flooding through the bilge system.

14.11 A catamaran vessel shall be equipped with bilge pumps for each hull, as if each hull is a separate vessel, in accordance with **Table IV.14.1**, except where:

- .1 one dedicated pump is located in each hull;
- .2 each dedicated pump is driven by an independent source of power; and
- 3 the bilge system is permanently cross-connected between hulls.

## 15 Bilge high level alarms

15.1 On a vessel 8 m (26 feet) or more in length, a visual and audible alarm shall be provided at the operating station to indicate a high water level in each of the following

normally unmanned spaces:

- .1 a space with a through-hull fitting below the deepest load waterline, such as a lazarette;
- .2 a machinery space bilge, bilge well, shaft alley bilge, or other spaces subject to flooding from sea water piping within the space; and
- .3 a space with a non-watertight closure, such as a space with a non-watertight hatch on the main deck.

15.2 Vessels constructed of wood shall, in addition to IV/15.1, provide bilge level alarms in all watertight compartments except buoyancy chambers of less than 0.25 m<sup>3</sup>

15.3 A visual indicator shall be provided at the operating station to indicate when any automatic bilge pump is operating

## PART D - ELECTRICAL ARRANGEMENTS

### 16 General Provisions

16.1 The requirements for the design, construction, installation and operation of electrical equipment and systems including power sources, lighting, motors, miscellaneous equipment and safety systems shall be in accordance with accepted standards or to the satisfaction of the Administration.

16.2 Electrical equipment on a vessel shall be installed and maintained to:

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- .1 provide services necessary for safety under normal and emergency conditions;
- .2 protect passengers, crew, other persons, and the vessel from electrical hazards, including fire, caused by or originating in electrical equipment, and electrical shock;
- .3 minimize accidental personnel contact with energized parts; and
- .4 prevent electrical ignition of flammable vapors.

16. 3 Electrical equipment used in the following locations shall be drip-proof:

- .1 a machinery space;
- .2 a location normally exposed to splashing, water wash down, or other wet conditions within a galley, a laundry, or a public washroom or toilet room that has a bath or shower; or
- .3 another space with a similar moisture level.

16.4 Electrical equipment exposed to the weather shall be watertight.

16.5 Electrical equipment exposed to corrosive environments shall be demonstrated to be of suitable construction and corrosion-resistant.

16.6 Electrical equipment and installation shall be designed and installed so that it is not affected by vessel motions or vibration of the vessel underway.

16.7 All equipment, including switches, fuses, landholders, etc., shall be rated for the voltage and current utilized.

16.8 Receptacle outlets of the type providing a grounded pole or a specific direct current polarity shall be of a configuration that will not permit improper connection.

16.9 All electrical equipment and circuits shall be clearly marked and identified.

16.10 Any cabinet, panel, box or other enclosure containing more than one source of power shall be fitted with a sign warning persons of this condition and identifying the individual circuits.

## 17 Power Sources

17.1 Each vessel that relies on electricity to power the following loads shall be arranged so that the loads can be energized from two sources of electricity:

- .1 fuel system;
- .2 fire main;
- .3 fixed fire fighting systems;
- .4 bilge system;
- .5 steering system;
- .6 propulsion system and its necessary auxiliaries and controls;

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- .7 vessel's service and emergency electrical generation system and its necessary auxiliaries;
- .8 a system identified by the Administration as being crucial to the survival of the vessel or to the protection of the personnel on board;
- .9 interior lighting except for decorative lights;
- 10 communication systems including a public address system required under regulation **VII/6**;
- .11 navigation equipment and lights; and
- .12 illumination of the survival craft launching and embarkation areas and man overboard rescue equipment and rescue areas.

17.2 A vessel with batteries of adequate capacity to supply the loads specified in IV/17.1 for three hours, and a generator of alternator driven by a propulsion engine, complies with the requirement of IV/17.1.

17.3 Where a vessel service generator driven by a propulsion engine is used as a source of electrical power, a vessel speed change, throttle movement or change in direction of the propeller shaft rotation shall not interrupt power to any of the loads specified in IV/17.1.

17.4 Each generator and motor shall be:

- .1 in a location that is accessible, adequately ventilated, and as dry as practicable; and

- .2 mounted above the bilges to avoid damage by splash and to avoid contact with low lying vapors.

17.5 A voltmeter and an ammeter shall be provided for a generator rated at 50 volts or more. For each alternating current generator, a means for measuring frequency shall also be provided.

17.6 Each generator shall be protected by an overcurrent device with set value not exceeding 115 per cent of the generator full load rating.

17.7 A dual voltage generator installed on a vessel shall be of the grounded type, where:

- .1 the neutral of a dual voltage system shall be solidly connected at the switchboard's neutral bus; and
- .2 the neutral bus shall be connected to ground.

## 18 Electrical Systems

18.1 Electrical systems shall be two wire.

18.2 A system in which there is no intentional connection of the circuit to earth (an insulated system) shall be provided with double pole switches, except that single pole switches may be used in the final sub-circuit.

18.3 Single pole switches are accepted in a system with one pole earthed. Fuses shall not be installed in an earthed conductor.

18.4 The insulation resistance, using a low voltage



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instrument so as not to cause damage, shall not be less than 0.3 megohm for all new vessels, but a minimum of 0.1 megohm can be accepted on existing vessels.

18.5 All circuits, except the main supply from the battery to the starter motor and electrically driven steering motors, shall be provided with electrical protection against overload and short circuit, i.e. fuses or circuit breakers shall be installed. Short circuit protection shall be for not less than twice the total rated current of the motors in the circuit protected.

18.6 Steering motors shall have an overload alarm in lieu of overload protection.

## **19 Cables and Wiring**

19.1 Electrical cables shall be constructed and fitted to a recognised standard for marine use.

19.2 Cables which are not provided with electrical protection shall be kept as short as possible and shall be "short circuit proofed" e.g. single core with additional insulated sleeve over the insulation of each core. Single core marine cable, which has conductor insulation and a sheath will meet this requirement without an additional sleeve.

19.3 All wiring shall be carried out with flame retardant cable. When selecting cables for relevant applications, particular attention shall be given to environmental factors such as temperature and contact with damaging substances e.g. polystyrene, which degrades PVC insulation.

19.4 Adequate provision shall be made for securing electrical connections, e.g. by use of locking washers.

## 20 Batteries

20.1 Where provisions are made for charging batteries, there shall be natural or induced ventilation sufficient to dissipate the gases generated.

20.2 Each battery shall be located as high above the bilge as practicable, secured to protect against shifting with the roll and pitch of the vessel, and free from exposure to water splash or spray.

20.3 Connections shall be made to battery terminals with permanent type connectors. Spring clips or other temporary clamps are prohibited.

20.4 A battery cut-out switch which acts as an isolator shall be provided for all systems. Where a battery change-over switch is fitted and is provided with an "off" position, this may serve as the cut-out switch also.

20.5 Batteries shall be mounted in trays lined with, or constructed of, a material that is resistant to damage by the electrolyte.

20.6 Battery chargers shall have an ammeter connected in the charging circuit.

20.7 Batteries used for engine starting shall be located as close as possible to the engine or engines served.

## 21 Battery Installation

21.1 Each battery installation connected to a battery charger having an output of more than 2 kW, shall be located in a locker, room or enclosed box solely dedicated to the storage of batteries with adequate ventilation.

21.2 Each battery installation connected to a battery

charger having an output of 2 kW or less, shall be located in a well ventilated space and protected from falling objects and shall not be in a closet, storeroom or similar space.

## 22 General grounding requirements

22.1 A vessel's hull shall not carry current as a conductor except for the following systems:

- .1 impressed current cathodic protection systems;  
or
- .2 battery systems for engine starting.

22.2 Receptacle outlets and attachment plugs for portable lamps, tools, and similar apparatus operating at 100 volts or more, shall have a grounding pole and a grounding conductor in the portable cord.

22.3 Each nonmetallic mast and top mast shall have a lighting ground conductor.

## 23 Lighting

23.1 A single hazardous event shall not be capable of disabling all lighting systems.

23.2 Lighting circuits shall be distributed through the spaces so that a total blackout cannot occur due to the failure of a single protective device.

23.3 General lighting is provided by a single centralised source, an alternative source of lighting shall also be provided sufficient to enable persons to make their way to the open deck or to permit work on essential machinery.

## 24 Hazardous Spaces

24.1 Where practicable, electrical equipment shall not be installed in a space where petroleum vapour or other hydrocarbon gas may accumulate. When equipment is installed in such a space it shall comply with a recognised standard for prevention of ignition of flammable atmosphere.

24.2 Any compartment which contains a gas consuming appliance or any compartment into which flammable gas may leak or accumulate, shall be provided with a hydrocarbon gas detector and alarm. The detector and alarm shall be designed to comply with a recognised standard for prevention of ignition of flammable atmosphere.

## CHAPTER V - FIRE PROTECTION

### PART A - GENERAL PROVISIONS

#### 1 Fire Protection Provisions

1.1 Machinery and fuel tank spaces shall be separated from accommodation spaces by boundaries, which prevent the passage of vapours.

1.2 Paint and flammable liquid lockers shall be constructed of steel or equivalent material.

1.3 Vapour barriers shall be provided in spaces where flammable and combustible liquids or vapours are present.

1.4 Survival craft shall be protected from fire hazards. Where a survival craft is stowed directly above an area of fire hazard, the structure separating the survival craft

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and the area of fire hazard shall be constructed to comply with A-15 structural fire protection standard.

## 2 Machinery Space - Construction

2.1 Steel Construction: Vessels which have the machinery space boundaries constructed of steel, require no additional fire protection. However, the surfaces of machinery space bulkheads that are outside of the machinery space shall be coated only with finishes which meet the requirements for low flame spread when tested in accordance with Resolution A.653 (16) of the International Maritime Organization.<sup>1</sup>

2.2 Fibre Reinforced Plastic (FRP) Construction: Machinery space boundaries should prevent the passage of smoke and flame for 15 minutes, when tested in accordance with the procedure shown in **Annex 4**. Fire resistance of FRP may be achieved by the use of woven roving glass layers or additives to the resin, or by insulation. Intumescent polyester resin surface coatings may also be used; however, solvent-borne intumescent paints shall not be used.

The Administration may waive the requirement for the test described in **Annex 4** where the construction complies with an ISO or equivalent standard to give at least the same level of protection.

2.3 Aluminum and Wood Construction: Machinery space boundaries shall have an equivalent

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<sup>1</sup> IMO Resolution A.653 (16) - Recommendation on improved fire test procedures for surface flammability of bulkhead, ceiling and deck finish materials.

level of fire protection when compared with GRP construction as required in regulation V/2.2.

2.4 Machinery space boundaries shall be as gastight as practicable so that in the event of a fire the fire extinguishing medium released or injected can be retained for sufficient time to extinguish the fire.

2.5 Where it is not practical to have a machinery space, the engine shall be enclosed in a box. The box shall perform the same function as the machinery space boundaries in regulation V/2.4.

2.6 Portlights or windows shall not be fitted in the boundary of the machinery space, except that an observation port having a maximum diameter of 150mm may be fitted, provided the frame is constructed of steel or brass and the port is fitted with a permanently attached steel or brass cover with securing arrangements.

### 3 Insulation

3.1 Insulating materials fitted in the machinery space of new vessels shall be non-combustible when tested in accordance with Resolution A. 799(19)<sup>2\*</sup> of the International Maritime Organization. Insulating materials fitted in the engine space of existing vessels shall not be readily ignitable. Insulation shall be covered with a material impervious to oil or oil vapour.

3.2 Any insulation composite may be considered not readily ignitable where the test defined in **Annex 5** is carried out on a representative specimen and the result is

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<sup>2</sup> IMO Resolution A.799 (19) - Revised recommendation on test methods for qualifying marine construction materials as non-combustible

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satisfactory. In such testing, the specimen edge need not be tested where the insulation is fitted without exposed edges and specimen conditioning" may be curtailed as appropriate to the material under test.

3.3 On existing vessels where insulation is readily ignitable, it shall be replaced as soon as possible, but not later than three years of the coming into force of the Code.

#### **4 Cooking Appliances**

4.1 Fire protection arrangements in cooking spaces shall be in accordance with the following:

- .1 in the case of a small cooking area that is common with the accommodation, the structural fire protection fitted shall be dependent on the fire hazard presented by the cooking appliances in the area;
- .2 cooking appliances such as deep-fat fryers or other appliances presenting a high fire hazard are not permitted unless the compartment in which they are situated is fitted with a fixed fire extinguishing system;
- .3 suitable fire retardant barriers shall be built around the cooking and heating appliances where they are adjacent to combustible materials and structures;
- .4 cooking range exhaust hoods and ducts shall be fitted with a grease trap;
- .5 combustible materials not needed in the cooking area shall be stored away from the area;

Materials which are in the vicinity of an open flame cooking appliance shall be non-combustible, except that these materials may be faced with any surface finish which meet the requirements for low flame spread when tested in accordance with Resolution A.653(16) of the International Maritime Organization.<sup>3</sup>

4.2 Combustible materials and other surfaces which do not meet the requirements for low flame spread shall not be left unprotected within the following distances of the cooker:-

- .1 600mm vertically above the cooker, for horizontal surfaces,
- .2 600mm horizontally from the cooker, for vertical surfaces.

4.3 Curtains shall not be fitted within 900mm of an open flame cooking appliance.

## 5 Fire Safety

5.1 When spare petrol is carried on board in portable containers for any purpose, the containers shall be clearly marked and shall be stowed on the weather deck where they can be readily jettisoned and where spillage will drain directly overboard. Except as approved by the Administration a portable container shall not exceed 27 litres (6 gallons) and the quantity of petrol and number of containers shall be kept to a minimum.

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<sup>3</sup> IMO Resolution A.653 (16) - Recommendation on improved fire test procedures for surface flammability of bulkhead, ceiling and deck finish materials



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5.2 Combustible materials not required for the operation and maintenance of machinery, shall not be stowed in the machinery space. Any materials stowed in the machinery space shall be properly secured and cause no obstruction to access in or from the space.

5.3 Gas welding and cutting equipment, where carried, shall be stowed in secure manner on the open deck at a safe distance away from any potential source of fire and shall have the capability of being readily jettisoned overboard where necessary.

5.4 Machinery containing oil shall be provided with a readily accessible galvanised steel drip tray or other suitable means to collect and retain leakages containing oil. The machinery space shall be kept clean and tidy. Oily water shall be collected and properly disposed of ashore.

5.5 Fire hazards shall be minimised in so far as it is reasonable and practicable and combustible materials shall be insulated from heated surfaces such as exhaust pipes and manifolds.

5.6 Savealls or equivalent means of containment of spillage shall be provided below fuel pumps and filters.

## **PART B - FIRE EXTINGUISHING AND DETECTING EQUIPMENT**

### **6 Equipment installed but not required**

6.1 Fire extinguishing and detecting equipment installed on a vessel in excess of the requirements shall be designed, constructed, installed and maintained in accordance with a recognised industry standard acceptable to the Administration.

## 7 Fire pumps

7.1 A self-priming, power driven fire pump shall be installed on each vessel of 15 m (50feet) or more in length. The pump shall be capable of projecting a jet of water at least 7.5 m (25 feet) from the nozzle of a hose attached to any hydrant in the system with one hydrant open.

7.2 A fire pump may be driven by a propulsion engine where the propeller shaft can be readily disengaged or a controllable pitch propeller is fitted. A fire pump shall be permanently connected to the fire main where fitted and may be connected to the bilge system.

7.3 Where the fire pump is located in the machinery space, it shall be capable of both remote operation from the operating station and local, manual operation at the pump.

## 8 Fire main and hydrants

8.1 A vessel that has a power driven fire pump shall have a sufficient number of fire hydrants to reach any part of the vessel using a single length of fire hose.

## 9 Fire hoses and nozzles

9.1 A fire hose with a nozzle shall be attached to each fire hydrant at all times. For fire stations located on open decks or cargo decks, where no protection is provided, hoses may be temporarily removed during heavy weather or cargo handling operations, respectively. Hoses so removed shall be stored in nearby accessible locations.

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9.2 On a vessel of less than 20 m (65 feet) in length, carrying 50 or more passengers, and on a vessel of 20 m (65 feet) in length or over, each hose shall be to recognized standards and be not less than 7.5 m (25 feet) or more than 15 m (50 feet) in length and 40 mm (1.5 inches) in diameter. It shall have fittings of brass or other suitable material.

9.3 Each fire hose on a vessel of less than 20 m in length carrying less than 50 passengers shall be approved by the Administration and be of one piece not less than 7.5 m (25 feet) and not more than 15 m (50 feet) in length. It shall have fittings of brass or other suitable material

9.4 Each nozzle shall be of corrosion-resistant material and be capable of being changed between a solid stream and a spray pattern. A nozzle on a vessel of less than 20 m (65 feet) in length carrying 50 or more passengers, and on a vessel of 20 m or more in length, shall be of a type approved by the Administration.

## **10 Requirement for Fixed Fire Extinguishing and Detecting Systems**

10.1 Subject to **V/10.2**, the following spaces shall be equipped with a fixed gas or other fixed fire extinguishing system approved by the Administration.

- .1 a space containing an internal combustion engine of more than 37 kW (50 hp);
- .2 a space containing an oil fired boiler;
- .3 a space containing machinery powered by gasoline or other fuels having a flash point of 43 °C(110 °F) or lower;

- .4 a space containing a fuel tank for gasoline or any other fuel having a flash point of 43 °C(110° F) or lower;
- .5 a space containing a combustible cargo or vessel's stores inaccessible during the voyage (in which only carbon dioxide systems shall be fitted);
- .6 a paint locker; and
- .7 a storeroom containing flammable liquids, including liquors of 80 proof or higher where liquor is packaged in individual containers of 9.5 liters (2.5 gallons) capacity or greater.

10.2 A fixed fire extinguishing system in accordance with regulation V/10.1 is not required in a space where:-

- .1 the space is open to the atmosphere and the Administration determines that a fixed gas fire extinguishing system would be ineffective; or
- .2 the amount of carbon dioxide gas required in a fixed fire extinguishing system can be supplied by one portable extinguisher or a semi-portable extinguisher meeting the following requirements:
  - .1 cylinders shall be installed in a fixed position outside the space protected;
  - .2 the applicator shall be installed in a fixed position so as to discharge into

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the space protected;

- .3 controls shall be installed in an accessible location outside the space protected.

10.3 Except where the space is manned, the following spaces shall be equipped with a fire detecting system of an approved type that is installed to the satisfaction of the Administration:

- .1 a space containing propulsion machinery;
- .2 a space containing an internal combustion engine of more than 37 kW (50 hp);
- .3 a space containing an oil fired boiler;
- .4 a space containing machinery powered by gasoline or any other fuels having a flash point of 43 °C (110 °F) or lower;
- .5 a space containing a fuel tank for gasoline or any other fuel having a flash point of 43 °C (110 °F) or lower; and
- .6 each overnight accommodation space on a vessel with overnight accommodation for passengers.

10.4 When a fixed fire extinguishing system, which is not a portable extinguisher, is installed in a machinery space, it shall be of a type approved by the Administration or equivalent and appropriate to the space to be protected.

Such fixed installation systems in machinery spaces include:-

- .1 low expansion foam;
- .2 medium expansion foam;
- .3 high expansion foam;
- .4 carbon dioxide;
- .5 pressure water spraying; and
- .6 vaporising fluids.

10.5 All grills, broilers, and deep fat fryers shall be fitted with a grease extraction hood to the satisfaction of the Administration.

10.6 A fixed gas fire extinguishing system may protect more than one space. The quantity of extinguishing agent shall be at least sufficient for the space requiring the greatest quantity.

## **11 Number, Type and location of Portable Fire Extinguishers**

11.1 Each portable fire extinguisher on a vessel shall be of an approved type. The minimum number of portable fire extinguishers required on a vessel shall be acceptable to the Administration, and shall be not less than the minimum number required by Table V. II and other provisions of this regulation.

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TABLE V. II

Space protected	Minimum No. required	Type extinguisher permitted		
		Class	Medium	Minimum Size
Operating Station	1	B-I, C-I	C02 Dry Chemical...	1.8 kg (4 lb). 0.9 kg (2 lb)
Machinery Space	1	B-II, C-II located just outside exit.	C02	6.8 kg (15 lb)
Accommodation Spaces..	1 for each 232.3 m <sup>2</sup> (2,500 square feet) or part thereof).	A II	Foam Dry Chemical... C02	9.5 l (2.5 gal) 4.5 kg (10 lb)
Galley, Pantry, Concession Stand	1	A-II, B-II	Foam Dry Chemical	6.8 kg (15 lb)  9.5 l (2.5 gal) 4.5 kg (10 lb)

11.2 The installation and location of the portable extinguishers shall be to the satisfaction of the Administration.

## 12 Fire axe

A vessel of 20 m or more (65 feet) in length shall have at least one fire axe located in or adjacent to the primary operating station.

### 13 Fire bucket

A vessel not required to carry a power driven fire pump by regulation V/7 shall carry at least three 9.5 litre (2½ gallon) buckets, with an attached lanyard satisfactory to the Administration, placed so as to be easily available during an emergency. The words "FIRE BUCKET" shall be stencilled in a contrasting colour on each bucket.

### 14 Servicing of fixed and portable fire extinguishers

14.1 Fixed and portable fire extinguishers shall be serviced annually and the date of service recorded on a tag or label affixed to the extinguisher.

## CHAPTER VI - LIFESAVING EQUIPMENT

### 1 General Provisions

1.1 Each item of lifesaving equipment carried on board a vessel whether required to be carried or not, shall comply with the technical specifications of the LSA Code, US Coast Guard (for personal flotation devices, (PFD 1)), or where these are not applicable, be approved to an appropriate standard by the Administration.

1.2 Life saving appliances on existing vessels shall be in compliance with recognized standards.

### 2 Number and Type of Survival Craft

2.1 Vessels certified to operate in exposed waters and those making international voyages shall carry lifeboats



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or liferafts sufficient to accommodate the total number of persons on board.

2.2 Vessels making voyages in coastal waters shall carry lifeboats, liferafts, or buoyant apparatus approved in accordance with regulation 1/4, sufficient to accommodate the total number of persons on board.

2.3 Where the life-saving appliances and their launching appliances, where applicable, are not accessible from both sides of the vessel, additional life-saving appliances shall be fitted as required by the Administration.

2.4 The means and arrangements for embarkation into the survival craft shall be adequate, clearly marked and illuminated and approved by the Administration.

2.5 Inflatable liferafts shall be serviced annually and the date of service recorded on a tag or label affixed to the liferaft.

2.6 The manufacturer's model identification, the number given by the approving administration and number of survivors for which the apparatus was approved shall be recorded on a tag or label and affixed to the apparatus.

### **3 EPIRB and SART**

3.1 Each vessel certified to operate in exposed waters, or is on an international voyage and is certified to carry more than 12 passengers shall carry:

- .1 an Emergency Position Indicating Radio Beacon (EPIRB), installed to automatically float free and activate, and
- .2 a Search and Rescue Radar Transponder

(SART) so stowed that can be easily utilized.

3.2 The EPIRB required by VI/3.1 must be registered with the appropriate authority.

#### 4 Distress signals

4.1 All vessels to which these regulations apply shall carry:

- .1 six hand held red flare signals.
- .2 six buoyant orange smoke signals
- .3 six rocket parachute flares.

4.2 Distress pyrotechnics shall be stowed in a portable watertight container carried at the operating station.

4.3 Each distress signal shall be clearly marked with the date of manufacture and the date of expiry. The latter date shall not exceed a period of 3 years from the date of manufacture.

#### 5 Lifebuoys

5.1 A vessel of less than 10 m (32 feet) in length shall carry a minimum of one ring lifebuoy of not less than 610 mm (24 inches) in diameter.

5.2 A vessel of 10 m (32 feet) or more in length, but not more than 20 m (65 feet), shall carry a minimum of two lifebuoys of not less than 610 mm (24 inches) in diameter.

5.3 A vessel of more than 20 m (65 feet) in length shall carry a minimum of three lifebuoys of not less than 762 mm (30 inches) in diameter.

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5.4 Each ring life buoy on a vessel shall:

- .1 be readily accessible;
- .2 be stowed in a way that it can be rapidly cast loose;
- .3 not be permanently secured in any way;
- .4 be orange in colour; and
- .5 be marked with the vessels name, identification number and port of registry where applicable.

5.5 At least one of the ring life buoys required by **VI/5.1**, **VI/5.2** or **VI/5.3** shall be fitted with a lifeline. Where more than one ring life buoy is carried one shall not have a lifeline attached.

5.6 For vessels operating between the hours of sunset and sunrise, a lifebuoy light shall be attached to one of the buoys required by **VI/5.1**, **VI/5.2** or **VI/5.3**.

5.7 Each lifeline on a ring life buoy shall:

- .1 be buoyant;
- .2 be of at least 18.5 m (60 feet) in length;
- .3 be non-kinking;
- .4 have a diameter of at least 8 mm (5/16 inch);
- .5 have a breaking strength of at least 510 kg (1,124 pounds); and

- .6 be of a dark colour where synthetic, or of a type certified to be resistant to deterioration from ultraviolet light.

## 6 Lifejackets

6.1 A number of adult sized life jackets shall be provided equivalent to the maximum number of persons permitted to be carried in a vessel. In addition, a number of child size life jackets shall be carried equal to at least 10% of the total number of persons carried or such greater number as may be required to provide a lifejacket for each child. Children's lifejackets need not be carried where the vessel's Certificate of Inspection is endorsed "*for the carriage of adults only*".

6.2 Each life jacket carried on a vessel certified for operation in exposed waters shall have a life jacket light. Each life jacket light shall be securely attached to the front shoulder area of the life jacket.

6.3 Unless otherwise stated in this Chapter, lifejackets shall be stored in convenient places, marked to the satisfaction of the Administration, distributed throughout accommodation spaces.

## 7 Stowage of survival craft

7.1 Each survival craft shall be:

- .1 stowed in a position that is readily accessible to crew members for launching, or else provided with a remotely operated device that releases the survival craft into launching position or into the water;

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- .2 stowed in a way that permits manual release from its securing arrangements;
- .3 ready for immediate use so that crew members can carry out preparations for embarkation and launching in less than 5 minutes;
- .4 provided with means to prevent inadvertent movement of the survival craft in relation to its stowage arrangements;
- .5 stowed in a way that neither the survival craft nor its stowage arrangements will interfere with the embarkation and operation of any other survival craft at any other launching station;
- .6 stowed in a way that any protective covers will not interfere with launching and embarkation;
- .7 fully equipped as required under this Chapter; and
- .8 stowed, as far as practicable, in a position sheltered from breaking seas and protected from damage by fire.

7.2 In addition to the requirements of **VI/7.1**, life rafts shall be secured to the vessel by a painter system with a float-free arrangement which complies with the requirements of paragraph 4.1.6 of the LSA Code.

7.3 In addition to the requirements of regulation **VI/7.1**, buoyant apparatus shall comply with the

following:

- .1 each buoyant apparatus shall be attached permanently to the vessel by a painter and float free unit. The weak link used in the float free unit shall have a breaking strain, which is less than that of the painter;
- .2 the means used to attach the float-free link to the vessel shall:
  - .1 have a breaking strength of at least the breaking strength of the painter; and
  - .2 where synthetic, be of a dark colour or of a type certified to be resistant to deterioration from ultraviolet light; and
  - .3 where metal, be corrosion resistant.

7.4 A mechanical, manually operated device to assist in launching a survival craft shall be provided where the survival craft weighs more than 90 kg. It shall also be provided where survival craft requires lifting more than 300 mm (one foot) in a vertical direction to be launched.

## 8 Special provisions for buoyant apparatus

8.1 Buoyant apparatus shall be of adequate capacity for the number of survivors indicated on its identification tag.

8.2 Where the buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter shall be provided by a wire or line that:

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- .1 encircles the body of the device;
- .2 will not slip off;
- .3 has a breaking strength that is at least the strength of the painter; and
- .4 where synthetic, is of a dark colour or is of a type certified to be resistant to deterioration from ultraviolet light.

8.3 Where the vessel carries more than one buoyant apparatus in a group, then each group shall be secured by a single painter.

8.4 The combined weight of each group of buoyant apparatus shall not exceed 180 kg (400 pounds);

8.5 Each buoyant apparatus shall be individually attached to the painter by a line long enough that each buoyant apparatus can float without contacting any other buoyant apparatus in the group. The strength of the float-free link and the strength of the painter shall be determined by the combined capacity of the group of buoyant apparatus.

8.6 Buoyant apparatus shall not be stowed in tiers more than 1.22 m (4 feet) high. When stowed in tiers, the separate units shall be kept apart by spacers.

8.7 Each buoyant apparatus shall be fitted with a lifeline, pendants, a painter, paddles, and a light.

8.8 The equipment required for buoyant apparatus shall meet the following specifications:

- .1 Lifeline and pendants. The lifeline and

pendants shall be as furnished by the manufacturer with the approved buoyant apparatus.

- .2 Painter. The painter shall comply with the requirements of paragraph 4.1.3.2 of the LSA Code.
- .3 Paddles. Each paddle shall be of at least 1.22m (4 feet) in length, buoyant and lashed to the apparatus to which it belongs.
- .4 Light. A light, capable of floating to the satisfaction of the Administration, shall be attached around the body of the buoyant apparatus by a 12-thread manila, or equivalent, lanyard of at least 5.5 m (18 feet) in length.

## 9 Survival craft equipment

Each item of survival craft equipment shall be of good quality, and efficient for the purpose it is intended to serve. Unless otherwise specified in this Chapter, each item of equipment carried, whether required under this Chapter or not, shall be secured by lashings, stored in lockers, compartments, or brackets, or have equivalent mounting or storage arrangements that shall not:

- .1 reduce survival craft capacity;
- .2 reduce space available to the occupants;
- .3 interfere with launching, recovery, or rescue operations; or



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.4 adversely affect seaworthiness of the survival craft.

## **10 Retro-reflective Material**

All survival craft, buoyant apparatus, lifebuoys and liferafts shall be marked with retro reflective material as indicated in Annex I of IMO Resolution A.658(16)\* The standard of the material used shall be to that prescribed by the Administration.

## **11 Rescue and retrieval of persons from the water.**

11.1 A rescue retrieval system approved by the Administration shall be provided for the retrieval of persons from the water.

11.2 A vessel which is accepted as being able to act as its own rescue boat shall demonstrate the practical effectiveness of the retrieval arrangements provided on board by functional tests carried out under controlled safe conditions to the satisfaction of the Administration.

11.3 When a vessel is manned by the helmsman and one crew the demonstration required by the VI/11.2 shall include retrieval of the crew member from the water (the crewmember can be assumed to be conscious).

## **CHAPTER VII - MISCELLANEOUS SYSTEMS AND EQUIPMENT**

### **1 General Provisions**

The Administration may require navigation, control or communication equipment, in excess of the equipment specifically required by these regulations, on a

vessel which is of a novel design, operates at high speeds in restricted or high traffic areas, or which operates on extended routes or in remote locations.

## 2 Navigation Lights, Shapes and Sound Signals

2.1 A vessel shall comply with the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (Collision Regulations).

2.2 Where it can be demonstrated to the Administration that, for a particular vessel, full compliance with the Collision Regulations is impracticable, proposals for an equivalent arrangement may be considered.

## 3 Charts and Nautical Publications

3.1 A vessel shall carry up-to-date charts, appropriate for the intended voyage, of a large enough scale to enable safe navigation.

3.2 Other publications to be carried, appropriate to the area of operation, include:

- U.K. Admiralty Pilot Books or similar publication;
- U.K. Admiralty Light List or similar publication;
- Tide tables; and
- Current tables, or a river current publication issued by a recognised authority.

3.3 Extracts from the publications listed in VII/3.2 for the areas to be transited may be provided instead of the complete publication.

#### 4 Navigation Equipment

4.1.1 Except as otherwise provided in VII/4.1.2 every vessel shall be fitted with a suitable magnetic compass designed for marine use, to be mounted at the primary operating station. The compass shall be illuminated.

4.1.2 The following vessels need not be fitted with a compass:-

- .1 a vessel certified for operation in protected waters
- .2 a non-self-propelled vessel; and
- .3 a vessel operating on short restricted routes in coastal waters in daylight.

4.2 On vessels certified for operation in exposed waters the compass shall be swung at least annually and a deviation card provided near to the compass.

4.3 A vessel certified to operate in coastal or exposed waters which carries 50 or more passengers shall be fitted with marine radar system for surface navigation approved by the Administration, with a radar screen mounted at the operating station. The radar and its installation shall be suitable for the intended speed and operating area of the vessel.

4.4 A vessel certified to operate in protected waters need not be fitted with a radar where the Administration determines it is not necessary due to the vessel's operating area and local weather conditions.

4.5 A vessel certified for operation in exposed

waters shall be equipped with an electronic position fixing device to the satisfaction of the Administration, capable of providing accurate fixes for the area in which the vessel operates.

## 5 Radio

5.1 All vessels shall be fitted with a marine VHF radio installation. In addition, vessels certified for operation in exposed waters shall be fitted with an INMARSAT-C system or other system appropriate to the sea area designated by the Administration under regulation IV/5 of the International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS), capable of meeting the appropriate requirements of Chapter IV, Part C of SOLAS.

5.2 A durable placard shall be posted next to all radio telephone installations with the emergency broadcast instructions and information, specific to the individual vessel. The emergency broadcast instructions given in Annex 6, placed on a placard, shall satisfy the requirement for emergency broadcast instructions in vessels fitted with VHF and MF marine radios not compatible with the requirements of Chapter IV, Part C of SOLAS.

5.3 When the electrical supply to radio equipment is from a battery, charging facilities, which are capable of recharging them to the minimum capacity requirements given in VII/5.3.3 within 10 hours, or a duplicate battery of capacity sufficient for the voyage shall be provided.

5.3.1 The battery electrical supply to radio equipment shall be protected against flooding or swamping as far as practicable and arranged so that radio communications are not interrupted. When the efficiency of the required protection against flooding/swamping cannot be

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guaranteed, in the case of batteries located below the freeboard deck, an efficiently protected battery supply to the radio equipment shall be provided above the freeboard deck.

5.3.2 When fully charged, the batteries shall provide at least six hours of operation to ensure effective use of the Radio installation.

5.3.3 Each battery shall be installed in accordance with regulation IV/21.

## **6 Public address systems**

6.1 This regulation applies to passenger vessels.

6.2 Except as noted in VII/6.5 and VII/6.6, each passenger vessel shall be equipped with a public address system.

6.3 On a vessel of 20 m (65 feet) or more in length, the public address system shall be a fixed installation and be audible during normal operating conditions throughout the accommodation spaces and all other spaces normally manned by crew members.

6.4 A vessel with more than one passenger deck and a vessel with overnight accommodation shall have the public address system operable from the operating station.

6.5 On a vessel of less than 20 m (65 feet) in length, a battery powered bullhorn may serve as the public address system where it can be demonstrated to be audible throughout the accommodation spaces of the vessel during normal operating conditions. The bullhorn's batteries shall be continually maintained at a fully charged level by use of a battery charger or other means acceptable to the Administration.

6.6 On a vessel of less than 20 m (65 feet) in length carrying less than 50 passengers, a public address system is not required where the Administration is satisfied that a public announcement made from the operating station without amplification can be heard throughout the accommodation spaces of the vessel during normal operating conditions.

## 7 Mooring and Ground Tackle

7.1 A vessel shall be fitted with ground tackle in accordance with Annex 7, stowed and ready for deployment, and mooring lines necessary for the vessel to be safely anchored or moored. The ground tackle and mooring lines provided shall be suitable for the size of vessel and waters in which it operates and be acceptable to the Administration. In vessels of less than 12m in length certified to operate only in protected waters, the Administration may permit the carriage of one anchor.

7.2 The length of anchor cable attached to an anchor shall be appropriate to the area of operation but generally shall be not less than 4 x the vessel length overall for each of the main and kedg anchors.

7.3 When the anchor cable is of rope or wire, there shall be not less than one metre of chain for each metre of vessel length, up to 10 m, between the rope and the anchor.

7.4 When an anchor is more than 30 kg, an efficient mechanical means shall be provided for handling the anchor.

7.5 There shall be a strong securing point on the foredeck and a fairlead or roller at the stem head, which can be closed over the cable.

## 8 First Aid Kit

8.1 A vessel shall carry a first aid kit approved by the Administration. The kit shall consist of a watertight container capable of holding all the items specified in **Annex 8**, with directions for use, stowed in a suitable container that is marked, "First Aid Kit". A first aid kit shall be easily visible and readily available to the crew.

8.2 A first aid kit, which complies with the provisions of **Annex 8**, shall be accepted as satisfying the requirements of **VII/8.1**.

## 9 Cooking and Heating

9.1 Cooking and heating equipment shall be suitable for marine use and shall be designed and installed to the satisfaction of the Administration.

9.2 Gasoline shall not be used for cooking, heating or lighting on board a vessel.

9.3 Subject to **VII/9.4**, fire places or other heating and cooking equipment with open flames shall not be used on board a vessel.

9.4 Liquefied and non-liquefied gases may be used as cooking fuels where the installation of such system is to the satisfaction of the Administration. Open gas flame appliances, other than cooking stoves, domestic refrigerators or water heaters are not permitted. Spaces containing any such stoves or water heaters shall have adequate ventilation to remove fumes and possible gas leakage to a safe space. All pipes conveying gas from a container to an appliance shall be of steel or other appropriate material. Automatic safety gas shut-off devices shall be fitted to operate on loss of pressure in the gas

main pipe or flame failure on any appliance.

## **10 Pollution Prevention Equipment and Procedures**

10.1 All oily waste shall be retained on board for proper disposal ashore. Vessels fitted with approved oily water separators may discharge into the sea when the content of the effluent without dilution does not exceed 15 parts per million.

10.2 Garbage shall be disposed of in accordance with the following.

- .1 disposal into the sea of the following is prohibited:
  - (a) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and
  - (b) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;
- .2 except as provided in 3, disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land;
- .3 disposal of food wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land, but in any case not less than 3 nautical miles from the nearest land. Such



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comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25mm; and

- .4 garbage mixed with other discharges having more stringent disposal or discharge requirements.

10.3 Regulations VII/10.1 and VII/10.2 shall not apply to:

- .1 discharges or disposals into the sea necessary for the purpose of securing the safety of the vessel and those on board or saving life at sea; or
- .2 the discharge or escape of oil waste or garbage into the sea resulting from damage to the vessel or its equipment provided all reasonable precautions have been taken before or after the occurrence of the damage for the purpose of preventing or minimising the discharge or escape.

10.4 A new vessel with toilet facilities capable of discharging waste to the sea shall be fitted with a holding tank of suitable size to accommodate the total number of persons on board for the duration of the voyage. Guidance on the size of the holding tank required is given in Annex 9.

10.5 A sewage treatment plant which meets the operational requirements given in the Recommendation on International Effluent Standards and Guidelines for Performance Tests for Sewage Treatment Plants adopted by the Marine Environment Protection Committee of the International Maritime Organization by

Resolution MEPC.2(VI) may be fitted, in lieu of the holding tank required by VII/10.4

## CHAPTER VIII - OPERATIONAL REQUIREMENTS

### PART A - OPERATIONAL REQUIREMENTS

#### 1 General Provisions

1.1 A vessel shall be operated in accordance with applicable legislation and in such a manner as to afford adequate precaution against hazards, which might endanger the vessel, its passengers and cargo.

#### 2 Marine Casualties

2.1 The owner, agent, master or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the Administration whenever the casualty involves any of the following:

- .1 any grounding or collision which creates a hazard to navigation, the environment or the safety of the vessel;
- .2 loss of main propulsion, primary steering or any associated component or control system, the loss of which causes a reduction of the manoeuvring capabilities of the vessel;
- .3 an occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, failure of or damage to fixed fire extinguishing systems,

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lifesaving equipment, auxiliary power generating equipment or bilge pumping systems;

- .4 loss of life;
- .5 injury which requires professional medical treatment beyond first aid and, in the case of a person engaged or employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties; or
- .6 an occurrence resulting in damage to property estimated to be in excess of US \$10,000, including the cost of labour and material to restore the property to service condition.

2.2 The notice required by VIII/2.1 shall include the name and identity number of the vessel involved, the name of the vessel's owner or agent, the nature and circumstances of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

2.3 In addition to the notice required by VIII/2.1, the owner, master, agent or person in charge of the vessel shall, within 3 days, provide a report in writing to the Administration. The report shall contain the information required by VIII/2.2 and where submitted without delay after the occurrence of the casualty, suffices as the notice required by VIII/2.1.

### 3 Logbook

3.1 Every vessel certified for operation on exposed

waters on an international voyage shall have an Official Logbook on board. The master shall make or have made in the Official Logbook the following entries:

- .1 when a marine casualty occurs, a statement about the casualty and the circumstances under which it occurred, made immediately after the casualty when practicable to do so;
- .2 details of the voyage, including course and weather conditions at least every 4 hours, and drills tests required by this Chapter;
- .3 each death on board and the cause of death;
- .4 the name of each seaman who ceases to be a crew member, except by death, with the time, place, manner and the cause why the seaman ceased to be a crew member; and
- .5 details of drills and training required by regulations VIII/10 and VIII/11.

3.2 The log entry required by VIII/3.1.2 in respect of abandon ship man overboard and fire drills and training shall include the following information.

- .1 date of the drill and training; and
- .2 general description of the drill scenario and training topics.

#### 4 Miscellaneous Operating Requirements

4.1 The master shall ensure the vessel is navigated at all times in a safe and controlled manner.. The master shall also ensure that all of the provisions of the

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Certificate of Inspection are adhered to; however, the master may divert from the route prescribed in the Certificate of Inspection or take such other steps as are deemed necessary and prudent to assist vessels in distress or for other similar emergencies.

4.2 The master shall ensure that applicable stability requirements are adhered to at all times.

4.3 The master shall ensure that steering gear, controls and communication systems are tested before every voyage commences and prior to entering harbour.

4.4 All hatches and openings in the hull of a vessel shall be kept tightly closed except when being used. All watertight doors in subdivision bulkheads shall be kept tightly closed during the navigation of the vessel except when being used for transit between compartments.

4.5 A vessel shall not take on fuel having a flashpoint of 43.3°C (110°F) or lower, when passengers are on board.

4.6.1 A passenger vessel shall not carry dangerous goods except when allowed to do so under the International Maritime Dangerous Goods Code (IMDG Code).

4.6.2 The requirements of Chapter VII of SOLAS 74 shall apply to the carriage of dangerous goods classified in regulation 2 of that Chapter, which are carried in vessels in packaged form or in solid form in bulk as appropriate.

4.6.3 The Administration may apply the requirements of **VIII/4.6.2** according to the service characteristics of the vessel and the risks associated with its

operations, taking into account the safety of persons on board, the safety of property at sea and the protection of the marine environment from pollution.

4.7 Whenever an automatic pilot is used the master shall ensure that:

- .1 it is possible at all times to immediately establish manual control of the vessel's steering;
- .2 a competent person is ready at all times to take over steering control; and
- .3 the changeover from automatic to manual steering and vice versa is made by, or under the supervision of, the master or the senior officer on watch.

## **PART B - PREPARATIONS FOR EMERGENCIES**

### **5 Record of Passengers**

5.1 The owner, charterer, managing operator or master of a vessel making a voyage in exposed or coastal waters shall keep an accurate list of all persons, which embark on and disembark from the vessel.

5.2 The owner, charterer, managing director or master of a vessel on any other type of voyage shall keep a correct, written count of all passengers, which embark on and disembark from the vessel. Prior to departing on a voyage, the passenger count shall be deposited ashore in a well-marked location or with a representative of the owner or managing operator of the vessel.

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## 6 Passenger Safety

6.1 Before getting underway on a voyage where passengers are carried, the master of a vessel shall ensure that suitable public announcements are made informing all passengers of the following, as applicable to the vessel's operations and arrangement:

- .1 a general explanation of emergency procedures;
- .2 the location of emergency exits and survival craft embarkation areas;
- .3 the stowage location of lifejackets;
- .4 the proper method of putting on and adjusting lifejackets of the type carried on the vessel including a demonstration of the proper donning of a lifejacket;
- .5 the location of the instruction placards for lifejackets and other lifesaving devices; and
- .6 that all passengers will be required to wear lifejackets when possible hazardous conditions exist, as directed by the master.

6.2 As an alternative to an announcement that complies with VIII/6.1, the master or other designated person may:

- .1 prior to getting underway, deliver to each passenger or, on a vessel that does not carry vehicles and that has seats for each passenger, place near each seat, a card or pamphlet that has the information listed in

VIII/6.1.1 to VIII/6.1.6; and

- .2 make an abbreviated announcement consisting of:
  - .1 a statement that passengers should follow the instructions of the crew in an emergency;
  - .2 the location of lifejackets; and
  - .3 that further information concerning emergency procedures including the donning of lifejackets, location of other emergency equipment, and emergency evacuation procedures are located on the card or pamphlet that was given to each passenger or is located near each seat.

6.3 Ferries operating on short runs of less than 15 minutes may substitute bulkhead placards or signs for the announcement required in VIII/6.1 and VIII/6.2 where the Administration determines that the announcements are not practical due to the vessel's unique operation.

6.4 On a vessel on a voyage of more than 12 hours duration, passengers shall be requested to put on lifejackets and go to the appropriate embarkation station during the safety orientation. Where only a small number of passengers embark at a port after the original muster has been held, these passengers shall be given the passenger safety orientation required by VIII/6.1 or VIII/6.2 if another muster is not held.

6.5 The master of a vessel shall require passengers to wear lifejackets when possible hazardous



conditions exist, including, but not limited to:

- .1 when transiting hazardous bars and inlets;
- .2 during severe weather;
- .3 in event of flooding, fire or other events which may possibly call for evacuation; and
- .4 when the vessel is being towed.

6.7 Sufficient emergency instructions shall be posted to enable passengers to know what action to take in the event of an emergency.

6.8 Sufficient instructions on how to don lifejackets shall be posted to enable passengers to undertake this action in the event of an emergency.

## 7 Emergency Instructions

7.1 The master and crew of a vessel shall be familiar with the content of emergency instructions containing the actions to be taken in the event of fire, heavy weather, or man overboard conditions. Such instructions shall be displayed at the operating station.

7.2 Except when in the opinion of the Administration the operation of a vessel does not present any of the hazards listed, the emergency instruction placard shall contain at least the applicable portions of the "Emergency Instructions" listed in regulation VIII/8. The emergency instructions shall be designed to take account of the particular equipment, arrangement, and operation of each individual vessel.

7.3 Where the Administration determines that

there is no suitable mounting surface aboard the vessel, the emergency instructions need not be posted but "shall be carried aboard the vessel and be available to the crew for familiarization.

### **8 Recommended Emergency Instructions Format**

An emergency instruction placard containing the following information will satisfy the requirements of regulation VIII/7.

#### **EMERGENCY INSTRUCTIONS**

##### **Rough weather at sea, crossing hazardous bars or flooding**

1. Close all watertight and weathertight doors, hatches, and airports to prevent taking water aboard.
2. Keep bilges dry to prevent loss of stability due to water in bilges. Use power driven bilge pump, hand pump, and buckets to dewater.
3. Arrange fire pumps to be used as bilge pumps where permitted.
4. Check all intake and discharge lines, which penetrate the hull, for leakage.
5. Passengers shall remain seated and evenly distributed as directed by the master.
6. Passengers shall wear life jackets when instructed by the master.

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7. Where assistance is needed follow the procedures on the emergency broadcast placard posted by the radiotelephone.
8. Prepare survival craft (life floats, (inflatable) rafts, (inflatable) buoyant apparatus, boats) for launching.
9. Instructions to abandon the vessel shall not be given unless in the opinion of the master the risk of persons remaining on board exceeds the risk of evacuating the vessel.

**Man overboard**

1. Throw a ring buoy overboard as close to the person as possible.
2. Post a lookout to keep the person overboard in sight.
3. Launch the rescue boat and maneuver to pick up person in the water, or maneuver the vessel to pick up the person in the water.
4. Have a crew member put on lifejacket, attach a safety line to him or her, and have him or her stand by ready to jump into the water to assist the person overboard if necessary.
5. Where person is not immediately located, notify Coast Guard and other vessels in vicinity by radiotelephone.
6. Continue search until released by Coast Guard or where the master considers it

impracticable to continue the search-

### Fire

1. Cut off air supply to fire - close items such as hatches, ports, doors, ventilators, and louvers, and shut off ventilation system.
2. Cut off electrical system supplying affected compartment if possible.
3. Where safe, immediately use portable fire extinguishers at base of flames for flammable liquid or grease fires or water for fires in ordinary combustible materials. Do not use water on electrical fire.
4. Where fire is in machinery spaces, shut off fuel supply and ventilation and activate fixed extinguishing system if installed.
5. Manoeuvre vessel to minimize effect of wind on fire
6. Where unable to control fire, immediately notify the Coast Guard and other craft in the vicinity by radiotelephone.
7. Move passengers away from fire, have them put on lifejackets, and where necessary, prepare to abandon the vessel.

## 9 Station Bill

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9.1 On a vessel of more than 20 m (65 feet) in length required to have more than four crew members at any one time, including the master, a station bill shall be posted by the master.

9.2 The station bill required by **VIII/9.1** shall set forth the special duties and duty station of each crew member for various emergencies. The duties shall, as far as possible, be consistent with the regular work of the individual. The duties shall include at least the following and any other duties necessary for the proper handling of a particular emergency:

- .1 the closing of hatches, airports, watertight doors, vents, scuppers, and valves for intake and discharge lines that penetrate the hull, the stopping of fans and ventilating systems, and the operating of all safety equipment;
- .2 the preparing and launching of survival craft and rescue boats;
- .3 the extinguishing of fire; and
- .4 the mustering of passengers including the following:
  - .1 warning the passengers;
  - .2 assembling the passengers and directing them to their appointed stations; and
  3. keeping order in the passageways and stairways and generally controlling the movement of the passengers.

9.3 The station bill shall be posted at the operating

station and in a conspicuous location in each crew accommodation space.

## **10 Abandon Ship and Man Overboard Drills and Training**

10.1 The master shall conduct sufficient drills and give sufficient instructions to make sure that all crew members are familiar with their duties during emergencies that necessitate abandoning ship or the recovery of persons who have fallen overboard.

10.2 Each abandon ship drill shall include:

1. summoning the crew to report to assigned stations and prepare for assigned duties;
- .2 summoning passengers on a vessel on an overnight voyage to muster stations or embarkation stations and ensuring that they are made aware of how the order to abandon ship will be given;
- .3 checking that lifejackets are correctly worn; and
- .4 instructions on the automatic and manual deployment of survival craft.

10.3 Each abandon ship drill shall, as far as practicable, be conducted as if there were an actual emergency.

10.4 Each rescue boat where provided, shall be launched with its assigned crew aboard and maneuvered in the water as if during an actual man

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overboard situation:

- .1 once each month, where reasonable and practicable; but
- .2 at least once within a 3 month period before the vessel gets underway with passengers.

### **11 Fire Fighting Drills and Training**

11.1 The master shall conduct sufficient fire drills to make sure that each crew member is familiar with his or her duties in case of a fire.

11.2 Each fire drill shall include:

- .1 summoning the crew to report to assigned stations and to prepare for and demonstrate assigned duties;
- .2 summoning passengers on a vessel on an overnight voyage to muster or embarkation stations ; and
- .3 instruction in the use and location of fire alarms, extinguishers, and any other firefighting equipment on board.

11.3 Each fire drill shall, as far as practicable, be conducted as if there were an actual emergency.

12 Nothing in the emergency instructions or a station bill required by this Chapter exempts any licensed individual from the exercise of good judgement in an emergency situation.

### 13 Markings Required

#### 13.1 The following marking is required:

- .1 all lifesaving and firefighting equipment shall be marked with the vessel's identity number;
- .2 all escape hatches and other emergency exits used as means of escape shall be marked on both sides in clearly legible letters at least 50mm (2 inches high): "EMERGENCY EXIT, KEEP CLEAR", unless such markings are deemed unnecessary by the Administration;
- .3 remote fuel shutoff stations shall be marked in clearly legible letters at least 25mm (1inch) high indicating purpose of the valve and direction of operation; and
- .4 watertight doors and watertight hatches shall be marked on both sides in clearly legible letters at least 25mm (1 inch) high: "WATERTIGHT DOOR - KEEP CLOSED" or "WATERTIGHT HATCH - KEEP CLOSED", unless such markings are deemed unnecessary by the Administration.

13.2 Complete but simple instructions for the operation of a fixed gas fire extinguishing system shall be located in a conspicuous place at or near each pull box and stop valve control and in the space where the extinguishing agent cylinders are stored. Emergency signs and warnings shall be to the satisfaction of the Administration.



## **14 Operational Readiness, Maintenance and Inspection of Lifesaving Equipment**

Each launching appliance and each survival craft and rescue boat on a vessel shall be in good working order and ready for immediate use before the vessel leaves port and at all times when the vessel is underway. Each deck where survival craft or rescue boats are stowed or boarded shall be kept clear of obstructions that could interfere with the boarding and launching of the survival craft or rescue boat. All lifesaving equipment shall be maintained in accordance with the manufacturer's instructions and to the satisfaction of the Administration.

## **CHAPTER IX - LICENCING OF BOAT MASTERS AND ENGINEERS, MANNING AND HOURS OF WORK**

### **PART A – LICENCES**

#### **1 Master**

1.1 A commercial vessel shall carry in command a person who is qualified as follows:

- .1 he or she is the holder of a licence issued by the Administration under regulation **IX/3** stating that he or she is qualified to have command of such a vessel;
- .2 the licence is in force and is of a grade appropriate in respect to the waters in which the vessel is being navigated, the size of the vessel and the number of passengers carried; and

- .3 the vessel is in an area specified in the licence as one in which a vessel may be navigated under the command of the holder; or

1.2 The holder of a certificate of competency as a Master issued in accordance with the provisions of the STCW Convention may command any vessel under these regulations.

## 2 Engineers

2.1 A commercial vessel fitted with main propulsion machinery of up to 750 kW(1000 hp), shall where an engineer is required by the Administration, carry as engineer a person who is qualified as follows:

- .1 he or she is the holder of a licence issued by the Administration under regulation IX/3 stating that he or she is qualified to be in charge of the engines and machinery of such a vessel;
- .2 the licence is in force and is of a grade appropriate in respect both of the waters in which the vessel is being navigated; and
- .3 the vessel is in an area specified in the licence as one in which a vessel may be operated under the charge of the holder; or

2.2 The holder of a certificate of competency as an engineer officer issued in accordance with the provisions of the STCW Convention may be carried as engineer in any vessel under these regulations.

2.3 Except as authorised by the Administration, vessels having main propulsion machinery of a power of

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750kW (1000hp) and over shall carry engineers qualified in accordance with the STCW Convention

### 3 Licence issue, standards and conditions

3.1 The Administration may issue licences as Boatmaster or Boat Engineer, as appropriate to persons who meet the requirements of this Regulation. The form of the Boatmaster and Boat Engineer licences are given in Annex 10.

3.2 An application for a licence under this regulation shall be made in such form as the Administration may from time to time specify.

3.3 Subject to **IX/3.4**:

- .1 the standards of competence to be attained and the conditions, including conditions as to medical fitness, to be satisfied by a person in order for a licence to be issued to him under these regulations;
- .2 any exceptions applicable with respect to any such standards or conditions;
- .3 the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced; and
- .4 the conduct of any examinations and the conditions of admission to them; shall be those specified in regulations **IX/5** to **IX/7** and **IX/9** to **IX/11** or those which may from time to time be specified by the Administration in a Shipping Notice.

3.4 Notwithstanding that an applicant for a licence

under this regulation complies with the standards and satisfies the conditions specified by the Administration, the Administration shall not issue such a licence to the applicant unless it is satisfied, having regard to all the relevant circumstances, that the applicant is a fit person to be the holder of such a licence.

**4 Grades and area restrictions of Boatmaster Licences.**

4.1 A licence as a Master issued under regulation IX/3 shall bear the title "Boatmaster Licence" and shall be of one of the following grades, which shall be stated in the licence-

Boatmaster	Licence	Grade	1
Boatmaster	Licence	Grade	2
Boatmaster	Licence	Grade	3

4.2 The grade of licence appropriate in respect of a vessel when being navigated in waters specified in column (1) of Table IX/4.2, being of the size or type specified in relation to those waters in column (2) of the Table shall be either that specified in relation to those waters and that size or type of vessel in column (3) of the Table or, where the grade so specified is 2 or 3, a higher grade than that so specified:

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TABLE IX/4.2

(1) Waters	(2) Size and type of vessel	(3) Minimum Grade of Licence
Protected  Coastal	Open Boat	3
	<24m	2
	Open Boat	
	<12m	3
	passenger	2
	<24m other	2
	than	1
	passenger	
Exposed	12 - 24m	
	passenger	
	All vessels	1

4.3 Where a vessel, the master of which is required to hold a Grade 2 licence, is to be operated more than twenty miles from a safe haven, a navigation endorsement is required. The syllabus is a practical test in chartwork and electronic aids to navigation.

4.4 Where a vessel, the master of which is required to hold a licence, has sails as its principal means of propulsion a sail endorsement is required. The requirement for a sail endorsement is a practical test on boat handling as detailed in **Annex 11-1.1**.

4.5 A Boatmaster licence of any grade shall be subject to such restriction as the Administration may determine as to the area or areas in which a vessel may be navigated under the command of the holder; and every such restriction shall be stated in the licence.

## 5 Requirements for obtaining a Boatmaster Licence

5.1 In order to obtain a Boatmaster Licence Grade 3 an applicant shall-

- .1 be eighteen years of age or over;
- .2 have submitted a valid medical certificate in compliance with **IX/14**;
- .3 have completed a course of ten hours of practical instruction under a licenced Boatmaster in sail or power vessels of appropriate size;
- .4 produce documentary evidence of having obtained the additional qualifications stated in **Annex 11-1.2**; and
- .5 have passed an examination for Boatmaster Grade 3.

5.2 In order to obtain a Boatmaster Licence Grade 2 an applicant shall –

- .1 be twenty years of age or over;
- .2 have submitted a valid medical certificate;
- .3 have completed a course of ten hours of practical instruction under a licenced operator in sail or power vessels of appropriate size;
- .4 produce documentary evidence of having obtained the additional qualifications stated in **Annex 11-1.2**; and

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- .5 have passed the examination for Boatmaster Grade 2.

5.3 In order to obtain a Boatmaster Licence Grade 1 an applicant shall –

- .1 be twenty one years of age;
- .2 have completed a course of ten hours of practical instruction under a licenced operator in sail or power vessels of appropriate size;
- .3 have submitted a valid medical certificate;
- .4 produce documentary evidence of having obtained the additional qualifications stated in **Annex 11-1.2**; and
- .5 have passed the examination for Boatmaster Grade 1.

## **6 Practical Instruction**

Where an applicant is required to have had practical instruction this will be construed as his or her having enough experience to demonstrate proper boat handling skills in whatever craft or vessel the experience may have been given. However, it should be borne in mind that the prospective licence holder needs to demonstrate adequate knowledge of the methods of controlling, handling and directing vessels in emergencies, on the vessels, which he will be entitled to command.

## **7 Examination for Boatmaster Licences**

7.1 A Boatmaster examination for Grades 2 and 3

consists of two parts. The first of which is an oral examination in which applicants will be tested on their knowledge of safety, navigation, rule of the road and seamanship subjects and also how they respond to certain emergency situations. The second part consists of a practical test carried out on the size of vessel for which the applicant needs a licence. This test requires applicants to demonstrate their ability to handle the vessel in various circumstances.

7.2 The Boatmaster examination for Grade 1 consists of three parts. The first part of which is an oral examination in which applicants will be tested on their knowledge of safety, rule of the road and seamanship subjects and also how they respond to certain emergency situations. The second part consists of a practical test in chart work and the use of electronic aids to navigation. The third part is a practical test carried out on a vessel of 12m - 24m in length. This test requires applicants to demonstrate their ability to handle the vessel in various circumstances.

7.3 An applicant passing only one part of the examination will be allowed to retain the pass in that part for a period of one year subject to the applicant being the holder of a valid medical fitness certificate when re-sitting the other part. Details of the syllabus for each grade are contained in **Annex 11-1.1.**

## **8 Grade and Area Restrictions of Boat Engineer Licences**

8.1 A licence as engineer issued under regulation IX/3 shall bear the title "Boat Engineer Licence" and shall be of one of the following grades, which shall be stated in the licence. Boat Engineer Licence, Grade 1 Boat Engineer Licence, Grade 2.



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8.2 The grade of licence appropriate in respect of a vessel when being operated in waters specified in column (1) of Table IX/8.2, being of the size specified in relation to those waters in column (2) of the Table shall be either that specified in relation to those waters and that size of vessel in column (3) of the Table or, where the grade so specified is 2, a higher grade than that so specified:

TABLE IX/8.2

(1) Water	(2) Size of vessel	(3) Minimum Grade of Licence
Protected	24m	no licence
Coastal	15-24m	required
Exposed	24m	2
		1

8.3 A Boat Engineer licence of any grade shall be subject to such restriction as the Administration may determine as to the area or areas in which a vessel may be operated under the charge of the holder; and every such restriction shall be stated in the licence.

8.4 A person required to hold a Boat Engineer Licence on a passenger vessel must also have completed six months service whilst holding the appropriate certificate.

### **9. Requirements for obtaining a Boat Engineer Licence**

In order to obtain a Boat Engineer Licence an applicant shall –

- .1 be eighteen years of age or over;
- .2 have completed an approved course on the repair and maintenance of engines and associated systems on seagoing vessels;
- .3 have submitted a valid medical certificate;
- .4 produce documentary evidence of having obtained the additional qualifications stated in **Annex 11-1.2.1**; and
- .5 have passed the examination for Boat Engineer.

## 10 Approved Course

10.1 An approved course is a course approved by the Administration, which covers the syllabus given in **Annex 11-2**. A Certificate of Attendance will be given by the course organisers to persons satisfactorily completing the course.

10.2 Persons who are able to demonstrate to the satisfaction of the Administration that they have appropriate engineering experience may be granted an exemption from the requirement to attend an approved course.

## 11 Examination for Boat Engineer Licences

11.1 A Boat Engineer examination for Grades 1 and 2 consists of an oral examination in which applicants shall be tested on their knowledge of marine engines, propulsion systems, auxiliary machinery systems outboard engines, safe working practices and how the candidate responds to certain emergency situations.

11.2 The examination for a Boat Engineer Licence

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shall be based on the syllabus given in Annex 11-2 at a level appropriate to the Grade of Licence applied for and its range of application.

11.3 A candidate who is unsuccessful in the examination shall resit the entire examination.

## 12 Existing licences

12.1 The standards of competence to be attained and the conditions to be satisfied by the holder of an existing licence to operate commercial vessels in order for a licence to be issued to that person under this Chapter, shall be such standards and conditions as were to be satisfied by that person in order for the existing licence to be issued. Accordingly, the Administration shall on the application of the holder of an existing licence issue to that person a licence under this Chapter; and the licence shall-

1. be of the grade which is appropriate in respect of –

- .1 a vessel when being navigated/operated in waters in the area or areas stated in the existing licence as the area or areas of operation; and
- .2 the size of vessel which in the period of 12 months before the coming into force of these Regulations was navigated/operated in that area under the command or charge of the holder of the existing licence; and

.2 state the area or areas in which a vessel may be navigated/operated under the command or charge of the holder, as the area or areas stated in the existing licence as the area or areas of operation.

### 13 Period of Validity and Renewal of Licence

13.1 Licences shall be subject to re-validation every three years. Re-validation will be subject to the holder having proof that he or she has had at least 45 days service in vessels for which the licence is valid during that time and the submission of a medical certificate in accordance with regulation IX/14.

13.2 Applicants unable to provide proof of service required by IX/13.1 shall satisfy the Administration of continued professional competence through test or re-examination.

13.3 A licence shall only remain valid so long as the person to whom it is issued holds a valid medical fitness certificate.

### 14 Medical Fitness Certificate

A medical fitness certificate in accordance with the Shipping Medical Examination Regulations shall be submitted with the initial application for a Boatmaster or Boat Engineer licence and for the re-validation of a licence. To obtain this an applicant is required to undergo a medical examination and have an eye sight test for colour and vision in accordance with the provisions of the Medical Examination Regulations.

### 15 Record and surrender of licences

15.1 The Administration shall make and, during the period of the licence, retain a copy of every licence issued under this Chapter.

15.2 A record of-

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- .1 every licence issued under this Part;
- .2 every suspension, cancellation or alteration of and any other matter affecting such a licence; shall be kept, in such manner as the Administration may require, by the Registrar of Shipping or by such other person as the Administration may direct.

## PART B - HOURS OF WORK

### 16 Working Hours

16.1 References to a person being on duty are references-

- .1 in the case of a master who has command of a vessel in the course of his employment, to being on duty, whether for the purpose of having the command of a vessel to which this Chapter applies or for other purposes, in the employment of the person who employs him in that employment or in any other employment under that person; and
- .2 in the case of a master who has command of a vessel for the purposes of a trade or business carried on by him, to having command of a vessel to which this Chapter applies for the purposes of that trade or business or being otherwise engaged in work for the purposes of that trade or business, being work in connection with such a vessel or the passengers carried by it.

16.2 A master shall so far as is reasonably practicable ensure that he or she is properly rested when first going on duty on any working day.

16.3 Subject to **IX/16.7**, the working day of a master shall not exceed 16 hours.

16.4 Subject to **IX/16.7**, a master shall not on any working day con a vessel or vessels to which these regulations apply for periods amounting in the aggregate to more than 10 hours.

16.5 Subject to **IX/16.7**, where on any working day a master has been on duty-

- .1 for a period of 6 hours and the end of that period does not mark the end of the working day; or
- .2 for periods amounting in the aggregate to 6 hours and there has not been between any of those periods an interval of not less than 30 minutes in which the master was able to obtain, rest and refreshment and the end of the last of those periods does not mark the end of the working day;

there shall be an interval for rest –

- .1 as respects the period mentioned in .1 above, at the end of that period; or
- .2 in the case of the periods mentioned in .2 above, at the end of the last of those periods.

16.6 Subject to **IX/16.7** there shall be, between any two successive working days of a master, an

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interval for rest which shall not be of less than 8 hours; and, in the case of a master who has command of a vessel in the course of his employment, a period of time shall not be treated as not being an interval for rest by reason only that he may be called upon to report for duty if required.

16.7 Where the Administration considers that it would be appropriate to grant an exemption from all or any of the requirements of **IX/16.3** to **IX/16.6**, it may on such terms, if any, as maybe specified grant such an exemption; and, subject to giving reasonable notice, the Administration may alter or cancel an exemption so granted.

16.8 The provisions of **IX/16.3** to **16.6** apply to vessels operating in protected and coastal waters. The working hours of seafarers on vessels operating in exposed waters shall be determined by the relevant provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended.

## PART C - MANNING

### 17 Additional crew

17.1 It shall be the duty of an owner of a vessel to which this regulation applies to notify in writing to the Administration –

- .1 the geographical limits within which he proposes that the vessel be navigated;
- .2 the number of crewmen in addition to the master whom the owner considers it appropriate that the vessel should carry

when being navigated within the geographical limits so notified; and

- .3 whether the owner considers it appropriate that, when the vessel is being so navigated, a crewman should be the holder of a licence of any grade under these Regulations.

17.2 The Administration may approve –

- .1 the number of crewmen notified in accordance with **IX/17.1.2**; and
- .2 that a crewman is to be, or that no crewman need be, the holder of a licence in accordance with a notification under **IX/17.1.3**.

17.3 A vessel to which this regulation applies shall not proceed on a voyage or excursion unless-

- .1 the Administration has been notified in accordance with **IX/17.1.1**;
- .2 the Administration has given an approval in accordance with **IX/17.2**; and
- .3 the manning of the vessel is in accordance with the approval given under **IX/17.2**.

17.4 Any approval given under this regulation shall be in writing and shall specify the date on which it takes effect and the conditions, if any, on which it is given.



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**Annex 1**

(Regulation I/12.1)

**FORM OF CERTIFICATE OF INSPECTION**

COAT OF ARMS	[COUNTRY] [Administration] <b>CERTIFICATE OF INSPECTION</b>		Certification Date:
			Expiration Date:
Vessel Name	Identity Mark	Call Sign	Service
Home Port	Hull Material	POWER	Propulsion
Place Built	Date Built	Gross Tonnage	Net Tonnage
		Length	
Owner	Operator		
This vessel shall be manned with the following personnel: ---Master, boatmaster grade                      --- Deck ratings Category 1 ---Mate, boatmaster Grade                      --- Deck Ratings Category 2 ---Boat Engineer Grade 1                      --- Deck Ratings Category 3 ---Boat Engineer Grade 2                      --- Deck Ratings Category 4			
IN ADDITION, THIS VESSEL. MAY CARRY PASSENGERS; OTHER PERSONS IN CREW; PERSONS IN ADDITION TO CREW, AND _____ TOTAL PERSONS ALLOWED -----			
OPERATING AREA AND CONDITIONS OF OPERATION   WITH THIS INSPECTION HAVING BEEN COMPUTED AT ----- ON-----,THIS VESSEL IS CERTIFIED BY ----- ----- TO BE IN ALL RESPECTS IN CONFORMITY WITH INSPECTION LEGISLATION. THE APPLICABLE VESSEL			
ANNUAL INSPECTIONS			THIS CERTIFICATE ISSUED BY:
DATE	PEACE	Signature	(Authorised Official.)
			(Designation)

LAWS OF GUYANA

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Cap. 49:01

Guyana Shipping Act

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Guyana Shipping (Small Commercial Ship Safety) Regulations

ANNEX 1- CERTIFICATE OF INSPECTION

COAT OF ARMS	[COUNTRY] [Administration] CERTIFICATE OF INSPECTION		
Vessel Name	Identity Mark	Certification Date:	Page
Conditions of Operation (Continued)			
Dry docking and other examinations			

ANNEX 1- CERTIFICATE OF INSPECTION

COAT OF ARMS		[COUNTRY] [Administration]																														
<b>CERTIFICATE OF INSPECTION</b>																																
VESSEL NAME:		IDENTITY MARK:	CERTIFICATION DATE :	PAGE																												
<p>LIFESAVING EQUIPMENT</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">NUMBER</td> <td style="width: 50%;">PERSONS</td> </tr> </table> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">TOTAL EQUIPMENT FOR LIFE BOATS (TOTAL)</td> <td style="width: 50%;">LIFE PRESERVERS (ADULT )</td> </tr> <tr> <td>LIFEBOATS (PORT) *</td> <td>LIFE PRESERVERS (CHILD)</td> </tr> <tr> <td>LIFEBOATS (STARBOARD )*</td> <td>RING BUOYS (TOTAL)</td> </tr> <tr> <td>MOTOR LIFEBOATS *</td> <td>WITH LIGHTS *</td> </tr> <tr> <td>LIFEBOATS W/RADIO *</td> <td>WITH LINE ATTACHED*</td> </tr> <tr> <td>RESCUE PLATFORMS</td> <td>OTHER*</td> </tr> <tr> <td>INFLATABLE RAFTS</td> <td>IMMERSION SUITS</td> </tr> <tr> <td>LIFE FLOATS/ BUOYANT APPARATUS</td> <td>PORTABLE LIFE BOAT RADIOS</td> </tr> <tr> <td>WORK BOATS (NOT REQUIRED)</td> <td>EQUIPPED WITH EPIRB?</td> </tr> <tr> <td></td> <td>( *INCLUDED IN TOTALS)</td> </tr> </table> <p style="text-align: center;">FIREFIGHTING EQUIPMENT</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">TOTAL HOSE LENGTH</td> <td style="width: 33%;">NUMBER OF AXIS</td> <td style="width: 33%;">NUMBER OF FIRE PUMPS</td> </tr> <tr> <td colspan="3" style="text-align: center;">FIXED EXTINGUISHING SYSTEMS</td> </tr> </table>					NUMBER	PERSONS	TOTAL EQUIPMENT FOR LIFE BOATS (TOTAL)	LIFE PRESERVERS (ADULT )	LIFEBOATS (PORT) *	LIFE PRESERVERS (CHILD)	LIFEBOATS (STARBOARD )*	RING BUOYS (TOTAL)	MOTOR LIFEBOATS *	WITH LIGHTS *	LIFEBOATS W/RADIO *	WITH LINE ATTACHED*	RESCUE PLATFORMS	OTHER*	INFLATABLE RAFTS	IMMERSION SUITS	LIFE FLOATS/ BUOYANT APPARATUS	PORTABLE LIFE BOAT RADIOS	WORK BOATS (NOT REQUIRED)	EQUIPPED WITH EPIRB?		( *INCLUDED IN TOTALS)	TOTAL HOSE LENGTH	NUMBER OF AXIS	NUMBER OF FIRE PUMPS	FIXED EXTINGUISHING SYSTEMS		
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FIXED EXTINGUISHING SYSTEMS																																
SPACE PROTECTED		AGENT	CAPACITY																													
FIRE EXTINGUISHERS- HAND, PORTABLE AND SEMI-PORTABLE																																
EXEMPTIONS																																

Annex 2

SIMPLIFIED STABILITY TEST PROCEDURE

(SCV Code III/8)

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Name of Vessel ..... Documentation No.....

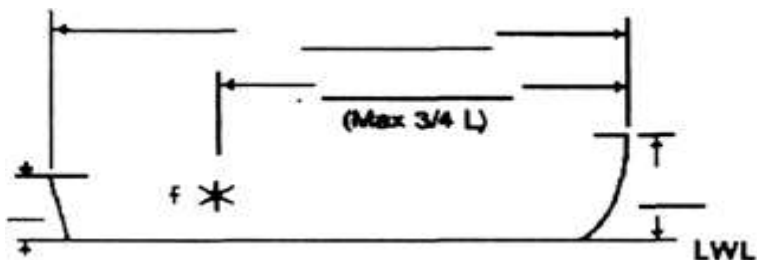
Date.....

Owner/Representative. .... Inspector.....

Location ..... Wind: Relative Direction ..... Vel .....kts

Mooring Arrangement.....

Route .....Check One  Exposed  Coast  Protected

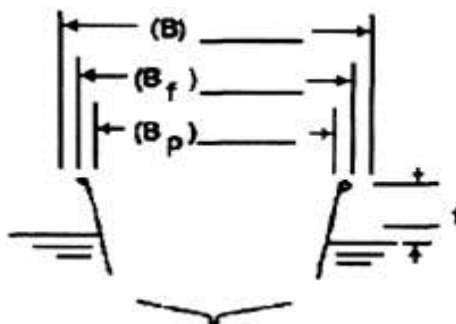


Indicate on above Sketch

- 1.) Profile of sheer line.
- 2.) Length overall (L)
- 3.) Station for measuring Reference Freeboard (f) above load waterline(LWL), located in

way of least freeboard or at a point  $\frac{3}{4}$  (L) from the stem if the least freeboard is aft of this point.

- 4.) Freeboard at bow
- 5.) Freeboard at stern\*.



#### Indicate on above Sketch

- 1.) Round or vee bottom
- 2.) Maximum beam (B) to outside of shell; greater or equal to  $(B_r)$ .
- 3.) Maximum beam ( $B_p$ ) accessible to passengers.
- 4.) Maximum beam ( $B_r$ ) on deck in way of Reference Station.
- 5.) Reference Freeboard (f), height of sheer line above the LWL, in way of Reference Station.
- 6.) Height of weather deck (including cockpit)

deck, if any) above load waterline in way of Reference Station.

All of the above measurements are to be taken in the loaded condition without list (III/8.6). Measurements for (L), (B), and (B<sub>r</sub>) are to exclude rub rails. If the vessel carries passengers on diving excursions, the total weight of the diving gear must be included in the loaded condition. If the vessel has a cockpit or well deck, show same by dotted line on the above sketches and indicate length (/).

\* Freeboard shall be the distance from the sheer line to the load waterline. The sheer line shall be taken as the intersection of the side shell with the weather deck. Where calculations require "gunwale top" to be used, the following applied: For a cockpit vessel, the gunwale top shall be measured along an imaginary extension of the sheer line in way of the cockpit. For an open boat, the gunwale top shall be considered the sheer line.,

Passengers include the crew.

**(1) TOTAL TEST WEIGHT REQUIRED:**

.....X .....	= .....	
# of Pax	Wt/Pax	Total Test WT.(W)

Notes:

- (a) "Test Weight" defines only the weight to be moved during the test. Weights used to represent missing equipment or stores shall be considered part of the "loaded condition."
- (b) The maximum number of passengers shall not exceed the number computed in accordance with SCV Code II/15.
- (c) Weight per passenger equals 75kg (166 lbs), except that on "protected waters" when passenger loads consists of men, women and children; a weight per passenger of 65 kg (143lbs) may be used.

**(2) DISTRIBUTION OF TEST WEIGHT:**

- (a) Distribute the test weight fore and aft so as to obtain the normal operating trim
- (b) Arrange the test weight so that its vertical center of gravity (CG) is approximately 76.2 cm (30 inches) above deck.
- (c) The vertical distribution of the test weight shall be such as to simulate the most unfavourable vertical CG likely to occur in service. On vessels having one upper deck above the main deck available to

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passengers, the vertical weight distribution shall not be less severe than the following:

Total test weight (w).....= .....

Passenger capacity of upper deck:

..... X ..... - X 1.33= ..... Weight on  
# of Pax                      Wt/Pax                      Upper Deck

..... Weight on Main Deck

**(3) WIND HEEL CALCULATION:**

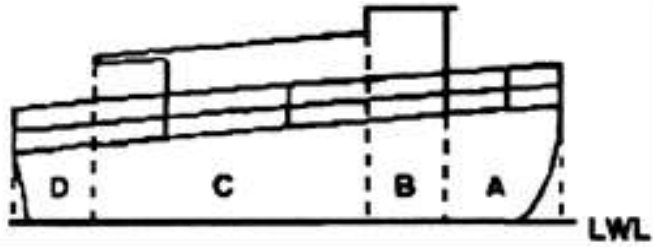
- (a) With the vessel in the loaded condition, block off the profile of the vessel into rectangles using vertical lines starting at the load waterline, as shown below. Include passenger railings, canopies and spotting towers.
- (b) Measure, on the vessel, the length (L) and height (V) of each rectangle and enter into the table on Sheet 3.
- (c) Complete the calculations in the table, add the products in the last column and enter the sum in Section (4) (b). Multiply this sum by the appropriate (P) value to obtain the Wind Heeling Moment (M<sub>w</sub>) in Section (4) (b) on page 3.

Value of (P)	k/m <sup>2</sup>	lb/ft <sup>2</sup>
Exposed	73.2	15.0
Partially Protected	48.8	10.0
Protected	36.6	7.5



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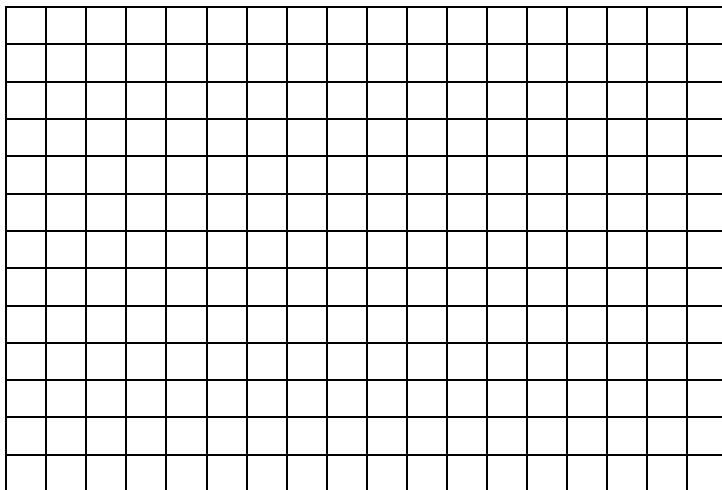
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Load Waterline \_\_\_\_\_ Scale: 1 Square = \_\_\_\_\_

- Calculations -

Section	L	V	A (L x V)	H (0.5V)	Ax H
A					
B					
C					
D					
E					
F					
G					

Sum (A x H)

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**(4) REQUIRED HEELING MOMENT:**

Apply ( a ) or ( b), whichever is greater:

(a) Passenger Heeling Moment ( $M_p$ ) =  $(W \times B_p)/6 =$

(..... X .....)/6 = .....  
Total Test Wt (W)      Max Beam Open Xo  
Passengers (Bp)

(b) Wind Heeling Moment ( $M_w$ ) =

..... X ..... = .....  
Wind Pressure (P)      Sum (A x H)

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<p>(5) LOCATION OF IMMERSION MARK (i) ABOVE LOAD WATERLINE PRIOR TO APPLICATION OF HEELING MOMENT:</p>					
<p>The freeboard measurement (f) shall be taken with the weight required in Step (1) on board. The height of the immersion mark (i) shall be the lesser of the two values provided by (a), (b), (c) or (d) according to vessel type, or (e) for all vessels. The mark (i) shall be placed on the hull above the LWL at the reference station.</p>					
(a)	<p>Flush Deck Type Sailing Vessels (or well deck vessels that operate on protected waters, have non return scuppers, and the reference freeboard is not more than one quarter of the distance from the waterline to the top of the gunwale). Reference freeboard (f) is measured to the top of the weather deck at the side of the vessel.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Reference freeboard (f)</td> <td style="width: 40%;">Height of (i) above LWL</td> </tr> </table>	Reference freeboard (f)	Height of (i) above LWL		
Reference freeboard (f)	Height of (i) above LWL				
(b)	<p><b>Flush Deck Type Vessels</b> (including all well deck vessels except those noted in (a) above) For well deck vessels, freeboard (f) to the lowest deck exposed to the weather must equal or exceed 25.4 cm (10 inches) If less than 25.4 cm, use 5(d) Open-boat Type formula /2 =</p>				
(c)	<p><b>Cockpit Type Vessels</b> Freeboard to cockpit deck must equal or exceed 25.4 cm (10 inches) If less than 25.4 cm, use 5 (d) Open—boat Type formula Length overall ..... (L) Length of cockpit .....(/) Reference freeboard..... (f) (measured to top of gunwale) Height of immersion mark above LWL All measurements shall be in metres (feet)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Exposed Waters (i) = f(2L-1.5/)</td> </tr> <tr> <td style="text-align: center;">4L</td> </tr> <tr> <td>Coastal or Protected Waters (i) = f(2L-/)</td> </tr> <tr> <td style="text-align: center;">4L</td> </tr> </table>	Exposed Waters (i) = f(2L-1.5/)	4L	Coastal or Protected Waters (i) = f(2L-/)	4L
	Exposed Waters (i) = f(2L-1.5/)				
	4L				
Coastal or Protected Waters (i) = f(2L-/)					
4L					
(d)	<p><b>Open-boat Type Vessels</b> Reference freeboard (f) is measured to top of gunwale</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Reference freeboard (f)</td> <td style="width: 40%;">Height of (i) above LWL</td> </tr> </table>	Reference freeboard (f)	Height of (i) above LWL		
Reference freeboard (f)	Height of (i) above LWL				
(e)	<p>All Vessel Types To limit the final angle of list to 14° for any type of vessel, the height of the immersion mark (i) shall on no case exceed the value below. If this value is less than that produced by (a), (b), (c) or (d) above, whichever applicable, then this value shall be used for (i).</p>				

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	/8 = Beam at Reference Station LWL for any type of vessel	Max height of (i) above
--	-----------------------------------------------------------------	-------------------------

*Annex 2 – Stability Test**Page 5 of 8***(6) WEIGHT MOVEMENT:**

- (a) The heeling moment required by Section (4) shall be obtained by a transverse movement of the test weights.
- (b) The test shall be conducted with all tanks 3/4 full, ballast aboard in place, all portlights secured, and any non-return valves or flaps on scuppers or deck drains restrained in the open position.
- (c) The vessel shall be fully afloat and all mooring are to be slack during the test.
- (d) During the loading and moving of test weights, care should be taken if there is evidence of low stability. This may be assumed to be the case whenever the effect of any added or shifted weight increment is noted to be more than that of the preceding increment of the same size, or when the chine or bilge amidships comes out of the water as a result of the heel.
- (e) Care is to be exercised that the vessel is not heeled excessively either due to weight movement or superimposed roll which could cause the test weights to topple or ship's gear to become adrift.
- (f) While the vessel is heeled, check for open seams, loose hull fittings, etc., which are not normally immersed and which could cause

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flooding of the vessel.

Quality	Weight per Unit	Distance Moved	Moment

**Total Heeling Moment**

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Annex 2- Stability Test

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**(7) HEIGHT OF IMMERSION MARK (I) ABOVE WATERLINE AFTER WEIGHT MOVEMENT:**

- (a) If the vessel lists to the immersion mark (i) before the full heeling moment is applied, the test shall be stopped and the vessel fails the test.
- (b) When the moment required in Section (4) has been developed, measure the resulting height of the immersion mark (i) above the waterline.
- (c) If any portlights are found to be near the waterline at the final angle of the list, such portlights on each side shall be permanently closed.
- (d) If any scuppers or drains are found to be below the waterline at the final angle of list so as to permit entry of water into or onto the deck, such openings on each side shall be fitted with automatic non-return valves.

**(8) GENERAL STABILITY INFORMATION**

(for documentation purposes only)

Tankage

Tank	Capacity	Approximate Location of CG @ 100% Cap.	
		Aft of Stem	Above Top of Keel

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Ballast:

Material	Weight	Approximate Location of CG	
		Aft of Stem	Above Top of Keel

Annex 2- Stability Test



**TWENTY-FIVE PERCENT TEST**

*(This test is not a necessary part of the Simplified Stability Test Procedure but may be used as a preliminary Check when the stability is believed to be marginal)*

1. After the Total Test Weight (W) has been placed on board and the Reference Freeboard (f) has been measured, rig a pendulum free to swing athwartships at any convenient location on the vessel. Arrange it so that the bob is approximately 3 mm (1/8 inch) above the deck. Place a chalk mark on the deck directly beneath the bob. Measure the pendulum length (pend. 1) as the distance from pivot to deck.
  
2. Move the test weight to obtain a heeling moment equal to one-quarter of the Required Heeling Moment in Section (4) on page 3. It is suggested that the weights having the longest levers be moved as to minimize the amount of weight handled.

<p>One - quarter  Heeling Moment: ...../4 = .....  Req'd H.M (4)</p>
------------------------------------------------------------------------------

3. After the weight has been moved, place a chalk mark on the deck directly beneath the pendulum bob. Measure the pendulum deflection (pend. D.) as the distance between chalk marks.

- 4. Before proceeding with the Simplified Stability Test Procedure, the following calculations may be carried out to anticipate the results:

<p>Approximate Maximum allowable Heeling Moment:  <math>2X \dots\dots\dots X \dots\dots\dots X \dots\dots\dots</math>  <math>\frac{3}{4}H.M \dots\dots\dots \text{pend. 1.} \dots\dots\dots \text{Height of (i)} \dots\dots\dots = \dots\dots\dots</math>  <math>\dots\dots\dots X \dots\dots\dots</math>          pend. d.      Beam at Ref. Station (<math>B_r</math>)</p> <p>If the Maximum Allowable Heeling Moment is LESS than the Required Heeling Moment in Section (4) on page 3, the vessel will probably fail the test by the difference indicated below.</p> <p>Required Heeling Moment = <math>\dots\dots\dots</math>          Allowance Heeling Moment = <math>\dots\dots\dots</math>          Difference = <math>\dots\dots\dots</math></p>	
<p>If Passenger Heel (4a) applies          Approximate Number of          Passengers in Excess  <math>6x</math>  <u>Difference</u> =                                           # of Pax  <math>X</math>          Wt/Pax                    (<math>B_p</math>)</p>	<p>If Wind Heel (4b) applies:          Approximate Excess Wind          Moment          ( Sum <math>A \times H</math> )  <math>\dots\dots\dots / \dots\dots\dots = \dots\dots\dots</math>          Difference    (P)    Moment</p>

**STABILITY TEST PROCEDURE  
FOR VESSELS CARRYING PASSENGERS AND CARGO**

- (1) For vessels carrying cargo as well as passengers, follow the same test procedure as for vessels carrying passengers alone except that, in addition to the passenger test weight, the maximum deadweight of cargo permitted shall be on board, in place and so arranged as to simulate the most unfavourable vertical center of gravity likely to occur in service.
- (2) Specify the maximum cargo deadweight permitted to be carried:

Weight of Cargo	Approximate Location of CG	
	Aft of Stem	Above Top of Keel

- (3) Complete the Twenty-Five Percent Test based on the Passenger Heeling Moment or the Wind Heeling Moment, whichever is applicable, and note the anticipated test results.
- (4) If the anticipated results of the test indicate that the vessel will fail, the entire test must be repeated with a reduced number of passengers and/or a reduced amount of cargo, or by utilizing any other corrective measures available.
- (5) If the anticipated results of the test indicates that the vessel will pass, then with the vessel in the heeled condition and being cautious not to disturb any of the test weights which were shifted in order

to heel the vessel; remove approximately one-quarter of the cargo from the vessel exercising great care to remove it symmetrically about the centerline.

- (a) If the pendulum deflection DECREASES or remains unchanged —replace the cargo which was removed and complete the stability test procedure.
  - (b) If the pendulum deflection INCREASES the cargo may be improving the stability of the vessel. Therefore, remove all of the cargo from the vessel, replace the test weights in their original positions so as to remove all list, re-measure the Reference Freeboard (f), and repeat the Twenty-Five Percent Test in its entirety for the new condition of loading. If the second Twenty-Five Percent Test indicates that the vessel will pass, complete the stability test procedure.
- (6) If the vessel passes the stability test procedure under these conditions, it is deemed to have adequate stability for the safe carriage of passengers allowed regardless of whether or not cargo, not in excess of the amount specified in item (2) above, is carried.

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## ANNEX 3

SMALL COMMERCIAL VESSEL SIMPLIFIED  
SUBDIVISION CALCULATION

(SCV Code III/21)

Name of Vessel -----Official No. -----

Route -----

Owner or Representative

Present at Measurement ----- Inspector-----

Date-----

Location of Vessel at

Time of Measurement-----No. of W.T. Bhds-----

No. of Passengers-----

## INSTRUCTIONS

1. The vessel is to be in maximum load condition except that the fuel and water tanks are to be three-quarters full. Ballast, if required, is to be on board and in place. A capacity load of passengers, crew, cargo, vehicles, stores, etc., is to be on board (or weight equivalent thereto) in proper location.

2. The vessel is to be afloat in water of a density not greater than that of the route for which she is to be certificated, i.e...salt water or fresh water.

3. The vessel is to be in her normal trim, i.e., at a waterline established by the normal distribution of the weight on board. If there is a slight list it is to be corrected by transverse movement of some of the weight on board so that the vessel is upright in the water.

4. The measurements specified on sheet 4 are to be carefully taken and recorded as indicated in steps (5) or (6) as applicable to the type of vessel. The length (L) is the length of the hull proper, measured over the bulkhead deck, and shall not include fishing platforms, bowsprits, guards, etc.. The depth (D) is especially important and should be double-checked. If this particular dimension cannot be measured amid-ships, as required, due to obstructions, et., it is to be made at points fore and aft of, and equidistant for amidships and the mean thereof shall be recorded as (D). The beam (B) shall be measured amidships to the outside of the hull and shall not include the guards. The freeboards (0 shall be measured at the bulkheads from the load waterline to the top of the bulkhead deck at the side. The distance from the stem to each bulkhead shall be indicated on the plan in the same manner as bulkhead "A".

5. Where the vessel has no portlights which can be opened and is flush decked with normal sheer or no sheer, record the dimensions on sheet 4 and proceed as indicated in step (7).

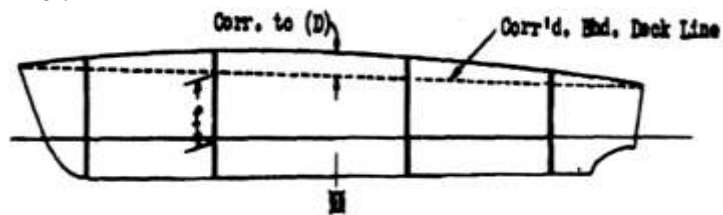
6. Where the vessel has portlights which can be opened, or if it is flush decked with reverse sheer, or if it has raised deck forward (as in the case of the typical cockpit boat), do not use the sketch on sheet 4. Instead, prepare to accurate scale a profile of the hull above the load waterline, locate the bulkheads, and the portlights, if any, draw in the "corrected bulkhead deck line" as shown on sheets 2 or 3, and then proceed as indicated in step (7).

Annex 3- Sub-division Calculation

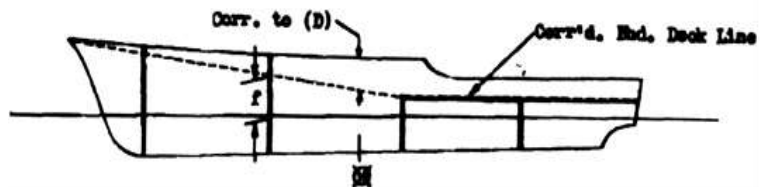
Sheet 2 of 5

**(a) For Reverse Sheer:**

Draw a straight line from the stem (at the top of the bulkhead) to the stern (at the top of the bulkhead at the side) to establish the "corrected bulkhead deck line".

**(b) For Raised Deck:**

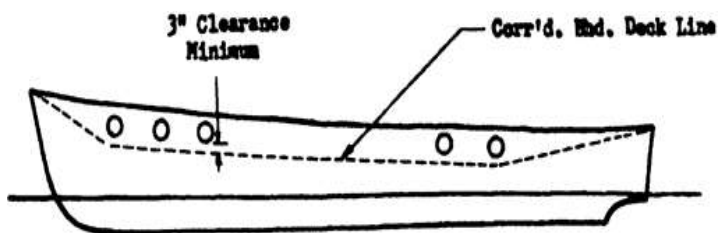
Draw a straight line from the bulkhead deck at the stem to the top of the foremost of the bulkheads which extend to the lower bulkhead deck, to establish the "corrected bulkhead deck line".

**(c) For Vessels of Any Type Having Portlights Which Open:**

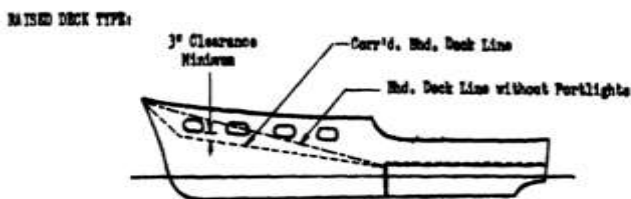
The "corrected bulkhead deck line" shall be a line which extends from the stern at the actual bulkhead deck, passes not less than 75mm (3 inches) below the portlights and thence to the stern at the actual bulkhead deck. This line shall not be, at any point, above the corrected bulkhead deck line which would be indicated from the same hull if portlights were not installed.

Annex 3- Sub-division Calculation  
Sheet 2 of 5

FLUSH DECK TYPE



Annex 3- Sub-division Calculation  
Sheet 3 of 5



The freeboards at each bulkhead are to be scaled, on the drawing, to this corrected bulkhead deck line. Also, the distance amidships measured from this line upward to the top of the actual bulkhead deck at the side shall be deducted



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from the depth (D), which was measured as shown on sheet 4, to obtain the correct (D) to be used with these types of hulls.

7. From the dimensions recorded on sheet 4 (or on the specially prepared profile) and the factors listed below, complete the table on sheet 5. The actual compartment lengths should not exceed the calculated permissible compartment lengths – OR -  $L/3$  whichever is the least.

Midpoint of Compartment in Percent (L) from Bow	Floodable Length Factor
0-15%	.33
20	.34
25	.36
30	.38
35	.43
40	.48
45	.54
50	.61
55	.63
60	.58
65	.53
70	.48
75	.44
80	.40
85	.37
90-100	.34

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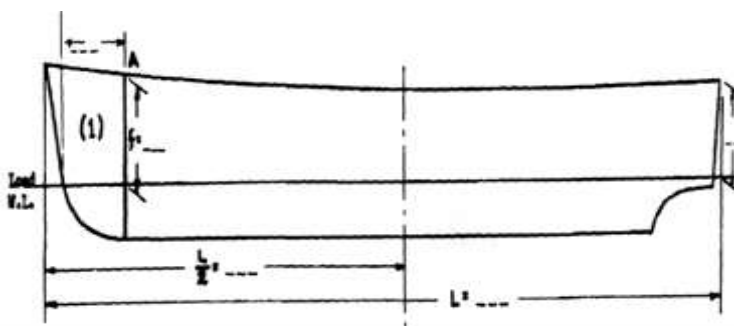
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Subdivision Calculation –  
Sheet 4 of 5

Name of Vessel----- Official No.-----



1. Draw in other W.T. bulkheads. Indicate distance from stem and forebulk for each as shown for Bulkhead "A".
2. Forewards "x" and "y" and ships must be equal.
3. Record all dimensions in feet and inches.
4. Indicate water density at time of measurement.  
[[Salt [[Brackish]] Fresh

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Subdivision Calculation-  
Sheet 5 of 5

Name of Vessel

Official No.

1	2	3	4	5	6	7	8	9	10	11
Com pt. No.	Boun dary Bhds	Dist. Stem /Bhd Sheet 4	Dist. Stem/ Bhd (as \$ L) Col. 3x100 L	Freeboard (f). Sheet 4	Midpoint of Compt. (as % L) Avrg . of 2 in Col. 4	Flood able Lengt h. Factor Sheet 3	Effec tive Free board Avrg . of 2 in Col. 5	L D. Sheet 4	Permis sible Compt. Length Cols. 7x8x9 not to exceed L/3=... m (ft)	Actual Compt. Length Diff. of 2 in Col. 3
1	Stem	0	0							
	A									

Tested and Proven Watertight

\_\_\_\_\_  
Marine Inspector

\*-OR- as required by  
SCV Code III/21.1, whichever is least.

Measured and computed by

\_\_\_\_\_

Marine Inspector

#### Annex 4

#### Regulation V/2.2

#### FIRE TEST FOR FRP

##### 1 Heat Source

The heat source for the fire tests should be provided by a propane gas torch with a Sievert burner type No. 2944 giving a maximum flame temperature of 1600C and burning propane at the rate of 4110 grams per hour with a pressure of 2kgf/cm. The rate of burning should be carefully controlled. The length of blue flame should be approximately 200mm.

##### 2 Specimen

The specimen should be 450mm x 450mm cut from a one metre square panel of the laminate to be tested. The specimen should not incorporate any of the edges of the one metre square panel. The edges of the specimen should be housed in a steel frame sufficiently to prevent them igniting during the tests. The specimen should be cured for at least 28 days before testing.

##### 3 Test procedure

The specimen should be oriented vertically in a draft free location, such that the tip of the blue flame, i.e. the point of greatest heat, impinges on the centre of the specimen with the flame normal to its surface. The non gel coat surface of the specimen should be exposed to the flame. The flame should not burn through the specimen within 15 minutes.

**Annex 5***(Regulation V/3.2)***IGNITABILITY TEST FOR COMBUSTIBLE INSULATIONS****1 Test Specimens**

1.1 One specimen is to be prepared.

1.2 The specimen is to be a minimum of 150mm x 150mm and of the thickness which is to be used on the vessels, together with any facing with which it is normally covered.

**2 Conditioning of Test Specimens (absorbent materials)**

2.1 The conditioning atmosphere should have a temperature of  $20 \pm 2^{\circ}\text{C}$  and relative humidity of 65 2%.

2.2 The specimen should be laid flat, in the conditioning atmosphere for a period 24 hours, or for a sufficiently longer period in order to ensure that the mass of the specimen shows no progressive change greater than 0.25% when it is determined at intervals of 2 hours.

**3 Atmosphere for Testing**

3.1 The test is to be conducted in an atmosphere the same as for conditioning the specimen, or within 2 minutes of removal from the conditioning atmosphere.

3.2 Appropriate measures should be taken to prevent draughts in the vicinity of the testing equipment when testing is in progress.

## 4 Testing Procedure

### 4.1 Source of Ignition

The source should be obtained by using a burner consisting of a copper tube having a length of 150mm and inside and outside diameters of 5mm and 6mm respectively connected by plastic or rubber tubing to a gas tap supplying natural gas. The copper tube is to have no opening for the supply of air.

### 4.2 Height of Flame

Before the test takes place the burner flame is to be adjusted to a height of 32mm.

### 4.3 Test Procedure

4.3.1 Place the specimen horizontally on a metal tripod stand with the upper surface of the specimen facing downwards (i.e. with normally exposed face on underside) such that the height of this surface of the specimen is approximately 8mm below the top of the burner flame. Apply the burner flame at right angles to the plane of the specimen in the centre of specimen. After one minute the burner flame is to be removed clear of the specimen and the time in seconds to extinction of any flaming is to be recorded.

4.3.2 The test in paragraph 4.3.1 is to be repeated after any flaming or smouldering has ceased and the temperature of the specimen has returned to normal except that the centre of the burner flame is to be positioned at the midpoint of any edge of the specimen. Again the time in seconds to extinction of any flaming after the removal of the burner is to be recorded.

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### 5 Pass Criteria

An insulation is deemed to be "not readily ignitable" when any flaming of the test specimen ceases within 20 seconds of the removal of the burner.

### Annex 6

*(Regulation VII/5.2)*

#### **RECOMMENDED EMERGENCY BROADCAST INSTRUCTIONS**

The following emergency broadcast instructions, when placed on a placard, will satisfy the requirement contained in regulation **VII/5.2** for an emergency broadcast placard:

1. Make, sure your radiotelephone is on.
2. Select 156.8 MHz (channel 16 VHF) or 2182 kHz. (Channel 16 VHF and 2182 kHz on SSB are for emergency and calling purposes only).
3. Press microphone button and, speaking slowly - clearly - calmly, say:
  - .1 "MAYDAY-MAYDAY-MAYDAY" for situations involving Immediate Danger to Life and Property; or
  - .2 "PAN-PAN-PAN" for urgent situations where there is No Immediate Danger to Life or Property.
4. Say: "THIS IS (INSERT VESSEL'S NAME), (INSERT VESSEL'S NAME), (INSERT VESSEL'S NAME), (INSERT VESSEL'S CALL SIGN), OVER."

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5. Release the microphone button briefly and listen for acknowledgement. If no one answers, repeat steps 3 & 4.
6. If there is no acknowledgement, or if the Coast Guard or another vessel responds, say: "MAYDAY" OR "PAN", 'INSERT VESSEL'S NAME)."
7. DESCRIBE YOUR POSITION using latitude and longitude coordinates, LORAN coordinates, or range and bearing from a known point.
8. STATE THE NATURE OF THE DISTRESS.
9. GIVE NUMBER OR PERSONS ABOARD AND THE NATURE OF ANY INJURIES.
10. ESTIMATE THE PRESENT SEAWORTHINESS OF YOUR VESSEL.
11. BRIEFLY DESCRIBE YOUR VESSEL: (INSERT LENGTH, COLOR, HULL TYPE, TRIM, MASTS, POWER, AND ADDITIONAL DISTINGUISHING FEATURES).
12. Say: "I WILL BE LISTENING ON CHANNEL 16/2182."
13. End message by saying: "THIS IS (INSERT VESSEL'S NAME & CALL SIGN)."
14. Where your situation permits stand by the radio to await further communications with the Coast Guard or another vessel. If no answer, repeat, then try another channel.



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## Annex 7

(Regulation VII/7.1)

## ANCHORS AND CABLES

Length + Lwl 2	Anchor Mass		Anchor Cable Diameter			
	Main	Kedge	Main Chain Rope		Kedge Chain Rope	
(metres)	(kg)	(kg)	mm	mm	mm	mm
6	8	4	6	12	6	10
7	9	4	8	12	6	10
8	10	5	8	12	6	10
9	11	5	8	12	6	10
10	13	6	8	12	6	10
11	15	7	8	12	6	10
12	18	9	8	14	8	12
13	21	10	10	14	8	12
14	24	12	10	14	8	12
15	27	13	10	-	8	12
16	30	15	10	-	8	12
17	34	17	10	-	8	14
18	38	19	10	-	8	14
19	42	21	12	-	10	14
20	47	23	12	-	10	14
21	52	26	12	-	10	14
22	57	28	12	-	10	16
23	62	31	12	-	10	16
24	68	34	12	-	10	16

## Notes:

1. The anchor sizes given are for high holding power (HHP) types.
2. When a vessel has unusually high windage due to any combination of high free-board, large superstructure or deck equipment outfit, the mass

of anchor given above shall be increased to take account of the increase in wind loading.

For vessels of unusual or non-conventional ship form (including pontoon barges) the anchor size shall be to the satisfaction of the Administration.

The diameter of the anchor cable shall be appropriate to the increased mass of anchor.

3. Chain cable diameter given is for short link chain. Chain cable should be sized in accordance with ISO 4565:1986 - Anchor chains for small craft, or equivalent.
4. The rope diameter given is for nylon construction. When rope of another construction is proposed, the breaking load should be not less than that of the nylon rope specified in the table.
5. When anchors and cables are manufactured to imperial sizes, the metric equivalent of the anchor mass and the cable diameter shall not be less than the table value.
6. Lwl is the waterline length of the vessel when the vessel is floating at the assigned free-board draught.

**Annex 8***(Regulation VII/8.2)***FIRST AID KITS****1 Type and Size**

First-aid kits shall be of the water-tight cabinet carrying type capable of holding the items specified in paragraph 32.

**2 Construction and Workmanship**

The container shall be of substantial and rugged construction, with the body, handle and all fittings of a corrosion-resistant material or suitably protected against corrosion to the satisfaction of the Administration.

**3 Contents**

3.1 Items shall be properly labelled to designate the name of contents and method of use. Each package shall be enclosed in a jacket of tough, transparent material, properly sealed, which shall be watertight. Vials for tablets shall not be made of glass.

3.2 The items contained in the first-aid kit shall be as listed in the following Table.

**TABLE A8**

Items	No.
Bandage compress - 4"	5
Bandage compress - 2"	8
Waterproof adhesive compress -1"	32
Triangular bandage - 40"	3

Eye dressing packet, 1/8 oz Ophthalmic ointment, adhesive strips, cotton pads	3
Bandage, gauze, compressed, 2 inches by 6 yards	3 2
1 - Tourniquet, 1 - forceps, 1 - scissors, 12 safety pins	-
Wire splint	1
Ammonia inhalants	10
Iodine applicators (1/2 ml swab type)	10
Aspirin, phenacetin and caffeine compound, 6 1/2 gr. tablets, vials of 20	5
Sterile petrolatum gauze, 3" x 18"	1 2

**3.3 Instructions**

Instructions for the use of the contents of the first-aid kit shall be printed in legible type on a durable surface and shall be securely attached to the inside of the cover. The instructions for the use of the contents are as follows:-

**DIRECTIONS FOR THE USE OF THE FIRST-AID KIT**

Item Title	Remarks
Amonia Inhalants	Break one and inhale for faintness, fainting, or collapse.
Aspirin, phenacetin, caffeine tablets	Chew up and swallow 2 tablets every three hours for headache, colds, minor aches, pains, and fever. Maximum of 8 in twenty-four hours.
Bandage Compress, 4" ad 2" .....	Apply as a dressing over wound. DO NOT touch part that comes in contact with wound.
Bandage, Gauze Compresses, 2" .....	For securing splints, dressings, etc.
Bandage, Triangular, Compressed.....	Use as arm sling, tourniquet, or for retaining splints or dressings in place.
Burn Dressing.....	The petrolatum gauze bandage is applied in at least two layers over the burned surface and an area extending 2" beyond it. The first dressing should be allowed to

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<p>Compress, Adhesive,1..... Eye Patch..... Forceps..... Ophthalmic Ointment.....</p>	<p>remain in place, changing only the outer, dry bandage as needed, for at least 10 days unless signs of infection develop after several days, in which case the dressing should be removed and the burn treated as an infected wound. Watch for blueness or coldness of the skin beyond the dressing and loosen the dressing if they appear.</p> <p>Apply as dressing over small wounds. DO NOT touch part that comes in contact with wound.</p>
<p>Splint, Wire.....</p>	<p>Apply as dressing over inflamed or injured eye.</p>
<p>Tincture Of Iodine, Mild.....</p>	<p>Use to remove splinters or foreign bodies. Do not dig. Apply in space formed by pulling lower eyelid down, once daily for inflamed or injured eyes. Do not touch eyeball with tube.</p>
<p>Tourniquet</p>	<p>Pad with gauze and mold to member to immobilize broken bones. Hold in place with bandage. Do not attempt to set the bone.</p> <p>Remove protective sleeve, crush tube and apply swab end.DO NOT use in or around eyes. For control of hemorrhage. Loosen for a few seconds every15 minutes.</p>

**4. Marking**

Each approved first-aid kit shall be permanently marked with the following information: name of manufacturer, trade name symbol, model number, or other identification used by the manufacturer and the words "FIRST-AID KIT".

## Annex 9

(Regulation VII/10.3)

**ESTIMATING GUIDELINES FOR HOLDING TANK  
CAPACITY**

1. These calculations shall be used as guidelines, as capacities are not mandated. The capacity of each Marine Sanitation Device (MSD) should be evaluated in terms of the vessel's size, route, service, and particular circumstances. These capacities consider only "black-water" toilet drains. On the average, each person will produce 0.4 gallons of waste per day.

2. Flush Rate. **Table A9-1** estimates the water used per flush by different toilet systems.

**TABLE A9-1  
APPROXIMATE FLUSH CAPACITIES FOR VESSEL  
TOILETS  
DRAINING TO MARINE SANITATION DEVICES**

System Type	Gallons per flush
Conventional (flushometer)	5.0
Recirculating	0.1
Vacuum	0.3
Hand Pump	0.5
Electric Pump	0.1

3. Wastewater produced. **Table A9-2** estimates the gallons of wastewater produced per person per day, based on the plumbing type, and the way the boat operates.

TABLE A9-2

**GALLONS OF WASTEWATER PER PERSON  
PER DAY BASED ON PLUMBING TYPE**

Trip Length	User	Conv.	Recire	Vocuum	Band Pump	Electric
Long (Note 1)	Crew	25.4	0.5	1.9	2.9	5.4
	Pax	25.4	0.5	1.9	2.9	5.4
Medium (Note 2)	Crew	25.4	0.5	1.9	2.9	5.4
	Pax	8.3	0.17	1.9	1.0	1.8
Short (Note 3)	Crew	12.7	0.25	0.95	1.95	2.7
	Pax	6.35	0.25	0.5	0.7	1.35

**Note**

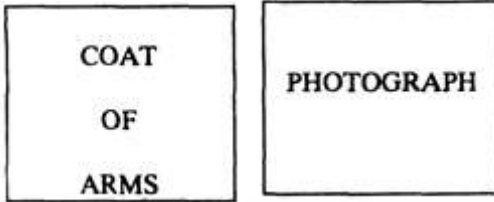
1. Crew and passengers aboard 24 hour/day.
2. Crew aboard 24-hour/day; 2 groups of passengers aboard for 4 hours each (2 trips/day), each passenger using facilities once.
3. All crew aboard 12 hour/day; 6 groups of passengers aboard for 2 hours (6 trips per day), one fourth of passengers using facilities once.

Annex 10

FORM OF BOATMASTER AND BOAT ENGINEER LICENCE

BOATMASTER LICENCE GRADE 1/2/3

Issued by the [ADMINISTRATION] under the provisions of the Code of Safety for Small Commercial Vessels



No ..... This is to certify that ..... is entitled to serve in a capacity requiring a Boatmaster Grade 1/2/3 in commercial vessels of .....metres in length operating in Protected/Coastal/Exposed waters.

The holder is further entitled to serve in such other vessels and in such areas as may be endorsed on this certificate. ENDORSEMENT:

Date of Issue: Date of Expiry:

Signature of Holder Director of [Maritime Affairs]

OFFICIAL STAMP

This Licence is valid only if the holder is in possession of a valid medical fitness certificate.



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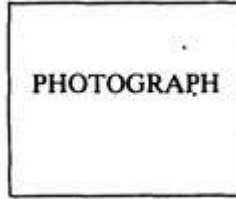
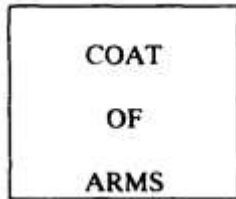
**BOAT ENGINEER LICENCE GRADE 1/2**

issued by the

[ADMINISTRATION]

under the provisions of the

Code of Safety for Small Commercial Vessels



No .....

This is to certify that.....

is entitled to serve in a capacity requiring a Boat Engineer Grade 1/2 in commercial vessels with an installed power of less than 750 kW operating in *Coastal/ Exposed* waters.

The holder is further entitled to serve in such other vessels and in such areas as may be endorsed on this certificate.  
ENDORSEMENT:

Date of Issue:

Date of Expiry:

.....

**Signature of Holder**

.....

**Director of [Maritime Affairs]**

OFFICIAL STAMP

This Licence is valid only if the holder is in possession of a valid medical fitness certificate

## Annex 11

(Regulation IXI4.3)

**SYLLABUS FOR BOATMASTER AND BOAT ENGINEER  
LICENCES**

**1 Boatmaster Licence Syllabus**

**1.1 Syllabus Requirements**

The syllabus below will be modified by the Examiner to take into account the equipment on board the vessel.

For instance, it is unlikely that open boat vessels operating solely in bays or harbours will be provided with a compass and an applicant would not be examined in this subject.

Syllabus Content	Grade		
	3	2	1
<b>A. Practical Test</b> (This test should take place on a vessel of a type for which the applicant is requiring a licence).			
<b>Boat Handling:</b>			
Berthing and unberthing	Y	Y	Y
Coming to and weighing anchor	Y	Y	Y
Making fast to and leaving a buoy	Y	Y	Y
Boat manoeuvring in confined waters	Y	Y	Y
Turning short round	Y	Y	Y
Knowledge and effect of transverse thrust	Y	Y	Y
Steering a compass course and taking a rough bearing	Y	Y	Y
Practical demonstration on the use of VHF on board the applicant's vessel. The holder must have knowledge of procedures used in radio telephone (VHF and MF) communications particularly with respect to distress, urgency, safety and navigational messages and of the adverse effect of misuse of such equipment	Y	Y	Y

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Syllabus Content	Grade		
	3	2	1
<b>B. Oral Examination</b>			
<b>B1. Emergency Situations:</b>			
Recovery of man overboard	Y	Y	Y
Loss of engines	Y	Y	Y
Loss of steering ability	Y	Y	Y
Action to take in the event of collision	Y	Y	Y
Grounding	Y	Y	Y
Accident to crew member or passenger	Y	Y	Y
Use of extinguishing appliances	Y	Y	Y
Use of lifesaving appliances	Y	Y	Y
Search and rescue techniques in bad weather or reduced visibility		Y	Y
Choosing an appropriate area for beaching		Y	Y
<b>B2. REGULATIONS FOR PREVENTING COLLISION AT SEA:</b>			
A practical knowledge of the Rule of the Road as appropriate to the area of operation	Y	Y	Y
A full knowledge of the regulations		Y	Y
Keeping a good lookout	Y	Y	Y
Keeping of a Deck Log		Y	Y
<b>B3. LOCAL KNOWLEDGE AND REGULATIONS:</b>			
Actions to be taken in the event of injury or loss of life to a crew member		Y	Y
Certification required by the vessel		Y	Y
Limits as to vessel operation	Y	Y	Y
<b>B4. SEAMANSHIP:</b>			
Common nautical terms	Y	Y	Y
Interaction with other vessels	Y	Y	Y
The effect of wind and tide on the manoeuvrability	Y	Y	Y
Securing and stowage of anchors and cable		Y	Y
Securing and stowage of anchors and cable		Y	Y
The importance of navigating at reduced speed to avoid damage caused by own vessels bow or stern wave	Y	Y	Y
The difference in handling of single screw and twin screw boats		Y	Y
<b>B5. CHARTWORK:</b>			
The meaning of common chart symbols		Y	Y

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Syllabus Content	Grade		
	3	2	1
The use of Tidal Diamonds		Y	Y
Position fixing			Y
Courses to steer allowing for current and leeway			Y
Familiarity with the use of parallel rules, dividers, compasses, etc.			Y
<b>B6. LIFE-SAVING AND FIRE-FIGHTING APPLIANCES:</b>			
A knowledge of the statutory requirements and appreciation of the fact that the person in charge of a vessel must be satisfied that the life-saving and fire-fighting appliances are properly maintained		Y	Y
Use and deployment of inflatable liferafts and inflatable or rescue boats			Y
Inflatable liferaft and boat servicing requirements			Y
Hydrostatic release units			Y
Maintenance and care of buoyant apparatus		Y	Y
<b>B7. DISTRESS SIGNALS:</b>			
A knowledge of the contents of Annex IV of the Collision Regulations and the operation of the signals and equipment required to be carried in the applicant's vessel		Y	Y
Coast Guard response to distress signals		Y	Y
<b>B8. PASSENGER SAFETY:</b>			
Safety announcements ( <i>See regulation VIII/6</i> )	Y	Y	Y
Disposition of passengers and crew to ensure stability and trim	Y	Y	Y
Passenger numbers and reporting systems ( <i>See regulation VIII/5</i> )	Y	Y	Y
Knowledge of emergency instructions ( <i>See regulation VIII/8</i> ) and methods of orderly evacuation following any emergency, having regard to the size of the vessel concerned and its operational area		Y	Y
Ability to demonstrate to passengers the use of personal lifesaving appliances	Y	Y	Y
<b>B9. LEGAL RESPONSIBILITIES TOWARDS PASSENGERS AND CREW:</b>			
Safe access	Y	Y	Y
Safe working practices	Y	Y	Y
Certificate of Inspection and regulations relating thereto ( <i>See regulation 12</i> )	Y	Y	Y
<b>B10. WEATHER:</b>			
Sources of information	Y	Y	Y

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Local conditions and effects	Y	Y	Y
<b>Syllabus Content</b>	<b>Grade</b>		
	<b>3</b>	<b>2</b>	<b>1</b>
Signs of approaching bad weather	Y	Y	Y
<b>B11. ENGINEERING KNOWLEDGE:</b>			
Basic knowledge of day to day engine and battery checks	Y	Y	Y
Knowledge of the servicing and routine maintenance of propulsion and auxiliary machinery		Y	Y
Knowledge of safety and shut off devices			
Basic knowledge of running checks		Y	Y
Methods of fault detection, correction and emergency repairs		Y	Y
<b>B12. PUBLICATIONS:</b>			
Merchant Shipping Notices (as applicable)			Y
Regulations (as applicable)			Y
<b>B13. PREVENTION OF POLLUTION:</b>			
A general appreciation of the Regulations applicable to the prevention of pollution			Y
The trainee must be able to make proper use of a weather report given by radio or television forecaster			
Knowledge of the factors contributing to and precautions to be observed to prevent marine pollution when pumping out bilges and particularly, when changing lubricating oil		Y	Y
Knowledge that disposal into the sea of all plastics, including but not limited to synthetic ropes, plastic sheeting and garbage bags etc., is prohibited	Y	Y	Y
<b>B14. ELECTRONIC AIDS TO NAVIGATION:</b>			
Knowledge of the use of Radar, Echo Sounder and Satellite Navigation or other position- finding device fitted on board the applicant's vessel		Y	Y
<b>B15. BASIC KNOWLEDGE OF VESSEL CONSTRUCTION AND STABILITY:</b>			
General ideas on ship construction and on plans available on board the vessel, where these are carried			Y
Maintaining watertight sub-division			Y
• General pumping arrangements			Y
General principles of workboat stability			Y
Heeling forces and their causes			Y
Wind Pressure on projected areas			Y
Application and effects of asymmetric loading			Y
Overtight mooring			Y
Equilibrium in the heeled condition			Y
Simple dynamic balance			Y
Effect of liquid free surface and its control			Y
Cranes, their operation and safe operating limits			Y

Outline knowledge of freeboard and trim			Y
The use of stability and hydrostatic data where provided			Y
Knowledge of the effect of severe wind and rolling in associated sea conditions, especially in following seas		Y	Y

## 1.2 Additional Qualifications

### 1 Basic Safety Training Course

- .1 Basic Sea Survival Course: Details are given in IMO Model Course 1.19.
  - .2 First Aid at Sea Course: Details are given in IMO Model Course 1.1.3
  - .3 Basic Firefighting Course: Details are given in IMO Model Course 1.20.
- .2 VHF Certificate: Every person in charge of a vessel which has VHF set on board shall be the holder of a VHF Radiotelephone Operator licence.

### 1.3 Practical Sail Boat Test

This test is to take place on a vessel of a size for which the applicant is licenced.

- .1 Getting the boat away from a pier or wharf.
- .2 Bring the boat alongside a pier or wharf.
- .2a Securing to a pier or wharf.
- .3 Manoeuvring the boat to pick up a man overboard.
- .4 Manoeuvring the boat to pick up a mooring buoy or marker.

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- .5 Be able to change tack.
- .6 Be able to sail to all points of the wind.
- .7 Anchoring and retrieving anchor.

## 2 BOAT ENGINEER SYLLABUS

### 2.1 Emergencies

The following are some of which the candidate must be knowledgeable.

- .1 Assessment of damage and damage control
- .2 Temporary plugging of leaks
- .3 Man overboard procedure
- .4 Fire in the engine compartment
- .5 Action to be taken in the event of ingress of seawater into the engine compartment
- .6 Procedure to be followed in the event of partial or total electrical failure
- .7 Isolation of main engine units in the event of malfunction and the action necessary to continue safe operation.
- .8 Action to be taken when abandoning the vessel

### 2.2 Operating Procedure

The candidate should have knowledge in the following –

.1 Method of preparation of various systems and checks prior to starting which should include –

- .1 Machinery
- .2 Clutches
- .3 Stern tube
- .4 Propeller
- .5 Steering gear
- .6 Sump level
- .7 Filters
- .8 Fuel system
- .9 Safety equipment

.2 Checks during running to include

- .1 Machinery
- .2 Stern tube
- .3 Steering gear
- .4 Sump levels
- .5 Filters

.3 Methods of fault detection correction and emergency repairs.

.4 Precautions to ensure that machinery is not damaged due to misuse through overspeeding overloading, lack of lubrication or by corrosion.

### **2.3 Prevention of Marine Pollution:**

The candidate should have knowledge of the following:



- .1 Regulations applicable to the prevention of pollution (a general appreciation).
- .2 Factors contributing to and precautions to be observed to prevent marine pollution when pumping out bilges and particularly, when changing lubricating oil
- 3 that disposal into the sea of all plastics, including but not limited to synthetic ropes, plastic sheeting and garbage bags etc., is prohibited

#### 2.4 Marine Engines

The candidate should have a thorough knowledge in the following areas

- .1 Working principles of marine engines
  - .1 Two stroke and four stroke cycles
  - .2 Piston position, valve positions, timing etc.
- .2 Comparison between diesel and petrol engines
  - .1 Engine capacity
  - .2 Bore
  - .3 Difference between compression and electric spark ignition
  - .4 Fuel injection systems
  - .5 The weight of the engine block
- 3 Air and exhaust systems
  - .1 Air fitters, manifolds, exhaust pipes and silences
  - .2 Use of pumps and blowers

.3 Supercharging and its effects on the engine

.4 Fuel systems

- .1 Types of fuel
- .2 Storage and transfer systems
- .3 Effects of dirt and water contamination
- .4 Fitters, separators, pumps, carburetors and fuel injection systems.
- 5 The combustion and ignition process

.5 Cooling systems

- . 1 Mediums of cooling
- .2 Heat exchanges
- .3 Radiators
- .4 Control of overheating
- .5 Advantages and disadvantages of various cooling systems
- .6 Corrosion and use of sacrificial anodes

.6 Lubrication Systems

- .1 Principles and purposes of lubrication
- .2 Types of bearings and their fitting, care, maintenance and adjustment
- .3 Types and grading of lubricating oils
- .4 Use of grease
- .5 Sea water contamination and procedures after contamination

.7 Starting Systems

- .1 Hand recoil
- .2 Electric
- .3 Compressed air

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## 2.5 Electrical Systems

The candidate should have knowledge of the following areas

### 2.6 Pumping and Pumping Systems

The Candidate should have knowledge of the following areas:

- .1 Construction, care and maintenance of all types of pumps used on vessels
- .2 Causes of loss of output, methods of priming and maintenance of priming devices
- .3 Arrangement of bilge water pumping systems
- .4 Types of valve chests
- .5 Causes of deterioration and leakage and its temporary and permanent repairs
- .6 Procedure for getting rid of oily bilgewater.

### 2.7 Propulsion systems

The candidate should have knowledge of the following

- .1 Stern tube
  - .1 stern tube bearings
  - .2 stern glands and packing
- .2 Clutches and gear boxes
- .3 Shafting
  - .1 Intermediate shafts
  - .2 Types of bearings
  - .3 Types of shafts
  - .4 Shaft alignment checking and corrections of misalignments

- .4 Damage to and repair of propellers
- .5 Typical steering gear arrangement including mechanical, hydraulic, and electro hydraulic, emergency procedures, care and maintenance.

### **2.8 Safe- Working Procedures**

The candidate should have knowledge of the following-

- .1 The use of instruction manuals which should be understood and clearly followed for both the operation and maintenance of the machinery
- .2 The effective use of safety guards in the way of all hot parts and moving parts for the safety of personnel
- .3 Safety and shut of devices associated with fuel oil and lubricating oiling systems.
- .4 The use of adequate protective equoment and clothing
- .5 Safe use and care of all tools
- .6 Safe use of all lifting devices
- .7 Display of warning signs

### **2.9 Auxiliary Machinery and Systems**

The candidate should have knowledge in the following –

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.1 Air Compressors

The general arrangement of single and multi-stage compressors, their care maintenance and emergency repairs.

.2 Hydraulic Systems

Basic principles of power hydraulics, hydraulic fluid systems for winches, steering gear etc., fault finding care and maintenance.

.3 Electrotechnology

- .1 General principles of electricity  
- voltage, current, resistance
- .2 Basic principles of alternating and direct current
- .3 Effects of electric current; conductors and insulators; lamps; cable and fuses.
- .4 The construction, capacity, care and maintenance of batteries.

.4 Deck Machinery Winches and windlass, types, method of operation and maintenance.

### 2.10 Outboard Engines

The candidate should have knowledge of the following –

- .1 Principles of two and four stroke engines and related valve and crank position:
- .2 The purpose and working of –

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- .1 Flywheel
  - .2 Valves and scavenging
  - .3 Fuel system
  - .4 Ignition system
  - .5 Transmission
  - .6 Gear box
  - .7 Lubrication
  - .8 Cooling
  - .9 Starting
- .3 Trouble identification
- .1 Starting difficulties
  - .2 Running difficulties
  - .3 Importance of replacement shear pins
- .4 Servicing and Maintenance
- .1 Inspection procedures
  - .2 Carburetor maintenance
  - .3 Engine mounting
  - .4 Procedures for lay up or storage.
-

[Subsidiary]

*The Guyana Shipping (Cargo Ship Survey) Regulations*

6 of 2005

**THE GUYANA SHIPPING (CARGO SHIP  
SURVEY) REGULATIONS***under section 452***ARRANGEMENT OF REGULATIONS**

## REGULATION

1. Citation.
2. Interpretation.
3. Application.
4. Exemption.
5. Ship to be surveyed within six months.
6. Survey before issue of a Cargo Ship Safety Certificate.
7. Annual Surveys.
8. Periodical Surveys.
9. Surveys by marine surveyors from the Department.
10. Responsibilities of owner, managing owner and master.
11. Procedures to be adopted when safety equipment is deficient.
12. Penalties.
13. Power to detain.
14. Application of CCSS Code to Guyana.
15. Fees.

FIRST SCHEDULE - ANNUAL AND PERIODIC SURVEYS.

SECOND SCHEDULE - FEES.

ANNEX.

Citation.

1. These Regulations may be cited as the Guyana Shipping (Cargo Ship Survey) Regulations.

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[Subsidiary] *Guyana Shipping (Cargo Ship Survey) Regulations*

Interpretations.                    **2. In these Regulations –**

c. 49:01                    “Act” means the Guyana Shipping Act.

“anniversary date” means the date in each year corresponding to the date of expiry of the Cargo Ship Safety Certificate;

“Caribbean Trading Area” means the area bounded by the east coasts of North, Central and South America; and a line from the east coast of the United States in latitude 32° 32'N to a point 20° N:60° W, thence to a point 10° N:50° W, and thence south to the coast of South America;

“CCSS Code” means the Code of Safety for Caribbean Cargo Ships for ships less than 500 tons as adopted by the Final Preparatory and Signatory Meeting on Port State Control for the Caribbean Region on February 5-9, 1996, with the amendments adopted on 29 January, 1997 by the Caribbean Port State Control Committee, and with the amendments adopted at the Sixth Meeting of the Caribbean MOU in Antigua, 5-7 March, 2002 as set out in the Annex;

“Department” means the Maritime Administration Department established under the provisions of section 4 of the Act;

“Director” means the Director of Maritime Affairs identified in section 2(1) of the Act;

“existing ship” means a ship which is not a new ship;

“gross tonnage” means gross tonnage as determined by the Guyana Shipping (Tonnage) Regulations, made under the Act;



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*The Guyana Shipping (Cargo Ship Survey) Regulations*

“Guyana ship” has the same meaning as in section 2(1) of the Act;

“international voyage” means a voyage from a port in one country to a port in another country;

“safety equipment” means life-saving appliances, fire appliances, lights, shapes, means of making sound signals, pilot ladders and associated equipment, mechanical pilot hoists, echo-sounder installations, gyro compass installations, direction-finder installations and radar installations;

“Safety Regulations” means any shipping safety regulations made under the Act, and shall include any Shipping (Life-Saving Appliances) Regulations, Shipping (Fire Protection) Regulations, Shipping (Safety Construction) Regulations, Shipping (Safety Radio) Regulations, Shipping (Prevention of Collision and Distress Signals) Regulations, Shipping (Navigational Equipment) Regulations, and Shipping (Pilot Ladders and Hoists) Regulations, made under the Act;

“surveyor” has the meaning given in section 2(1) of the Act and shall include persons appointed as surveyors under sections 35 and 253 of the Act;

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature.

Application.

3. Subject to regulation 4 these Regulations apply in relation to sea-going Guyana ships of less than 500 gross tonnage but above 24m in length, except passenger ships, fishing vessels and pleasure craft, engaged in voyages in the Caribbean Trading Area.

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Exemption.

4. The Minister may grant exemptions from all or any of the provisions of these Regulations, as may be specified in the exemption for classes of cases or individual cases on such terms, if any, as he may so specify.

Ship to be surveyed within six months.

5. Every existing ship in relation to which these Regulations apply shall be surveyed in accordance with regulation 6 not later than 6 months after these Regulations come into operation.

Survey before issue of a Cargo Ship Safety Certificate.

6. (1) The owner or managing owner of every ship in relation to which these Regulations apply shall cause the same to be surveyed on completion of construction and thereafter at intervals not exceeding five years by a surveyor.

(2) The survey referred to in regulation 6 (1) shall include the following –

- (a) a complete inspection of the structure, machinery and equipment, other than those items surveyed with the lifesaving appliances and installations to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment comply with the requirements of the CCSS Code, and applicable Safety Regulations, are in satisfactory condition and are fit for the service for which the ship is intended and that the required stability information is provided;

- (b) an inspection of the pump rooms, cargo, bunker, ventilation piping systems and associated safety devices in the case of tankers or barges carrying liquid cargoes of flammable nature in bulk;
- (c) an inspection of the outside of the ship's bottom and related items on dry-dock, to ensure that they are fit for the service for which the ship is intended;
- (d) a complete inspection of the fire safety system and appliances, life-saving appliances and arrangements, except radio installations, the ship borne navigational equipment, means of embarkation for pilots and other equipment to which chapters 2, 3, 4 and 6 of the CCSS Code apply to ensure that they comply with the requirements of the CCSS Code, and applicable Safety Regulations and are in satisfactory condition and are fit for the service for which the ship is intended;
- (e) a complete inspection of the fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals for the purpose of ensuring that they comply with the requirements of the CCSS Code and applicable Safety Regulations;

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- (f) a complete inspection of the radio installations, including those used in life-saving appliances to ensure that they comply with the requirements of the CCSS Code and applicable Safety Regulations.

(3) The results of the survey referred to in regulation 6 (1) shall be recorded in the ship's Record of Equipment and Ship Information Book, a copy of which shall be kept on board the ship.

(4) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner or managing owner of the ship to the Director and shall be accompanied by such information relating to the ship as the Director may require for the purposes of the survey and the prescribed fee.

(5) The surveyor shall, upon receipt of an application, survey the ship and satisfy himself that the ship and its equipment –

- (a) complies with the requirements of the CCSS Code and Safety Regulations applicable to the ship, or is exempt from those requirements; and
- (b) is in all respects satisfactory for the service for which the ship is intended, having regard to the period for which a certificate in respect of the ship is to be issued.

(6) The surveyor, where satisfied on the survey that he may properly do so, shall forward to the Director a

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Declaration of Survey containing such particulars of the ship and its equipment as are required by the Director to enable him to issue a Cargo Ship Safety Certificate in respect of the ship.

Annual  
Surveys.

7. (1) The owner or managing owner of every ship in respect of which a Cargo Ship Safety Certificate has been issued shall, subject to the requirements of regulations 6 and 8 and so long as the certificate remains in force, cause the ship to be surveyed at the interval and in the manner specified in regulations 7(2) and 7(3), for the purpose of seeing whether the certificate should remain in force, and where the ship is not so surveyed, the Director may cancel the certificate.

(2) The survey shall be carried out within three months before or after each anniversary date of the Cargo Ship Safety Certificate.

(3) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner or managing owner of the ship to the Director and shall be accompanied by such information relating to the ship as the Director may require for the purposes of the survey and the prescribed fee.

First Schedule

(4) The surveyor shall, upon receipt of an application, survey the ship in accordance with the procedures specified in Part I of the First Schedule and shall satisfy himself that –

First Schedule

- (a) such parts of the ship and its equipment specified in Part I of the First Schedule remain efficient; and
- (b) no material alterations have been made in the equipment of the ship to which the Cargo Ship Safety

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Certificate relates without the approval of the Director.

(5) On completion of the survey in accordance with the requirements of regulation 7(4), the surveyor shall, where he is so satisfied, endorse the attachment to the Cargo Ship Safety Certificate to that effect.

Periodical Surveys.

8. (1) The owner or managing owner of every ship in respect of which a Cargo Ship Safety Certificate has been issued shall, so long as the certificate remains in force, cause the ship to be periodically surveyed at the intervals and in the manner specified in regulations 8(2) and 8(3) for the purpose of seeing whether the certificate should remain in force, and where the ship is not so surveyed the Director may cancel the certificate.

(2) The surveys to be carried out under regulation 8(1) shall be conducted within three months before or after the secondary anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Certificate and should take the place of one of the anniversary surveys.

First Schedule

(3) The surveyor shall, upon receipt of an application, survey the ship in accordance with the procedures specified in Part II of the First Schedule and shall satisfy himself that –

First Schedule

- (a) such parts of the ship and its equipment specified in Part II of the First Schedule remain efficient; and
- (b) no material alterations have been made in the equipment of the ship to which the Cargo Ship Safety

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Certificate relates without the approval of the Director.

(4) On completion of the survey in accordance with the requirements of regulation 8 (3), the surveyor shall, where he is so satisfied, endorse the attachment to the Cargo Ship Safety Certificate to that effect.

(5) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner or managing owner of the ship to the Director and shall be accompanied by such information relating to the ship as the Director may require for the purposes of the survey and the prescribed fee.

Surveys by marine surveyors from the Department. Responsibilities of owner, managing owner and master.

9. A survey made pursuant to regulation 6, 7, or 8 in a port in Guyana or the waters thereof shall be carried out by a surveyor from the Department.

10. (1) The owner managing owner or master of every ship in relation to which these Regulations apply shall ensure that –

- (a) the condition of the safety equipment is maintained so as to comply with the relevant Safety Regulations and the CCSS Code; and
- (b) after any survey required by these Regulations has been completed, no material change shall be made in the safety equipment subject to such survey without the approval of the Director;
- (c) whenever an accident occurs to a ship or a defect is discovered either of which affects the safety of the ship or the efficiency or completeness of its

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safety equipment, it shall be reported at the earliest opportunity to the Director who shall cause investigations to be initiated to determine whether a survey by a surveyor is necessary and shall in that event require such a survey to be carried out; and

- (d) where the ship is in a port outside of Guyana, when an accident occurs, the master, owner or managing owner shall, in addition, make such a report immediately to the appropriate authorities of the country in which the port is situated.

(2) Where the ship is in a port outside of Guyana when an accident occurs, and the surveyor is required by the Director under regulation 10(1) (c) to carry out a survey the surveyor shall ascertain from the appropriate authorities of the country in which the port is situated that the report referred to in regulation 10(l) (d) has been made.

Procedures to be adopted when safety equipment is deficient.

11. (1) In any case where the surveyor determines that the condition of the ship does not correspond substantially with the particulars of the Cargo Ship Safety Certificate or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, the surveyor shall advise the owner, managing owner or master of the corrective action which in his opinion is required, and shall notify the Director.

(2) Where such corrective action is not taken within such period, being a reasonable period, as the surveyor may specify, the surveyor shall at the end of that time, immediately notify the Director who may, on receipt of



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such notification, suspend the validity of the Cargo Ship Safety Certificate issued in relation to the ship.

(3) The Director shall give notice of any suspension under regulation 11 (2) to the owner or managing owner and to the surveyor and the surveyor shall notify the master.

(4) The master shall thereupon deliver up the certificate issued in relation to the ship to the surveyor on demand and the owner or managing owner shall on receipt of notice of suspension deliver up the duplicate certificate to the Director.

(5) When the surveyor is satisfied that corrective action has been taken he shall notify the Director who shall thereupon, in any case where the validity of the certificate has been suspended –

- (a) restore the validity of the certificate;
- (b) give notice thereof to the owner or managing owner; and
- (c) return the duplicate certificate to the owner or managing owner;

and the surveyor shall return the certificate issued in relation to the ship to the master.

(6) Where the ship is not within a Guyana port and corrective action in accordance with regulation 11(3) has not been taken, the surveyor shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

Penalties.

12. Where a ship to which these Regulations apply proceeds or attempts to proceed to sea without the requirements of these Regulations having been

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complied with, the owner, managing owner or master of the ship shall each be guilty of an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for six months.

Power to  
detain.

**13.** In any case where a ship to which these Regulations apply does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 440 of the Act, which relates to the detention of a ship, shall have effect in relation to the ship, subject to the modification that for the words "this Act" wherever they appear there shall be substituted "the Guyana Shipping (Cargo Ship Survey) Regulations".

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Application of  
CCSS Code to  
Guyana.

**14.** The provisions of the CCSS Code are hereby applied to Guyana except as may be specifically excepted by these Regulations or any other law and adapted as may be necessary to bring it into conformity with the laws of Guyana.

Fees.  
Second  
Schedule

**15.** Fees shall be levied under these Regulations at the rates and for the purposes specified in the Second Schedule.

### FIRST SCHEDULE

#### ANNUAL AND PERIODIC SURVEYS

##### PART 1

##### ANNUAL SURVEYS

###### *General*

**1.** In general the scope of the annual survey should be as follows:

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1.1 it should consist of –

- .1 an examination of the ship's certificates; and
- .2 a visual examination of sufficient extent together with certain tests of the ship and its equipment to confirm that their condition is being properly maintained;

1.2 it should also include a visual examination to confirm that no unauthorised modifications have been made to the ship and its equipment;

1.3 the thoroughness or stringency of the survey should depend upon the condition of the ship and its equipment.

*Further examination and testing*

2. Should any doubt arise as to the condition of the ship or its equipment, further examination and testing should be conducted as the surveyor deems necessary.

## CONDUCT OF SURVEY

*Examination of ship's certificates*

3. The examination of the ship's certificates in general should consist of checking –

3.1 the validity of the Cargo Ship Safety Certificate, the Cargo Ship Safety Radio Certificate as applicable and Exemption Certificate;

3.2 the validity of the International Load Line Certificate, or the International Load Line Exemption Certificate; and

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3.3 an examination, with testing from the local and remote operating locations, of all water tight doors in watertight bulkhead penetrations as far as is practicable;

3.4 an examination of the watertight bulkhead penetrations as far as is practicable;

3.5 confirming, as far as is practicable, that no significant changes have been made to the structural fire protection arrangements; and

3.6 an examination of the fire doors including their operation.

4. The survey of the machinery and electrical installation should consist of –

4.1 a general examination of the machinery spaces with particular attention to the propulsion system auxiliary machinery and the provisions against fire and explosion hazards, confirming that the emergency escape routes are free of obstructions;

4.2 an examination of all main and auxiliary steering arrangements including their associated equipment and control systems including their operation;

4.3 testing all means of communication between the navigating bridge and the machinery control positions and between the navigating bridge and the alternative steering position, if applicable;

4.4 an examination of the bilge pumping systems and bilge wells, as far as practicable including the operation of the pumps, remote valve operating devices and level alarms, if fitted;

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4.5 an external examination of the boilers and other pressure vessels together with their safety devices, foundations, controls, relieving gear, high pressure and steam escape piping, insulation and gauges;

4.6 a general visual examination and, where feasible, an examination in operation of the electrical machinery, the emergency sources of power, the switch gear and other electrical equipment;

4.7 confirming, as far as practicable, the correct operation of all emergency sources of power including, where applicable, their operation automatically;

4.8 an examination of the record of surveys and inspections for the automatic and remote control systems in ships with periodically unattended machinery spaces;

4.9 an examination of the official log book to establish that the steering gear has been tested as required by the Model Shipping (Navigational Equipment) Regulations 2002.

*Survey of the life-saving appliances and other equipment*

5. The survey to life-saving appliances and other equipment should consist of –

5.1 confirmation that any new equipment has been properly approved before installation and that no changes have been made such as would affect the validity of the Certificate;

5.2 an examination of the ship's Official Log Book to establish that the required musters, training, emergency procedures and inspections of lifeboat equipment have been carried out as required by any Shipping (Musters) Regulations made under the Act together with posting of the

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appropriate Muster List as required by the said Regulations and the CCSS Code;

5.3 an examination of all lifeboats, davits, embarkation arrangements and launching gear in position, as far as practicable, and wherever practicable, one of the lifeboats should be lowered to the water;

5.4 an examination of the lifeboat engines, where permitted cargo handling conditions, to establish that they will readily start and operate in the ahead and astern mode;

5.5 checking that the inflatable life-rafts have been serviced during the past twelve months, provided that in any case where this has not been practicable such interval has not been exceeded by more than three months;

5.6 checking that the stowage will facilitate proper release and that launching instructions are posted;

5.7 an examination of the arrangement of inflatable life-rafts and, where provided, the arrangement of davit launched life-rafts;

5.8 checking the provision of radio equipment for survival craft;

5.9 checking that lifebuoys are in good condition and that the required number are fitted with self-igniting lights and self-activating smoke signals and that all are properly stationed;

5.10 checking and rigid life-rafts are in good condition and that stowage will facilitate rapid launching.

5.11 checking that ship and lifeboat distress signals

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and the line-throwing appliance rockets are not out of date;  
and

5.12 a test of the emergency lighting and general alarm system.

*Survey of the fire appliances*

6. The survey of the fire appliances should consist of

6.1 ascertaining whether or not any fire has occurred on board necessitating the operation of the fixed fire extinguishing system, or the portable fire extinguishers since the last survey;

6.2 confirmation that fire control plans are properly posted;

6.3 examination as far as possible and testing, of the fire and/or smoke detection system(s) where feasible;

6.4 an examination of the fire main system and confirmation that each fire pump including the emergency fire pump can be operated separately so that the two required jets of water can be produced simultaneously from different hydrants;

6.5 confirmation that fire hoses, nozzles and applicators are in good working condition and situated at their respective locations;

6.6 an examination of fixed fire-fighting system controls, piping, instructions and marking; checking for evidence of proper maintenance and servicing, including date of last system tests;

6.7 confirmation that all non-portable and portable fire extinguishers are in their correct position along with

checking for evidence of proper maintenance and servicing and conducting random checks for evidence of discharged containers;

6.8 confirmation, as far as practicable, that the remote controls for stopping fans and machinery and for shutting off fuel supplies in machinery spaces are in working order;

6.9 an examination of the closing arrangements for ventilators, funnel annular spaces, skylights, doorways and tunnel, where applicable;

6.10 confirming that the fireman's outfits are complete and in good condition and that the cylinders of any required self-contained breathing apparatus are charged.

*Survey of the navigational equipment*

7. The survey of the navigational equipment should consist of –

7.1 checking that navigation lights, shapes, sound signaling equipment and daylight signaling lamp are in order;

7.2 checking that the compass deviation record book is properly maintained;

7.3 Checking that the radar, echo-sounder, gyro-compass and direction finder installation are in working order;

7.4 checking that pilot ladders, associated equipment and mechanical pilot hoists are in good condition and operational; and



7.5 checking that the nautical publications and charts are adequate for the ship's intended trading programme and that they comply with the requirements of *the Model Shipping (Navigational Equipment) Regulations 2002*, and the CCSS Code.

#### ADDITIONAL SURVEY REQUIREMENTS FOR TANKERS

##### *Additional survey for tanker*

8. The survey should consist of –

8.1 an external examination of the piping of the cargo pump room fixed fire-fighting system; and

8.2 confirming that the deck foam system and deck sprinkler system are in satisfactory operating condition

##### *Tankers with fitted Inert gas systems*

9. For the inert gas systems, when fitted, the survey should consist of-

9.1 an external examination of the condition of all piping and components for signs of corrosion or gas leakage/effluent leakage;

9.2 confirming of the proper operation of both inert gas blowers;

9.3 observing the operation of the scrubber room ventilation system;

9.4 checking as far as practicable the deck water seal for automatic filling and draining and checking for presence of water carry-over and checking the condition of

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the non-return valve;

9.5 checking as far as practicable the operation of all remotely operated or automatically controlled valves and, in particular, the flue gas isolating valve(s);

9.6 testing the interlocking feature of soot blower;

9.7 observing that the gas pressure regulating valve automatically closes when the inert gas blowers are stopped; and

9.8 checking as far as practicable the following alarms and safety devices of the inert gas system using simulated conditions where necessary;

- .1 high oxygen content of gas in the inert gas main;
- .2 low gas pressure in the inert gas main;
- .3 low pressure in the supply to the deck water seal;
- .4 high temperature of gas in the inert gas main;
- .5 low water pressure to the scrubber;
- .6 accuracy of portable and fixed oxygen measuring equipment by means of calibration gas.

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10. On the weather deck the survey should consist of

—  
10.1 an examination of cargo tank openings including joints, covers coamings and screens;

10.2 an examination of the cargo tank pressure/vacuum valves and flame arresting screens;

10.3 an examination, as far as is practicable, of the flame arresting screens on all bunker, oily ballast and oily slop tanks and void space vents;

10.4 an examination of the cargo, crude oil washing, bunker, ballast and vent piping systems, including vent masts and heaters; and

10.5 confirming that all electrical equipment in hazardous zones is in good condition and has been properly maintained.

11. For cargo pump rooms the survey should consist of:

11.1 confirming that potential sources of ignition and fire in or near the cargo pump rooms, e.g. loose equipment, excessive product in bilges, excessive vapour, combustible material, are eliminated and that the access ladders are in good condition;

11.2 confirming that all electrical equipment is in good condition and has been properly maintained;

11.3 an examination of all pump room bulkheads for signs of oil leakage or fractures and, in particular, the penetration seal arrangements;

11.4 an examination of the condition of all piping systems;

11.5 an examination, as far as is practicable, of the cargo, bilge ballast and stripping pumps for excessive gland seal leakage and verification of the proper operation of electrical and mechanical remote operating and shut down devices;

11.6 an inspection of the pump room bilge pumping system;

11.7 confirming that the pump room ventilation system is operating correctly and that the ducting is intact, the dampers are operational and the screens are clean; and

11.8 verifying that the cargo discharge system pressure gauges and the cargo tank contents gauges are operational.

## PART II PERIODIC SURVEYS

### *General*

1. The periodic survey shall be such to ensure that the ship and its equipment have been maintained in accordance with the Safety Regulations and the CCSS Code and is in satisfactory working order.

### *Compliance with Cargo Ship Certificate*

2. The survey should be sufficiently extensive to ensure that the ship's degree of compliance with the Cargo Ship Safety Certificate warrants the continued possession of that certificate and that the ship can continue to be operated with safety.

### *Survey of the Hull*

3. The intermediate survey of the hull, machinery, appliances and equipment should, in any case, include all the relevant items specified in Part I and the following additional items.

4.1 The survey should consist of –

- .1 an examination of the shell including the bottom and bow plating, keel, stem, stern frame and rudder;
- .2 an examination of the sea connections and overboard discharge valves;
- .3 an examination, as far as is practicable, of the anchoring and mooring equipment, for which purpose the anchors should be partially lowered and raised using the windlass;
- .4 an examination of at least two cargo tanks internally; and
- .5 checking the rudder bearing clearances.

4.2 For the examination required by paragraph 4.1.4 of this Part, cargo tanks are to be cleaned and the ship gas-free so that the necessary surveys can be safely conducted, taking into account whether or not the ship is fitted with an inert gas system.

*Survey of the machinery and electrical installation*

5 .The survey of the machinery and electrical

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installation should consist of –

5.1 an examination of the propeller and shaft seals, as far as is practicable, checking the propeller shaft clearances;

5.2 checking that the surveys of boilers and other pressure vessels have been carried out in accordance with the applicable Safety Regulations and the CCSS Code; and

5.3 a general examination of the electrical equipment and cables in hazardous zones such as cargo pump rooms and areas adjacent to cargo tanks, including checking of the insulation resistance of the circuits, subject to the following conditions:

- .1 records of insulation resistance tests measured by the crew may be accepted.
- .2 if the condition of the cables, lights, fixtures or equipment appears defective in any way, insulation resistance measurements shall be required.
- .3 these measurements should be made only when the ship is gas-free.
4. insulation resistance testing of intrinsically safe circuits should not normally be undertaken

### *Survey of piping on the weather deck*

6.1 Where upon examination of the cargo, crude oil washing, bunker, ballast, steam and vent piping there is any doubt as to the condition of the piping it shall be pressure

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tested, thickness tested, or both;

6.2 Particular attention shall be paid to any repairs which have been made by welding.

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**SECOND SCHEDULE  
FEES.**

N.B. All fees are stated in United States dollars and shall be payable at the rate of exchange pertaining at the Bank of Guyana for the sale of foreign currency by the Bank as at the date of payment.		
	The following fees apply:-	
	MATTER	FEE
	Application to survey - regulation 6 (4)	\$2,00.00
	Application for survey - regulation 7(3)	\$500.00
	Application for survey - regulation 8 (5)	\$1,000.00
	Any application required to be made under these regulations not specifically provided for herein.	\$100.00
	Issuing any document not specifically provided for herein.	\$15.00

**ANNEX**

*Regulations 2, 6 and 10*

**CARIBBEAN CARGO SHIP SAFETY CODE**



**CODE OF SAFETY**

**FOR**

**CARIBBEAN CARGO SHIPS**

**(Cargo Ships less than 500 Gross Tonnage)**

**CCSSCODE**

**CARIBBEAN MEMORANDUM OF UNDERSTANDING**

**ON PORT STATE CONTROL SECRETARIAT**

**BARBADOS**

**FOREWORD**

The Code of Safety for Caribbean Cargo Ships (CCSS Code) was adopted by the Final Preparatory and Signatory Meeting on Port State Control for the Caribbean Region on February 5-9, 1996.

On 29 January, 1997 the Caribbean Port State Control Committee adopted amendments to the CCSS



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Code.

The Caribbean MOU adopted amendments to the CCSS Code at its Sixth Meeting in Antigua, 5-7 March 2002.

This publication contains a consolidated text of the CCSS Code incorporating the above amendments.

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**CODE OF SAFETY FOR CARGO SHIPS OPERATING IN THE CARIBBEAN**

**PREAMBLE**

1. The Code has been developed to provide a regional safety standard for small ships engaged on voyages in the Caribbean Region. The Code principally applies to new ships. The maritime administration should, as far as is practicable and reasonable, apply to existing ships the standards specified in this Code. The provisions of this Code should facilitate the operation of small ships to which the provision of the relevant Conventions are not applicable thus ensuring a level of safety for such ships and personnel on board.

2. The provisions specified in this Code take into account, as far as it is reasonable and practicable, the provisions specified in the following Conventions including amendments thereto:

- .1 International Convention for Safety of Life at Sea, 1974 and its Protocol of 1978;
- .2 International Convention on Load Lines, 1966;
- .3 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

- .4 International Convention on Standards of Training, Certification and Watch Keeping for Seafarers 1978;
- .5 International Regulations for Preventing Collisions at Sea, 1972.
- .6 Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

3. The Code recognises that ships to which Safety requirements of the above international conventions do not apply have been plying in the Caribbean Region in accordance with the rules specified by the respective Administration of the state whose flag the ships are entitled to fly. Such ships should comply with the provisions of the Code to the satisfaction of the Administration.

4. Throughout the development of the Code, it was recognised that it must be based upon the principles laid down in international conventions; furthermore international safety standards are rapidly evolving and that the Code should not remain static. The Code will be reviewed periodically taking into account both experiences and the development on international maritime safety standards.

## CHAPTER 1

### GENERAL PROVISIONS

#### PART A - DEFINITIONS, APPLICATION, ETC.

##### 1.1 Definitions.

For the purposes of this Code, unless expressly provided otherwise, the terms used therein have the meanings defined in the following paragraphs. Additional definitions are given in the various chapters.



1.1.1 *Administration* means the Government of the State whose flag the ship is entitled to fly.

1.1.2 *All ships* means cargo ships of any description to which this Code applies.

1.1.3 *Anniversary date* means the day and the month of each year which corresponds to the date of expiry of the relevant certificate.

1.1.4 *Approved* means approved by the Administration.

1.1.5 *Barge* means a cargo ship not propelled by mechanical means.

1.1.6 *Cargo ship* means any ship which carries not more than twelve passengers.

1.1.7 *Caribbean Trading Area* means an area bounded by, a line from a point on the east coast of the United States of America in latitude 35° 00' north, to a point 5° 00' south, 33° 00' west; thence to a point 10° 00' south, 33° 00' west; thence to a point on the coast of Brazil in latitude 10° 00' south; thence northward along the coast of Continental America to a point in latitude 35° 00' north, on the east coast of the United States of America.

1.1.8 *1972 Collision Regulations* means the International Regulations for Preventing Collisions at Sea, 1972 as amended.

1.1.9 *Existing ship* means a ship which is not a new ship.

1.1.10 *Fishing vessel* means a vessel used for catching fish, or other living resources of the sea.

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1.1.11 *Gross tonnage* means the measure of the overall size of a ship determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969.

1.1.12 *International voyage* means a voyage from a port in a State to another port outside such State.

1.1.13 1966 *Load Line Convention* means the International Convention on Load Lines, 1966 as amended.

1.1.14 *Length (L)* in relation to a ship means 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be the greater. In a ship designed with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline.

1.1.15 *Machinery space* is to be taken as extending from the moulded base line to the margin line and between the extreme main transverse watertight bulkheads, bounded by the spaces containing the main and auxiliary propulsion machinery, boilers serving the needs of propulsion, and all permanent coalbunkers. In case of unusual arrangements, the Administration may define the limits of the machinery spaces.

1.1.16 *Machinery, space of category A* are those spaces and trunks to such spaces which contain:

- .1 internal combustion machinery used for main propulsion; or
- .2 internal combustion machinery used

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for purposes other than main propulsion where such machinery has in the aggregate a total output of not less than 375 kW; or

- .3 any oil-fired boiler or oil fuel unit.

1.1.17 *MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto as amended.

1.1.18' *Moulded depth(D)*:

- .1 is the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side. In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.
- .2 in ships having rounded gunwales, should be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design; and
- .3 where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined,

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should be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

1.1.19 *New ship* means a ship the keel of which is laid or which is at a similar stage of construction on 9 February 1997. In this definition "*similar stage of construction*" means the stage of construction of the ship at which:

- .1 construction identifiable with a specific ship begins; and
- .2 assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

1.1.20 *Recognised organization* means any organization recognised to perform statutory work on behalf of a flag State Administration in terms of certification and survey functions connected with the issuance of international certificates.

1.1.21 *Restricted area I* means an area in open seas in which the ship in the course of navigation is not more than 200 miles from a place of refuge, the permissible distance between places of refuge not exceeding 400 miles.

1.1.22 *Restricted area II* means an area in open seas in which the ship in the course of navigation is not more than 50 miles from a place of refuge, the permissible distance between places of refuge not exceeding 100 miles.

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1.1.23 *Restricted area III* means an area of harbour, roadstead and coastal service where the area limits and weather restrictions requiring compulsory return to a place of refuge are specified.

1.1.24 *1974 SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974 as modified by the Protocol of 1978 relating thereto, as amended.

1.1.25 *1978 STCW Convention* means the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended.

1.1.26 *Tanker* means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature.

1.1.27 *Wooden ship of primitive build* means a wooden ship of traditional built not primarily propelled by mechanical means.

## 1.2 Application

Unless otherwise expressly provided, this Code should apply to cargo ships of less than 500 gross tonnage engaged on international voyages trading in the Caribbean Trading Area.

1.2.2 This Code should not apply to:

- .1 military and government ships not used for commercial purposes;
- .2 cargo ships of less than 24m in length;
- .3 pleasure craft not engaged in trade;  
and

.4 fishing vessels.

1.2.3 Where the provisions of the 1974 SOLAS Convention, the 1978 STCW Convention, the 1966 Load Line Convention, the 1972 Collision Regulations and MARPOL 73/78 apply to cargo ships of less than 500 gross tonnages, these provisions should be applicable as if they were part of this Code.

### 1.3 Exemptions

1.3.1 A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of this Code other than the provisions of this Chapter, provided that it complies with such other requirements which are, in the opinion of the Administration, adequate for the voyage which is to be undertaken by the ship.

1.3.2 The Administration may, where it considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of chapters 2, 3, 4, 5, or 6 unreasonable or unnecessary, exempt from those requirements individual ships or classes of ships which, in the course of their voyages, do not proceed more than 20 miles from the nearest land. Where the ship operates primarily in the waters of another State, the exemption should be acceptable to that State.

1.3.3 The Administration may exempt any ship which embodies features of a novel kind from any of the provisions of chapters 2, 3, 4, and 5, of this Code the application of which might seriously impede research into the development of such features and their incorporation in ships

engaged on international voyages. Any such ship should, however, comply with such safety requirements which, in the opinion of the Administration, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship.

#### **1.4 Equivalents**

1.4.1 Where this Code requires that a particular fitting, material, appliance or apparatus, or type thereof, should be fitted or carried in a ship, or that any particular provision should be made, the Administration may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship, where it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the present regulation.

#### **1.5 Standard.**

1.5.1 The construction, installation, structural strength, fittings, material, appliances and apparatus, unless expressly provided by this Code, should be of a standard acceptable to the Administration.

1.5.2 In addition to the Codes and standards referred to in this Code, the other codes and standards recommended by the International Maritime Organization and accepted by the Administration may be applied whenever such codes and standards are considered to be appropriate.

#### **1.6 Alterations and modifications of a major character.**

1.6.1 Alterations and modifications of a major character and outfitting related thereto should meet the

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requirements prescribed for a new ship to such an extent as the Administration deems reasonable and practicable.

1.6.2 For the purpose of these requirements, the following alterations and modifications should be recognized as being of a *major character*.

- .1 any change that substantially alters the dimensions of a ship; or
- .2 any change that substantially increases a ship's service life.
- .3 any change to enable the ship to engage on another service than that for which it was originally designed and constructed e.g. fishing or supply ship to cargo ship service.

### 1.7 Manning

1.7.1 Every ship to which this Code applies should be sufficiently and efficiently manned from the point of view of safety of life at sea. \* When considering matters of manning, no member of the crew should be less than 15 years of age.

\*Refer to the Principles of Safe Manning, adopted by the International Maritime Organization by resolution A .481(XII).

1.7.2 The Administration should provide every such ship with an appropriate safe manning document as evidence of the minimum safe manning considered necessary to satisfy the provisions of 1.7.1.



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*The Guyana Shipping (Cargo Ship Survey) Regulations***1.8 Ships' plans, signs, instruction manuals, name plates, and language used.**

1.8.1 On board all ships, name plates, signs, notices, plans and documents relating to the safety and operation of the ship and its machinery and equipment should be drawn up in the official language of the flag State and in a language understood by the crew.

1.8.2 Ships propelled by mechanical means should carry adequate information including drawings, plans and instruction manuals necessary for their safe operation and safety of life at sea.

1.8.3 The owner, master or chief engineer of the ship should be responsible for compliance with the provisions of this regulation.

**PART B - SURVEYS AND CERTIFICATION****1.9 Inspection and survey**

1.9.1 The inspection and survey of ships, so far as regards the enforcement of the provisions of this Code and the granting of exemptions therefrom, should be carried out by officers of the Administration. The Administration may, however, entrust the inspections and survey either to surveyors nominated for the purpose or to organizations recognised by it\*

\*Refer to Guidelines for the Authorisation of Organisations acting on behalf of Administrations, adopted by the International Maritime Organisation by resolution A.739(18).

1.9.2 Where a nominated surveyor or recognized organization determines that the condition of the ship

or its equipment does not correspond substantially with the particulars of the certificate or is such that the ship is not fit to proceed to sea without danger to the ship, or persons on board, such surveyor or organization should immediately ensure that corrective action is taken and should in due course notify the Administration. Where such corrective action is not taken the certificate should be withdrawn and the Administration should be notified immediately.

### **1.10 Surveys for the issue and endorsement of a Caribbean Cargo Ship Safety Certificate**

1.10.1 The structure, machinery, life-saving appliances, radio installations and other equipment referred to in 1.10.2 should be subject to the surveys specified below:

- .1 an initial survey before the ship is put in service;
- .2 a renewal survey at intervals specified by the Administration not exceeding five years, except where regulation 1.13.2, 1.13.5 or 1.13.6 is applicable;
- .3 periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Caribbean Cargo Ship Safety Certificate which should take the place of one of the annual surveys specified in .4;
- .4 an annual survey within three months

before or after each anniversary date of the Caribbean Cargo Ship Safety Certificate;

- .5 a minimum of two inspections of the outside of the ship's bottom should be carried out during any five year period, except where 1.13.5 or 1.13.6 is applicable. Where 1.13.5 or 1.13.6 is applicable, this five year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections should not exceed thirty-six months; and
- .6 an additional survey, as occasion arises.

These surveys should include surveys required under the provisions of the 1974 SOLAS Convention and the 1966 Load Line Convention, where applicable.

1.10.2 The surveys referred to in 1.10.1 should include the following items:

- .1 the structure, machinery and equipment, other than those items surveyed with the life-saving appliances and installations;
- .2 the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the ship borne navigational equipment, means of embarkation for pilots and other

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equipment to which chapters 2, 3, 4, 5 and 6 apply;

- .3 the fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals; and
- .4 the radio installations of cargo ships, including those used in life-saving appliances.

1.10.3 The initial or a renewal survey should include the following:

- .1 a complete inspection of the items referred to in paragraph 1.10.2.1 to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems electrical installation and other equipment comply with the requirements of this Code, are in satisfactory condition and are fit for the service for which the ship is intended and that the required stability information is provided. In the case of tankers or barges carrying liquid cargoes of flammable nature in bulk the survey should also include an inspection of the pump-rooms, cargo, bunker and ventilation piping

systems and associated safety devices;

- .2 an inspection of the outside of the ship's bottom and related items in dry-dock, to ensure that they are fit for the service for which the ship is intended;
- .3 a complete inspection of the items referred to in 1.10.2.2 to ensure that they comply with the requirements of this Code, are in satisfactory condition and are fit for the service for which the ship is intended;
- .4 a complete inspection of the items referred to in 1.10.2.3 for the purpose of ensuring that they comply with the requirements of this Code and the 1972 Collision Regulations; and
- .5 a complete inspection of the items referred to in 1.10.2.4 to ensure that they comply with the requirements of this Code.

1.10.4 A periodical survey should include an inspection of the equipment referred to in 1.10.2 in the manner prescribed in 1.10.3 to ensure that they remain in satisfactory condition and fit for the service for which the ship is intended.

1.10.5 An annual survey should include a general inspection of the equipment referred to in 1.10.3 to ensure that they have been maintained in accordance with 1.11. 1 and that they remain satisfactory for the service for which the ship is intended.

1.10.6 An additional survey either general or partial, according to the circumstances, should be made after a repair resulting from investigations prescribed in 1.11.3 whenever any important repairs or renewal are made. The survey should be such as to ensure that the necessary repairs or renewal have been effectively made, that the material and workmanship of such repairs or renewal are in all respects satisfactory and that the ship complies in all respects with the provisions of this Code and of the 1972 Collision Regulations and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

1.10.7 The periodical and annual surveys referred to in 1.10.1.3 and 1.10.1.4 and the inspections of the ship's bottom in 1.10.1.5 should be endorsed on the Caribbean Cargo Ship Safety Certificate.

1.10.8 The results of the survey referred to in 1.10.1.2 should be recorded in the ship's Record of Equipment and Ship Information, a copy of which should be kept on board the ship. A copy of the results of the latest surveys referred to in 1.10.1.2 to 1.10.1.6 should be kept on board ship.

### **1.11 Maintenance of conditions after survey**

The owner or master of every ship to which this Code applies should ensure that:

- .1 the condition of the ship and its equipment is maintained to conform with the provisions of this Code to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship, persons on board or the environment;

- .2 after any survey of the ship under 1.10 has been completed, no significant change should be made in the structural arrangement, machinery, equipment and other items covered by the survey, without the permission of the Administration; and
- .3 whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, a request should be made immediately to the Administration responsible for issuing the relevant certificate for a survey as may be required by 1.10, be carried out as soon as practicable.

### **1.12 Issue or endorsement of certificates'**

1.12.1 A certificate called a Caribbean Cargo Ship Safety Certificate should be issued after an initial or renewal survey of a ship which complies with the relevant requirements of chapters 2, 3, 4, 5 and 6 and any other relevant requirements of this Code.

1.12.2 The certificate referred to in 1.12.1 should be supplemented by a Record of Equipment and Ship Information which should be permanently attached thereto.

1.12.3 When an exemption is granted by the Administration to a ship under the provisions of this Code, a certificate called an Exemption Certificate should be issued in addition to the certificates prescribed in this section. The Exemption Certificate should be attached to the certificate to

which it refers.

1.12.4 The certificates referred to in this section should be issued or endorsed either by the Administration, an Administration applying the provisions of this Code at the request of another Administration similarly applying the provisions of this Code, or a recognised organisation acting on its behalf. In every case, the Administration assumes full responsibility for the certificates.

1.12.5 Any other condition of issue of a safety certificate, or an exemption certificate, if any, imposed by the Administration or recognised organisation should be indicated on the relevant certificate.

### **1.13 Duration and validity of certificates.**

1.13.1 A Caribbean Cargo Ship Safety Certificate should be issued for a period specified by the Administration which should not exceed five years. An Exemption Certificate should not be valid for longer than the period of the Certificate to which it refers.

1.13.2.1 Notwithstanding the requirements of 1.13.1, when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate should be valid from the date of completion of renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.

1.13.2.2 When the renewal survey is completed after the expiry date of the existing certificate, the new certificate should be valid from the date of completion of the renewal survey to a date not exceeding five



years from the date of expiry of the existing certificate.

1.13.2.3 When the renewal survey is completed more than three months before or after the expiry date of the existing certificate, the new certificate should be valid from the date of completion of the renewal survey of to a date not exceeding five years from the date of completion of the renewal survey.

1.13.3 Where a certificate is issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in 1.13.1, provided that the surveys referred to in 1.10, which are applicable when a certificate is issued for a period of five years are carried out as appropriate.

1.13.4 Where a renewal survey has been completed and new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration may endorse the existing certificate and such a certificate should be accepted as valid for a further period which should not exceed one month from the expiry date.

1.13.5 Where a ship at the time when a certificate expires is not in the country in which it is registered or a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension should be granted only for the purpose of allowing the ship to complete its voyage to the country in which it is registered or the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so. No certificate should be extended for a period longer than one month, and a ship to which such an extension is granted should not on its arrival in the country in which it is registered or the port in which it is to be surveyed, be

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entitled by virtue of such extension to leave the country, in which it is registered or that port without having a new certificate. When the renewal survey is completed, the new certificate should be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.

1.13.6 A certificate issued to a ship engaged on short voyages\* which has not been extended under the foregoing provisions may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new certificate should be valid to a date not exceeding 5 years from the date of expiry of the existing certificate before them extension was granted.

\*A voyage within the Caribbean Trading Area which does not extend for more than 100 nautical miles from the port of departure.

1.13.7 In special circumstances, as determined by the Administration, a new certificate need not be dated from the date of expiry of the existing certificate as required by 1.13.2.2 or 1.13.5 and 1.13.6. In these special circumstances, the new certificate should be valid to a date not exceeding five years from the date of completion of the relevant renewal survey.

1.13.8 Where an annual or periodical survey is completed before the period specified in the relevant regulations, then:

- .1 the anniversary date shown on the relevant certificate should be amended by endorsement to a date which should not be more than three

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months later than the date on which the survey was completed;

- .2 the subsequent annual, intermediate or periodical survey required by the relevant regulations should be completed at the intervals prescribed by this Code using the new anniversary date; and
- .3 the expiry date may remain unchanged provided one or more annual, or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by the relevant regulations are not exceeded.

1.13.9 A certificate issued under 1.12 should cease to be valid in any of the following cases:

- .1 where the relevant surveys and inspections are not completed within the periods specified under 1
- .2 where the certificate is not endorsed in accordance with the requirements of this Code; and
- .3 where the ship is withdrawn from the Registry of the respective country.

#### **1.14 Form of certificates**

The certificates and the record of equipment and ship information should be drawn up in the form corresponding to the models given in the annexes. Where the

language of the certificates and records is not English, the text thereof should include a translation into this language.

### **1.15 Availability of certificates**

The certificates issued under 1.12 should be readily available on board for examination at all times.

## **CHAPTER 2 CONSTRUCTION - SUBDIVISION AND STABILITY MACHINERY AND ELECTRICAL INSTALLATIONS PART A - GENERAL.**

### **2.1 Application**

2.1.1 In addition to the requirements contained elsewhere in this Code, ships should be designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society which complies with the standards adopted by the International Maritime Organization\* and which is recognized by the Administration, or with the applicable national standards of the Administration and which provide an equivalent level of safety.

\*Refer to the Maximum Standards for recognized organisations acting on behalf of the Administration set out in appendix 1 to the Guidelines for the authorization of organisations acting on behalf of the Administration, adopted by the International Maritime Organisation by resolution. A .739 (18).

2.1.2 With respect to such ships as the Administration considers unable or unnecessary to meet the requirements of this chapter these requirements should apply for the safety of those ships and persons on board as far as is deemed necessary by the Administration.

## 2.2 Definitions.

For the purposes of this chapter, unless expressly provided otherwise:

2.2.1 *Auxiliary means of steering* means the arrangement capable of steering the ship either manually or by power in the event of failure of the main steering gear but not including its tiller, quadrant or components serving the same purpose.

2.2.2 *Emergency source of electrical power* means a source of electrical power intended to supply the services in the event of failure of the supply from the main source of electrical power.

2.2.3 *Margin line* is a line drawn at least 76 mm below the upper surface of the bulkhead deck at side.

2.2.4 *Main source of electrical power* means a source intended to supply electrical power to the main switchboard for distribution to all services necessary for maintaining the ship in normal operational habitable conditions.

2.2.5 *Main steering gear* means the machinery, rudder actuators, the steering gear power units, if any, and ancillary equipment and the means of applying torque to the rudder stock (e.g. tiller or quadrant) necessary for effecting movement of the rudder for the purpose of steering the ship under normal service conditions.

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2.2.6 *Maximum ahead service speed* means the greatest speed which the ship is designed to maintain service at sea at its deepest seagoing draught.

2.2.7 *Maximum astern speed* means the speed which it is estimated the ship can attain at the design maximum astern power at its deepest seagoing draught.

2.2.8 Offshore supply vessel means a cargo ship propelled by mechanical means:

- .1 whose primary use is the transport of stores, materials and equipment to offshore installations and which may also be used for the laying of anchors, towage of offshore installations; and
- .2 which is designed with accommodation and bridge erections in the forward part of the vessel and an exposed cargo deck in the after part for the handling of cargo at sea.

2.2.9 *Superstructure* means the decked structure on the freeboard deck extending from side to side of the ship or with the side plating not being inboard of the shell plating more than  $0.04B$ , where  $B$  is the maximum breadth of the ship measured amidships to the moulded line of the frame in a ship with a metal shell and the outer surface of the hull in a ship with a shell of any other material.

2.2.10 *Watertight* means capable of preventing the passage of water through the structure in any direction under a head of water for which the surrounding structure is designed.

2.2.11 *Weathertight* means that in any sea condition water will not penetrate into the ship.

### **2.3 General requirements for mechanical and electrical machinery, equipment and installations**

All machinery and electrical installations, mechanical and electrical equipment and appliances, boilers and other pressure vessels, associated piping systems, fittings and electrical cables and wiring should be of a design and construction adequate for the service for which they are intended and should be so installed and protected as to reduce to a minimum any danger to persons on board, due regard being paid to moving parts, hot surfaces and other hazards. The design should have regard to materials used in construction, and to purposes for which the equipment is intended, the working conditions and the environmental conditions to which it will be subjected.

## **PART B - CONSTRUCTION AND EQUIPMENT**

### **2.4 Construction**

2.4.1 The strength and construction of hull, superstructures, deckhouses, machinery casings, companion ways and any other structure and equipment should be sufficient to withstand all foreseeable conditions of the intended service.

2.4.2 Ships should be fitted with a collision bulkhead in accordance with 2.5 and with watertight bulkheads bounding the machinery spaces. Such bulkheads should be extended up to the freeboard deck. In ships constructed of wood such bulkheads should also be fitted extending to the freeboard deck and should be watertight as far as practicable.

2.4.3 Propeller shafts and shaft logs or stern tubes should not be situated in any space other than machinery spaces containing main propulsion unless they are enclosed in watertight spaces or enclosed inside such spaces acceptable to the Administration. The Administration may exempt from the requirements of this paragraph, ships having constraint of space or engaged on sheltered voyages provided it is demonstrated that any progressive flooding of such space can be easily controlled and that the safety of the ship is not impaired.

2.4.4. Stern glands should be located in spaces which can be easily accessible at all times for inspection and maintenance to the satisfaction of the Administration.

## 2.5 Collision bulkhead

2.5.1 For the purpose of this section *freeboard deck*, *length of ship* and *forward perpendicular* have the meanings as defined in the 1966 Load Line Convention.

2.5.2 A collision bulkhead should be watertight up to the freeboard deck. This bulkhead should as far as practicable, be located at a distance from the forward perpendicular of not less than 5% and not more than 7% of the length of the ship. Where it can be shown to the satisfaction of the Administration that it is impractical for the collision bulkhead to be located at a distance from the forward perpendicular of not more than 7% of the length of the ship, the Administration may allow relaxation therefrom, subject to the condition that should the space forward of the bulkhead be flooded, the ship at full load condition will not be submerged to the margin line.

2.5.3 The collision bulkhead may have steps or



recesses in it provided that they are within the limits prescribed in 2.5.2. Pipes piercing the collision bulkhead should be kept to the minimum. Such pipes should be fitted with suitable valves operable from above the freeboard deck and the valve chest should be secured at the collision bulkhead inside the forepeak. The Administration may permit the location of such valves on the after side of the collision bulkhead provided that they are readily accessible under all service conditions and the space in which they are located is not a cargo space. All such valves should be of material acceptable to the Administration.

2.5.4 Where a long forward superstructure is fitted, the collision bulkhead should be extended watertight to the deck above the freeboard deck. The extension should, subject to the requirements of 2.5.5 be located within the limits prescribed in 2.5.2. The part of the deck, if any, between the collision bulkhead and its extension should be weather tight.

2.5.5 In every ship provided with a bow door and a sloping loading ramp that forms part of the extension of the collision bulkhead above the freeboard deck, the part of the ramp which is more than 2.3m above the freeboard deck may extend forward of the limits specified in 2.5.2. The ramp should be weathertight over its entire length.

2.5.6 The number of openings in the collision bulkhead above the freeboard deck should be reduced to the minimum compatible with the design and normal operation of the ship. All such openings should be capable of being closed weathertight.

2.5.7 No doors, manholes, ventilation ducts or access openings should be fitted in the collision bulkhead below the freeboard deck.

## 2.6 Chain locker

2.6.1 In every ship propelled by mechanical means where the chain locker is located abaft the collision bulkhead or extends into the forepeak tank, it should be watertight and provided with efficient means of drainage.

2.6.2 A chain locker should not be used for any purpose other than stowage of anchor chain cables.

## 2.7 Watertight bulkheads, decks, doors, trunks, etc..

2.7.1 This section does not apply to such ships the hull of which is constructed of wood.

2.7.2 Each watertight subdivision bulkhead, whether transverse or longitudinal, should be constructed in such a manner that it should be capable of supporting, with a proper margin of resistance, the pressure due to the maximum head of water which it might have to sustain in the event of damage to the ship but at least the pressure due to a head of water up to the margin line. The construction of these bulkheads should be to the satisfaction of the Administration or recognised organisation.

2.7.3.1 Steps and recesses in bulkheads should be watertight and as strong as the bulkhead at the place where each occurs.

2.7.3.2 Where frames or beams pass through a watertight deck or bulkhead, such deck or bulkhead should be made structurally watertight to the satisfaction of the Administration.

2.7.4 The number of openings in watertight bulkheads should be reduced to the minimum compatible with the general arrangements and operational needs of the ship. Openings should be fitted with watertight closing appliances to the satisfaction of the Administration. Watertight doors should be of equivalent strength to the adjacent unpierced structure.

2.7.5 Watertight decks, trunks, tunnels, duct keels and ventilators should be of the same strength as watertight bulkheads at corresponding levels. The means used for making them watertight, and the arrangements adopted for closing openings in them, should be to the satisfaction of the Administration. Watertight ventilators and trunks should be carried at least up to the freeboard deck.

2.7.6 Testing main compartments by filling them with water is not compulsory. When testing by filling with water is not carried out, a hose test is compulsory. In any case, a thorough inspection of watertight bulkheads should be carried out.

2.7.7 The forepeak, double bottoms, including duct keels, and inner skins should be tested with water to a head corresponding to the requirements of 2.7.2.

2.7.8 Tanks which are intended to hold liquids, and which form part of the subdivision of the ship, should be tested for tightness with water to a head corresponding to two-third of the depth from the top of keel to the margin line in way of the tanks provided that in no case should the test head be less than 0.9m above the top of the tank.

2.7.9 The tests referred to in 2.7.7 and 2.7.8 are for the purpose of ensuring that the subdivision structural arrangements are watertight and are not to be regarded as a

test of the fitness of any compartment for the storage of oil fuel or for other special purposes for which a test of a superior character may be required depending on the height to which the liquid has access in the tank or its connections.

## **2.8 Means for sounding.**

2.8.1 In all ships other than barges with no under deck cargoes, means for sounding, to the satisfaction of the Administration, should be provided:

- .1 for the bilges of those compartments which are not readily accessible at all times during the voyage; and
- .2 for all tanks and cofferdams.

2.8.2 Where sounding pipes are fitted, their upper ends should be extended to a readily accessible position and, where practicable, above the freeboard deck. Their openings should be provided with permanently attached means of closing. Sounding pipes which are not extended above the freeboard deck should be fitted with automatic self-closing devices.

## **2.9 Anchoring and mooring equipment for ships propelled by mechanical means**

2.9.1 Every ship should be provided with at least two anchors of sufficient weight one of which is provided with a chain cable of adequate strength and size and windlass, capstan or winch of suitable size for the cable and other anchor handling equipment to the satisfaction of the Administration.

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2.9.1 Windlass, capstan, winches, fairleads, bollards, mooring bits and other anchoring, mooring, towing and hauling equipment should be:

- .1 properly designed to meet all foreseeable operational loads and conditions;
- .2 correctly seated; and
- .3 effectively secured to a part of the ship's structure which is suitably strengthened.

## **2.10 Special requirements of towing and pushing arrangement for tugs**

2.10.1 The design of the towing gear should be such as to minimize the overturning moment due to the lead of the towline. It should have a positive means of quick release which can be relied upon to function correctly under all operating conditions.

2.10.2 Where a towing hook is provided, the release mechanism should be controlled as far as practicable from the navigation bridge, the after control position (where fitted) and at the hook itself.

2.10.3 When a pushing tug and a barge pushed ahead are rigidly connected in a composite unit, the tug-barge coupling system should be capable of being controlled and powered from the tug. Disassembly should be capable of being made without causing damage to the tug or the barge.

2.10.4 Every tug should be provided with at least one axe of sufficient size on each side which should be readily available for cutting the towline free in an event of an

emergency.

### **2.11 Anchoring, mooring and towing arrangements for barges**

2.11.1 Every barge should be equipped with at least a suitable anchor for holding the barge in an emergency to the satisfaction of the Administration. It should be securely attached to a cable or wire rope and arranged for release in emergency conditions either by persons on the barge or boarding the barge for such purpose. At least a windlass or winch should be provided as appropriate to assist persons carrying out such operation. Suitable boarding facilities should be provided for personnel from the towing tug to board the barge in an emergency.

2.11.2 The towing and mooring arrangements and procedures should be such as to reduce to a minimum any danger to personnel during towing or mooring operation. Such arrangements should be of adequate strength and suitable for the particular type of barge.

2.11.3 The design and arrangement of towing and mooring fittings or equipment of barges should take into account both normal and emergency conditions.

2.11.4 Sufficient spare equipment to completely remake the towing and mooring arrangements of barges should be available.

2.11.5 Secondary or emergency towing arrangements should be fitted on board the barge so as to be easily recoverable by the towing tug in the event of parting of the main towing wire or failure of ancillary equipment.\*

2.11.6 In addition to the provisions of this section, barges should comply with the applicable requirements of the safety of towed ships and other floating objects recommended by the International Maritime Organisation.\*

\*Reference is made to the Guidelines on the safety of towed ships and other floating objects, including installations, structures and platforms at sea, adopted by the International Maritime Organisation by resolution A.765 (18).

## **2.12 Accident prevention and crew accommodation - General measures for all ships**

2.12.1 Hinged covers of hatchways, manholes and other similar openings should be protected against accidental closing. In particular, heavy covers on escape hatches should be equipped with counterweights. Escape doors and covers of escape and access hatches should be so constructed as to be capable of being opened from either side of the door or cover.

2.12.2 The dimensions of access hatches should be such that it will allow a person to have a quick and easy escape to a safe place in the event of an emergency. Where practicable, the dimensions of access hatches of cargo and machinery spaces should be such that they will facilitate expeditious rescue operation.

2.12.3 Handrails, grab rails and handholds of sufficient size and strength should be provided where necessary in the opinion of the Administration for persons to hold on when the ship is severely rolling or pitching.

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2.12.4 Skylights of machinery spaces or other similar openings which are normally kept open at sea should be provided with adequately spaced protective bars or other arrangements to the satisfaction of the Administration to prevent a person from falling into the space accidentally. Where the size of such an opening is small, the Administration may waive this requirement where satisfied that due to the small size of the opening no protective arrangement is necessary.

2.12.5 Surfaces of all decks should be so prepared or treated as to minimize the possibility of persons slipping. In particular, decks and platforms in machinery spaces, floors of galleys, decks at winches and areas at the foot and head of ladders and in front of door and steps of ladders should be provided with anti-slip surfaces.

2.12.6. Moving parts of machinery which are so exposed as to cause accidents should be properly guarded.

2.12.7 All crew accommodation should be kept in a habitable and sanitary condition.

2.12.8 In addition to complying with the provisions of this section, every ship should comply with any other requirements which, in the opinion of the Administration, are deemed necessary to prevent accidents at sea and to maintain appropriate living and working conditions. Such requirements as set forth by the Administration should be consistent with the ILO Code of Practice, "Accident Prevention on board ships at Sea and in Port" to the extent reasonable and practicable.



### **2.13 Means of reducing fire risk in wooden ships**

In every ship the hull of which is constructed of wood, metal trays should be fitted under the main engines, auxiliary engines and fuel tanks to contain any oil spillage.

## **PART C - SUBDIVISION, STABILITY AND BILGE PUMPING ARRANGEMENTS**

### **2.14 Intact stability and subdivision requirements for cargo ships other than offshore supply vessels**

2.14.1 Subject to the provisions of 2.14.2, ships should comply with the intact stability requirements for cargo ships specified in the Code on Intact Stability for All Types of Ships Covered by IMO Instruments, adopted by the International Maritime Organization by resolution A.749 (18).

2.14.2 Existing ships should, as far as practical and reasonable in the opinion of the Administration, comply with the requirements of this section.

2.14.3 Intact stability for barges carrying only deck cargoes and having no hatchways in the deck except small manholes closed with gasketed covers, no machinery installations and no accommodation and service spaces should comply with the stability requirements recommended by the Administration\*. The Administration should determine the intact stability or subdivision and damaged stability requirements as appropriate for barges carrying under deck cargoes or having machinery installations or service spaces, having regard to the design and arrangements of cargo spaces, machinery, equipment, deck houses or superstructure.

\*Refer to the Guidelines for intact stability requirements for pontoons, adopted by the IMO Maritime Safety Committee and published as MSC/Circ.503.

### **2.15 Intact stability, subdivision and damaged stability requirements for offshore supply vessels**

2.15.1 The intact stability, subdivision and damaged stability of offshore supply vessels should comply with the applicable requirements of the Guidelines for the Design and Construction of Offshore Supply Vessels, adopted by the International Maritime Organization by resolution A. 469 (XII) and accepted by the Administration. In addition, the Administration may require such ships to comply with the weather criterion specified in the Code on Intact Stability referred to in 2.14.1.

2.15.2 Existing offshore supply vessels should comply with the requirements of 2.15.1 as far as practicable and reasonable in the opinion of the Administration.

2.15.3 Intact stability, subdivision and damage stability requirements for offshore supply vessels to which the provisions of this section does not apply should be to the satisfaction of the Administration.

### **2.16 Inclining test**

2.16.1 Every ship should undergo an inclining test upon its completion and the actual displacement and position of the center of gravity should be determined for the lightship condition\*.

2.16.2 Where alterations are made to a ship

affecting its lightship condition and the position of the centre of gravity, the ship should, where the Administration considers this necessary, be re-inclined and the stability information amended.

2.16.3 The Administration may allow the inclining test of a ship to be dispensed with provided basic stability data is available from the inclining test of a sister ship and it is shown to the satisfaction of the Administration that reliable stability information for that ship can be obtained from such basic data.

\*Refer to Chapter 7 and Annex 1 of the Code on Intact Stability For All Types of Ships Covered by IMO Instruments, adopted by the International Maritime Organisation by resolution A. 749 (18).

## **2.17 Stability information**

2.17.1 Stability information approved by the Administration should be supplied to ships of 24 m in length and over to enable the master to assess with ease and certainty the stability of the ship under various operating conditions. Such information should include specific advice to the master warning him of those operating conditions which could adversely affect either stability or the trim of the ship\*. In particular, the information recommended in the relevant IMO Instruments referred to in 2.14 and 2.15 should be included as appropriate. A copy of the stability information should be submitted to the Administration or recognised organisation.

\*Refer to the Guidance note on precautions to be taken by the Master of Ships of below 100 m in length engaged in the carriage of logs, adopted by the IMO Maritime

Safety Committee at its fifty-eighth session in June 1990 and Guidance to the master on avoidance of dangerous situations in following and quartering seas, adopted by the IMO Maritime Safety Committee and published as MSC/Circ. 410.

2.17.2 The approved stability information should be kept on board, readily accessible at all times and inspected at the periodical surveys of the ship to ensure that it has been approved.

2.17.3 Where alternations are made to a ship affecting its stability, revised stability calculations should be prepared and submitted to the recognised organisation or to the Administration for approval. Where the Administration or recognised organisation decides that the stability information must be revised, the new information should be supplied to the master and the superseded information removed from the ship.

## **2.18 Bilge pumping arrangements**

2.18.1 In every ship an efficient bilge pumping arrangement should be provided which under all practical conditions should be capable of pumping from and draining any watertight compartment which is neither a permanent oil tank nor a permanent water tank. In the spaces not serviced by installed piping ready access for portable pumps should be demonstrated. Where the Administration is satisfied that the safety of the ship is not impaired the bilge pumping arrangements may be dispensed with in any particular compartment.

2.18.2 The arrangement of the bilge and ballast pumping system should be such as to prevent the possibility of water passing from the sea and from water

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ballast spaces into the cargo and machinery spaces, or from one compartment to another.

2.18.3 All distribution boxes and manually operated valves in connection with the bilge pumping arrangements should be in positions which are accessible under ordinary circumstances.

2.18.4.1 Every ship should be provided with at least two power bilge pumps.

2.18.4.2 In a ship propelled by mechanical means fitted with single main propulsion machinery, one of the two required bilge pumps may be driven by that machinery. In every ship fitted with twin independently operated main propulsion machinery, each such set of machinery may drive one of the required bilge pumps. In every case the propeller shaft should be able to be readily disconnected or a controllable pitch propeller fitted.

2.18.5 The total capacity of the required bilge pumps should be not less than 125 % of the total capacity of the required main fire pumps referred to in 3.3.

2.18.6 Sanitary, ballast, fire and general service pumps provided with suitable connections for bilge suction may be accepted as independent power bilge pumps.

2.18.7 The Administration may permit a bilge ejector in combination with an independently driven high pressure seawater pump to be installed or a portable mechanical pump to be used as substitute for one of the bilge pumps required by 2.18.4.1.

2.18.8 Bilge pipes should not be led through fuel oil, ballast or double tanks, unless pipes are of heavy gauge steel construction.

**PART D -MACHINERY INSTALLATIONS****2.19 General machinery requirements**

2.19.1 All boilers and other pressure vessels, all parts of machinery, all systems, hydraulic, pneumatic and other systems and their associated fittings which are under internal pressure should be subjected to an approved pressure test before being put into service for the first time.

2.19.2 Adequate provisions should be made to facilitate cleaning, inspection and maintenance of machinery installations including boilers and other pressure vessels.

2.19.3 Where risk from over speeding of machinery exists, means should be provided to ensure that the safe speed is not exceeded.

2.19.4 Where main or auxiliary machinery including pressure vessels or any parts of such machinery are subject to internal pressure and may be subject to dangerous overpressure, means should be provided where practicable to protect against such excessive pressure.

2.19.5 All gearing and every shaft and coupling used for transmission of power to machinery essential for the propulsion and safety of the ship or for the safety of persons on board should be so designed and constructed that they will withstand the maximum working stresses to which they may be subject in all service conditions, and due consideration should be given to the type of engines by which they are driven or of which they form part.

2.19.6 Machinery should be provided with, as deemed necessary by the Administration, automatic shut off arrangements or alarms in the case of failures such as lubricating oil supply failure which could lead rapidly to complete breakdown, damage or explosion. The Administration may permit provisions for overriding automatic shut off devices.

## **2.20 Controls**

Main internal combustion propulsion machinery and applicable auxiliary machinery should be provided with automatic shut off arrangement in the case of failures such as lubricating oil supply failure which could lead rapidly to complete breakdown, serious damage or explosion. The Administration may permit provisions for overriding automatic shut off devices.

## **2.21 Steam boilers and boilers feed systems**

2.21.1 Every steam boiler and every oil-fired steam generator should be provided with not less than two safety valves of adequate capacity. However, having regard to the output or any other features of any boiler or oil-fired steam generator, the Administration may permit only one safety valve to be fitted if it is satisfied that adequate protection against overpressure is thereby provided.

2.21.2 Each oil-fired boiler which is intended to operate without manual supervision should have safety arrangements which shut off the fuel supply and give an alarm in the case of low water level, air supply failure or flame failure.

2.21.3 Every steam generating system which provides services essential for the safety of the ship, or which could be rendered dangerous by the failure of its feed water supply, should be provided with not less than two separate

feed water systems from and including the feed pumps, noting that a single penetration of the steam drum is acceptable. Unless the pump is designed to prevent overpressure, means should be provided which will prevent overpressure in any part of the systems.

2.21.4 Boilers should be provided with means to supervise and control the quality of the feed water. Suitable arrangements should be provided to preclude, as far as practicable, the entry of oil or other contaminants which may adversely affect the boiler.

2.21.5 Every boiler essential for the safety of the ship and designed to contain water at a specified level should be provided with at least two means for indicating its water level, at least one of which should be direct reading gauge glass.

## **2.22 Steam pipe systems**

2.22.1 Every steam pipe and every fitting connected thereto through which steam may pass should be so designed, constructed and installed as to withstand the maximum working stresses to which it may be subjected.

2.22.2 Means should be provided for draining every steam pipe where otherwise dangerous water hammer action might occur.

2.22.3 Where a steam pipe or fitting may receive steam from any source at a higher pressure than that for which it is designed a suitable pressure reducing valve, pressure relief valve and pressure gauge should be fitted.



### **2.23 Air pressure systems**

2.23.1 In every ship means should be provided to prevent overpressure in any part of compressed air systems and wherever water jackets or casings of air compressors and coolers might be subjected to dangerous overpressure due to leakage into them from air pressure parts. Suitable pressure relief arrangements should be provided for all systems.

2.23.2 The main starting air arrangement for main propulsion internal combustion engines should be adequately protected against the effects of backfiring and internal explosion in the starting air pipes.

2.23.3 All discharge pipes from starting air compressors should lead directly to the starting air receivers, and all starting air pipes from the air receivers to main or auxiliary engines should be entirely separate from the compressor discharge pipe system.

2.23.4 Provision should be made to reduce, to the minimum, the entry of oil into the air pressure systems and to drain these systems.

### **2.24 Ventilating systems in machinery spaces**

2.24.1 Machinery spaces of category A should be adequately ventilated so as to ensure that when machinery or boiler therein are operating at full power in all weather conditions including heavy weather, an adequate supply of air is maintained to the spaces for the safety and comfort of personnel and the operation of the machinery.

2.24.2 In addition to complying with the requirements of 2.24.1, the ventilation of machinery spaces should be sufficient under all normal conditions to prevent

accumulation of oil vapour.

### 2.25 Protection against noise

Measures should be taken to reduce machinery noise in machinery spaces to acceptable levels as determined by the Administration. Where the noise cannot be sufficiently reduced, the source of excessive noise should be suitably insulated or isolated or a refuge from noise should be provided if the space is required to be manned. Where necessary, ear protectors should be provided for personnel required to enter such spaces.

## PART E - ELECTRICAL INSTALLATIONS

### 2.26 General electrical requirements

2.26.1 Electrical installations should be such that:

- .1 all electrical services necessary for maintaining the ship in normal operational and habitable conditions will be assured without recourse to the emergency source of electrical power;
- .2 electrical services essential for safety will be assured under emergency conditions; and
- .3 the safety of personnel and ship from electrical hazards will be assured.

2.26.2 Electrical installations should be such that uniformity in the implementation and application of the provisions of this part will be ensured.\*

\*Refer to the recommendation published by the International Electrotechnical Commission (IEC) and in particular, publication 92 - Electrical Installations in Ships.

### **2.27 Precaution against shock, fire and other hazards of electrical origin**

2.27.1.1 Exposed metal parts of electrical machines or equipment which are not intended to be live but which are liable under fault conditions to become live should be earthed unless the machines or equipment are:

- .1 supplied at a voltage not exceeding 50V direct current or 50V, root means square between conductors; auto-transformers should not be used for the purpose of achieving this voltage; or
- .2 supplied at a voltage not exceeding 250V by safety isolating transforms supplying only one consuming device; or
- .3 constructed in accordance with the principle of double insulation.

2.17.1.2 The Administration may require additional precautions for portable electrical equipment for use in confined or exceptionally damp spaces where particular risks due to conductivity may exist.

2.17.1.3 All electrical apparatus should be so constructed and so installed as not to cause injury when handled or touched in the normal manner.

2.27.2 Main and emergency switchboards should be

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so arranged as to give easy access as may be needed to apparatus and equipment without danger to personnel. The switchboards should be suitably guarded as deemed necessary by the Administration. Exposed live parts having voltages to earth exceeding a voltage to be specified by the Administration should not be installed on the front of such switchboards. Where necessary, non-conducting mats or gratings should be provided at the front and rear of the switchboard.

2.27.3.2 The hull return system of distribution should not be used for any purpose in a tanker or a barge carrying liquid cargoes of flammable nature in bulk.

2.27.3.2 The requirement of 2.27.3.1 does not preclude under conditions approved by the Administration the use of:

- .1 impressed current cathodic protective systems;
- .2 limited and locally earthed system (e.g. engine starting system);
- .3 limited and locally earthed welding systems. Where the Administration is satisfied that the equipotential of the structure is assured in a satisfactory manner, welding systems with hull return may be installed without the restriction imposed by 2.27.3.1; and
- .4 insulation level monitoring devices provided the circulation current does not exceed 30 mA under the most unfavorable conditions.

2.27.3.3 Where the hull return system is used, all final sub-circuits, i.e. all circuits fitted after the last protective device, should be two-wire and special precaution should be taken to the satisfaction of the Administration.

2.27.3.1 Earthed distribution system should not be used in a tanker or barge carrying liquid cargoes of flammable nature in bulk.

2.27.4.2 When a distribution system, whether primary or secondary, for power, heating or lighting, with no connexion to earth is used, a device capable of continuously monitoring the insulation level to earth and of giving an audible or visual indication of abnormally low insulation values should be provided.

2.27.5.1 Except as permitted by the Administration in exceptional circumstances, all metal sheaths and armour of cables should be electrically continuous and should be earthed.

2.27.5.2 In every ship other than ships propelled by mechanical means constructed before the coming into force of this Code, cables and wiring external to equipment should be at least of a flame retardant type and should be so installed as not to impair their original flame retarding properties. Where necessary for particular applications, the Administration may permit the use of special types of cables such as radio frequency cables, which do not comply with the foregoing.

2.27.5.3 Cables and wiring serving essential or emergency power, lighting, internal communications or signals should so far as practicable be routed clear of galleys, laundries, machinery spaces of category A and their casings and other high fire risk areas. Cables connecting fire pumps to

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the emergency switchboard should be of fire resistant type where they pass through the high fire risk areas. Where practicable all such cables should be run in such a manner as to preclude their being rendered unserviceable by heating of the bulkhead that may be caused by a fire in an adjacent space.

2.27.5.4 Where cables which are installed in hazardous areas introduce the risk of fire or explosion in the event of an electrical fault in such areas, special precaution against such risks should be taken to the satisfaction of the Administration.

2.27.5.5 Cables and wiring should be installed and supported in such a manner as to avoid chafing or other damage.

2.27.5.6 Terminations and joints in all conductors should be so made as to retain the original electrical, mechanical, flame retarding and, where necessary, fire resisting properties of the cables.

2.27.6.1 Each separate circuit should be protected against short circuit and against overload, except where the Administration may exceptionally otherwise permit.

2.27.6.2 The rating or appropriate setting of the overload protective device for each circuit should be permanently indicated at the location of the protective device.

2.27.7 Lighting fittings should be so arranged as to prevent temperature rises which could damage the cables and wiring, and to prevent surrounding material from becoming excessively hot.

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2.27.8 All lighting and power circuits terminating in a bunker or cargo space should be provided with a multiple pole switch outside the space for disconnecting such circuits.

2.27.9.1 Accumulator batteries should be suitably housed, and compartments used primarily for their accommodation should be properly constructed and efficiently ventilated.

2.27.9.2 Electrical or other equipment which may constitute a source of ignition of flammable material should not be permitted in those compartments except as permitted in 2.27.10.

2.27.9.3 Accumulator batteries except for batteries used in self-contained battery operated lights should not be located in sleeping quarters. The Administration may permit relaxation from this requirement where hermetically sealed batteries are installed.

2.27.10 No electrical equipment should be installed in any space where flammable mixtures are liable to collect including those on board tankers or barges carrying liquid cargoes of flammable nature in bulk or in compartments assigned principally to accumulator batteries, in paint lockers, acetylene stores or similar spaces, unless the Administration is satisfied that such equipment is –

- .1 essential for operational purposes;
- .2 of a type which will not ignite the mixture concerned;
- .3 appropriate to the space concerned;  
and

- .4 appropriately certified for safe usage in the dusts, vapours of gases likely to be countered.

2.27.11 Lightning conductors should be fitted to all masts or topmasts constructed of non-conducting materials. In ships constructed of non-conductive materials, the lightning conductors should be connected by suitable conductors to copper plate fixed to the ship's hull well below the waterline.

## 2.28 Main source of electrical power

2.28.1 A main source of electrical power of sufficient capacity to supply all those services referred to in 2.26.1.1 should be provided. This main source of electrical power should consist of a generator driven by an internal combustion engine, which may be the main propulsion machinery of the ship in the case of the ship propelled by mechanical means.

2.28.2 A main electrical lighting system which should provide illumination throughout those parts of the ship normally accessible to, and used by, crew or persons on board should be supplied from the main source of electrical power.

2.28.3 The arrangement of the main electric lighting system should be such that a fire or other casualty in spaces containing the main source of electrical power, associated transforming equipment and main switchboard will not render the emergency electric lighting system required by 2.29.5.1, .2 and .3 inoperative.

2.28.4 The arrangement of the emergency electric



lighting system should be such that a fire or other casualty in spaces containing the emergency source of electrical power, associated transforming equipment and emergency switchboard will not render the main electrical lighting system required by this section inoperative.

## **2.29 Emergency sources of electrical power**

2.29.1 A self-contained emergency source of electrical power should be provided.

2.29.2 The emergency source of electric power, associated transforming equipment, if any, and emergency switchboard should be located above the uppermost continuous deck and should be readily accessible from the open deck. They should not be located forward of the collision bulkhead, except where permitted by the Administration in exceptional circumstances.

2.29.3 The location of the emergency source of electrical power, associated transforming equipment, if any, and emergency switchboard in relation to the main source of power, associated transforming equipment, if any and main switchboard should be such as to ensure to the satisfaction of the Administration that a fire or other casualty in the space containing the main source of electrical power, associated transforming equipment, if any and main switchboard, or in any machinery space of category A will not interfere with the supply, control and distribution of the emergency source of electrical power.

2.29.4 Provided that suitable measures are taken for safeguarding independent emergency operation under all circumstances, the emergency generator may be used, exceptionally, and for short periods, to

supply non-emergency circuits.

2.29.5 The electrical power available should be sufficient to supply all those services that are essential for safety in an emergency, due regard being paid to such services as may have to be operated simultaneously. The emergency source of electrical power should be capable, having regard to starting currents and the transitory nature of certain loads, of supplying simultaneously at least the following services for a period specified hereinafter, if they depend upon an electrical source for their operation:

- .1 for a period of three hours, means for illumination required by 4.10.1.2.2;
- .2 for a period of eighteen hours, emergency lighting:
  - .1 in all service and accommodation alleys, stairways and exists;
  - .2 in spaces containing propulsion machinery used for navigation, if any, and main source of electrical power and their control positions;
  - .3 in all control stations, machinery control rooms, and at each main and emergency switchboard;
  - .4 at all stowage positions for fireman's outfits;
  - .5 at the steering gear, if any; and

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- .6 at the emergency fire pump and its control position;
- .3 for a period of eighteen hours:
  - .1 the navigation lights and other lights required by the 1972 Collision Regulations; and
  - .2 the VHF, MF and MF/HF radio installations required by chapter 5 of the Code or chapter IV of the 1974 SOLAS Convention; and
- .4 for a period of eighteen hours:
  - .1 all internal communication equipment as required in an emergency;
  - .2 the fire detection and fire alarm systems; and
  - .3 operation of emergency fire pumps, if electrically operated.

In a ship propelled by mechanical means regularly engaged on voyages of short duration, the Administration where satisfied that an adequate standard of safety would be attained, may accept a lesser period than the eighteen hour period specified in 2.29.5.2 and 2.29.5.3, but in no case less than three hours.

2.29.6 The emergency source of electrical power may be either:

- .1 an accumulator battery capable of carrying the emergency electrical load line without recharging or excessive voltage drop; or

- .2 a generator driven by a suitable prime mover with an independent fuel supply and starting to the satisfaction of the Administration.

2.29.7 Where the emergency source of power is an accumulator battery, it should be automatically connected to the emergency switchboard upon failure of the main source of electrical power. Where automatic connection to the emergency switchboard is not practical, manual connection may be acceptable to the satisfaction of the Administration.

2.29.8 Where the emergency source of power is a generator, it should be automatically started and connected to the emergency switchboard within 45 s of the loss of the main source of electrical power. It should be driven by a prime mover with an independent fuel supply having a flashpoint not less than 43°C. Automatic starting of the emergency generator will not be required where a transitional source of power to the satisfaction of the Administration is provided.

**PART F - MACHINERY AND ELECTRICAL  
INSTALLATIONS FOR SHIPS PROPELLED BY  
MECHANICAL MEANS**

**2.30 General**

2.30.1 The requirements of this part are additional to the requirements of parts D and E.

2.30.2.1 Means should be provided whereby normal operations of propulsion machinery can be sustained

or restored even though one of the essential auxiliaries becomes inoperative. Special consideration should be given to the malfunctioning of:

- .1 an electrical power generator which serves as a main source of electrical power;
- .2 the sources of lubricating oil pressure;
- .3 the sources of water pressure;
- .4 an air compressor and receiver for starting or control purposes; and
- .5 the hydraulic, pneumatic or electrical means for controlling main propulsion machinery including controllable pitch propellers.

However, the Administration, having regard to overall safety considerations, may accept a partial reduction in propulsion capability during normal operations.

2.30.2.2 Special consideration should be given to the design, construction and installation of propulsion machinery systems so that any mode of their vibrations should not cause undue stresses in this machinery in the normal operating ranges.

### **2.31 Means of going astern**

2.31.1 Sufficient power for going astern should be provided to secure proper control of the ship in all normal circumstances.

2.31.2 The ability of the machinery to reverse the direction of thrust of the propeller in sufficient time

and so to bring the ship to rest within a reasonable distance from maximum ahead service speed should be demonstrated by and recorded for every new ship as far as practicable and reasonable.

2.31.3 In new ships, the stopping times, ship headings and distances recorded on trails, together with the results of trials to determine the ability of ships having multiple propellers to navigate and manoeuvre with one or more propellers inoperative should be available on board for the use of the master or designated personnel.\*

2.31.4 Where the ship is provided with supplementary means of manoeuvring or stopping, these should be demonstrated and recorded as referred to in 2.31.2 and 2.31.3.

\* Refer to the Recommendation on information to be included in the manoeuvring booklets, adopted by the International Maritime Organization by resolution A.209 (VII).

## **2.32 Remote control of propulsion machinery**

2.32.1 Where remote control of propulsion machinery from the navigation bridge is provided and the machinery spaces are intended to be manned they should comply with the following:

- .1 the speed, direction of thrust and, if applicable, the pitch of the propeller should be fully controllable from the navigation bridge under all sailing conditions, including manoeuvring;

- .2 the remote control should be performed, for each independent propeller, by a control device so designed and constructed that its operation does not require particular attention to the operational details of the machinery. Where multiple propellers are designed to operate simultaneously, they may be controlled by one control device;
- .3 the main propulsion machinery should be provided with an emergency stopping device on the navigation bridge and should be independent of the navigation bridge control system;
- .4 propulsion machinery orders from the navigation bridge should be indicated in the main machinery control room at the manoeuvring platform as appropriate;
- .5 remote control of the propulsion machinery should be possible only from one location at a time, at such locations interconnected control positions are permitted. At each location there should be an indicator showing which location is in control of the propulsion machinery. The transfer of control between the navigation bridge and machinery spaces should be possible only in the main machinery space or the main machinery control room. This system should include means to prevent the

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propelling thrust from altering significantly when transferring control from one location to another;

.6 it should be possible to control the propulsion machinery locally, even in the case of failure in any part of the remote control system;

.7 The design of the remote control system should be such that in case of its failure an alarm will be given. Unless the Administration considers it impracticable the present speed and direction of the thrust of the propeller should be maintained until local control is in operation;

.8 indicators should be fitted on the navigation bridge for:

.1 main engine speed or propeller speed and direction of rotation, as deemed necessary by the Administration, in the case of fixed pitch propellers; or

.2 propeller speed and pitch position in case of controllable pitch propellers;

.3 an alarm should be provided on the navigation bridge and in the machinery space to indicate low starting air pressure which should be set at a level to



permit further main engine starting operation. Where the remote control systems of propulsion machinery is designed for automatic starting, the number of automatic consecutive attempts which fail to produce a start should be limited in order to safeguard sufficient starting air pressure for starting locally.

2.32.2 In lieu of complying fully with the requirements of 2.32.1, ships constructed before the coming into force of this Code may comply at least with 2.32.1.1, .3, .6 and .8.

2.32.3 In all ships where the main propulsion and associated machinery, including main electrical supply, are provided with the various degrees of automatic or remote control and under continuous manual supervision from a control room, the arrangements and controls should be so designed, equipped and installed that the machinery operation will be as safe and effective as if it were under direct supervision. Particular consideration should be given to protect such spaces against fire and flooding.

### **2.33 Steering gear**

2.33.1 Every ship should be provided with a main steering gear.

2.33.2 Subject to the provisions of 2.33.5, every ship should be provided with an auxiliary means of steering the ship in the event of failure of the main steering gear.

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2.33.3 The main steering gear should be of adequate strength and sufficient to steer the ship at maximum ahead service speed. The main steering gear and rudder stock should be so designed that they are not damaged at maximum astern speed.

2.33.4 The auxiliary means of steering should be of adequate strength and sufficient to steer the ship at navigable speed and capable of being brought speedily into action in an emergency.

2.33.5 Where power-operated main steering gear units and connections are fitted in duplicate, and each unit complies with the provisions of 2.33.4, no auxiliary steering gear need to be required, provided that the duplicate units and connections operating together comply with the requirements of 2.33.3.

2.33.6 The main steering power unit should be arranged to re-start either by manual or automatic means when electrical power supply is restored after a failure.

2.33.7 In the event of failure of electrical power supply to main steering gear control or power unit, an alarm should be given in the navigation bridge.

2.33.8 The position of the rudder, if power-operated, should be indicated at the navigation bridge. The rudder angle indicator should be independent of the steering gear control system.

2.33.9 Where a non-conventional rudder is installed, the Administration should give special consideration to the steering system, so as to ensure that an acceptable degree of reliability and

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effectiveness which is based on the provisions of this section is provided.

### **2.34 Communication between navigation bridge and machinery space,**

2.34.1.1 Ships should be provided with at least two independent means for communicating orders from the navigation bridge to the position in the machinery space or control room from which the main propulsion engines are normally controlled. One of the means should be an engine room telegraph. The arrangement of these means should be to the satisfaction of the Administration.

2.34.1.2 The engine room telegraph referred to in 2.34.1.1 may be dispensed with if the main propulsion engine is directly controlled from the navigation bridge under normal operating conditions.

2.34.2 In lieu of meeting the requirements of 2.34.1.1, ships of less than 24 m in length may be provided with only one means for communicating orders referred to in 2.34.1.1 where the Administration is satisfied that, due to close proximity of the navigation bridge and position of local control of main propulsion machinery, means for communicating orders is not necessary.

2.34.3 Appropriate means of communication should be provided to any position, other than the navigation bridge, from which the engine may be controlled.

### **2.35 Engineer's alarm**

In every new ship, an engineers' alarm should be provided to be operated from the engine control room or at the manoeuvring platform as appropriate and clearly audible in the engineers' accommodation. The

Administration may dispense with this requirement if satisfied that, due to close proximity of the engine control room or the manoeuvring platform and the engineer's accommodation, no engineers' alarm is necessary.

## **PART G - ADDITIONAL REQUIREMENTS FOR SHIPS WITH PERIODICALLY UNATTENDED MACHINERY SPACES**

### **2.36 General**

2.36.1 The requirements of this part are additional to the applicable requirements of this chapter and apply to periodically unattended machinery spaces specified herein.

2.36.2 The arrangements provided should be such as to ensure that the safety of the ship in all sailing conditions, including manoeuvring, is equivalent to that of a ship having manned machinery spaces.

2.36.3 Measures should be taken to the satisfaction of the Administration to ensure that the equipment is functioning in a reliable manner and that satisfactory arrangements are made for regular inspections and routine tests to ensure continuous reliable operation.

2.36.4 Such ships should be provided with documentary evidence to the satisfaction of the Administration of their fitness to operate with periodically unattended machinery spaces.

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### 2.37 Applicable requirements

2.37.1 Ships having periodically unattended machinery spaces should, as far as practicable and reasonable in the opinion of the Administration, comply with the applicable requirements of chapter II-1, part E of the 1974 SOLAS Convention for such machinery spaces.

2.37.2 In lieu of meeting the requirements of 2.37.1, ships of less than 24 m in length having periodically unattended machinery spaces may comply with the requirements of 2.36.2, 2.36.3 and 2.36.4 and other requirements which, in the opinion of the Administration, are necessary for safe operation of such machinery spaces.

## CHAPTER 3 CONSTRUCTION - FIRE PROTECTION, FIRE DETECTION AND FIRE EXTINCTION PARTA –GENERAL

### 3.1 Application

3.1.1 Unless provided otherwise, this chapter should apply to new ships propelled by mechanical means except special purpose ships.

3.1.2 Existing ships should as far as practicable and reasonable in the opinion of the Administration, comply with the provisions of this chapter and an existing ship which cannot comply with the provisions of this Chapter should not proceed more than 20 miles from the nearest land during the course of a voyage.

3.1.3 The Administration may exempt a ship from the provisions of 3.1.3 where such exemption is acceptable to the States to be visited by the ship.

### 3.2 Definitions.

For the purposes of this chapter:

3.2.1 *Accommodation spaces* means those spaces used for public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, games and hobbies rooms, pantries containing no cooking appliances and similar spaces.

3.2.2 *Bulkhead deck* is the uppermost deck to which the transverse watertight bulkheads are carried.

3.2.3 *Control stations* are those spaces in which the ship's radio or main navigating equipment or emergency source of power is located or where the fire detection or fire control equipment is centralize.

3.2.4 *Low flame spread* means that the surface thus described will adequately restrict the spread flame, this being determined to the satisfaction of the Administration or recognized organization by an established test procedure.

3.2.5 *Non-combustible material* means a material which neither burns nor gives off flammable vapours in sufficient quantity for self-ignition when heated to approximately 750° C this being determined to the satisfaction of the Administration or recognized organisation by an established test procedure.\* Any other material is a combustible material

\*Refer to the Improved Recommendation on test method for qualifying marine construction materials as non-combustible, adopted by the International Maritime Organization by resolution A. 472(XII).

3.2.6 *Oil fuel unit* is the equipment used for the preparation of oil fuel for delivery to an oil-fired boiler, or equipment used for the preparation for delivery of heated oil to an internal combustion engine, and includes any oil pressure pumps, filters and heaters dealing with oil at a pressure of more than 0.18N/mm<sup>2</sup>.

3.2.7 *Public spaces* means those portions of the accommodation spaces which are used for halls, dining rooms, lounges and similar permanently enclosed spaces.

3.2.8 *Service spaces* means those spaces used for galleys, pantries containing cooking appliances, lockers and store-rooms, workshops other than those forming part of the machinery spaces, and similar spaces and trunks to such spaces.

3.2.9 *Steel or other equivalent material* means any non-combustible material which, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test (e.g. aluminum alloy with appropriate insulation).

### 3.3 Fire pumps

3.3.1.1 Every ship should be provided with at least one independent power-operated fire pump capable of delivering a jet of water as required by regulation 3.4.3.

3.3.1.2 In ships propelled by mechanical means such pump should be operated by means other than the main propulsion machinery of the ship.

3.3.2 The main fire pump (or pumps operating together) should be capable of delivering for firefighting purposes, under the conditions and at the pressure specified in 3.4.2, a quantity of water of  $Cd^2$  m<sup>3</sup>/h, where:

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- .1 C = 5 for ships required to be provided with more than one main fire pump and C = 2.5 for ships required to be provided with only one main fire pump ; and
- .2  $d = 1 + 0.066 \sqrt{L(B+D)}$  to the nearest 0.25, where:

L = length of the ship in metres on the summer load waterline from the foreside of the stem to the after side of the rudderpost. Where there is no rudderpost, the length is measured from the foreside of the stem to the axis of the rudderstock. For ships with cruiser sterns, the length on the designed summer load waterline is the length from the foreside of the stem to the axis of the rudderstock if that be greater;

B = greatest moulded breadth of the ship in metres; and

D = moulded depth of the ship in metres measured to the bulkhead deck amidships,

provided that in any such ship the total capacity of the fire pumps for firefighting purposes need not exceed 180m<sup>3</sup>/h.

3.3.3 Where two main fire pumps are required, the capacity of one of the two such pumps should not be less than 40% of their total capacity.



3.3.4 Sanitary, bilge, ballast or general service pumps may be accepted as the required fire pumps, provided that they are not normally used for pumping oil and that, if they are subject to occasional duty for transfer or pumping of oil fuel, suitable changeover arrangements are fitted.

3.3.5 Every fire pump should be arranged to draw water directly from sea and discharge into a fixed fire main, if any. However, in ships with high suction lifts, booster pumps and storage tanks may be installed, provided such arrangement satisfies all the requirements of this section.

3.3.6 Centrifugal pumps or other pumps connected to the fire main through which back flow could occur should be fitted with non-return valves.

3.3.7.1 In ships propelled by mechanical means, if a fire in any one compartment could put all the fire pumps out of action, there should be provided in a position outside such spaces an independently driven emergency fire pump which should comply with the requirements of 3.3.1.1.

3.3.7.2 The emergency fire pump should be capable of producing at least a jet of water of not less than 6 m from one hydrant and hose through a nozzle complying with the requirements of 3.5.11.1.

3.3.7.3 In lieu of meeting the requirements of 3.3.7.1, in such ships of less than 150 gross tonnage operating in Restricted Area III, fire buckets may be permitted in lieu of the required pump. The number of fire buckets so provided should be additional to the fire buckets required 3.9.2 and not be less than two.

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3.3.8 Where the fire pumps are capable of developing a pressure exceeding the design pressure of the fire mains, water service pipes, hydrants and hoses, relief valves should be fitted. Such valves should be so placed and adjusted as to prevent excessive pressure in the fire main system.

3.3.9 The pumps required for the provision of water for other fire extinguishing systems required by this Chapter, their sources of power and their controls should be installed outside the space or spaces protected by such systems and should be so arranged that a fire in the space or spaces protected will not put any such system out of action.

3.3.10.1 Where fire in any one compartment can put all the fire pumps out of action, there should be an alternate means to extinguish the fire. This alternate means may be an emergency power-operated fire pump.

3.3.10.2 An emergency power-operated fire pump should be an independently driven self-contained pump either with its own prime mover and fuel supply fitted in an accessible position outside the compartment which may be an emergency generator of sufficient capacity and which is positioned in a safe place outside the engine room and above the freeboard deck.

3.3.10.3 The emergency fire pump, sea suction and other valves should be operable from outside the compartment containing the main fire pump and in a position not likely to be cut off by fire in that compartment.

### 3.4 Fire main, water service pipes and fire hydrants

#### *Fire mains*

3.4.1 In every ship where more than one hydrant is required to provide a jet of water required by section 3.3, a fire main should be provided.

#### *Diameter of, and pressure in, the fire mains and the water service pipes*

3.4.2.1 In a ship where one or more main fire pumps are provided, the diameter of the fire main and of the water service pipes connecting the hydrants thereto should be sufficient for the effective distribution of the maximum discharge required by section 3.3 from:

- .1 one main fire pump where only one such pump is required; or
- .2 two main fire pumps simultaneously where two such pumps are required,

provided that in any ship, the diameters of the fire main and water service pipes need not be greater than is necessary for the discharge of 140m<sup>3</sup>/h of water.

3.4.2.2 Where only one hydrant is required, the minimum pressure at the hydrant should be 0.21 N/mm<sup>2</sup> (2.1kg/cm<sup>2</sup>). Where more than one hydrants are required, the main fire pump should be capable, when discharging the maximum amount referred to in 3.4.2.1 through adjacent fire hydrants with nozzles of the sizes specified in 3.5, of maintaining at all hydrants the minimum pressures 0.21 N/mm<sup>2</sup> (2.1kg/cm<sup>2</sup>). In any case, the maximum pressure at any hydrant should not exceed that at which the effective control of a fire hose can be demonstrated.

### *Number and position of hydrants*

3.4.3 In every ship, the number and position of hydrants should be such that at least one jet of water from a single length of hose can reach any part of the ship normally accessible to the crew while the ship is being navigated and any part of any cargo space when empty, any ro-ro cargo space or any special category space in which later case, at least two jets of water not emanating from the same hydrant should reach any part of such space, each from single length of hose. Furthermore, such hydrants should be positioned near the accesses to the protected spaces.

### *Pipes and hydrants*

3.4.4.1 Material readily rendered ineffective by heat should not be used for fire main and hydrants unless adequately protected. The pipes and hydrants should be so placed that the fire hoses may be easily coupled to them.

3.4.4.2 In ships where deck cargo may be carried, the position of the hydrants should be such that they are always accessible and the pipes should be arranged as far as practicable to avoid risk of damage by such cargo.

3.4.4.3 A valve should be fitted to serve each fire hose so that any fire hose may be removed while the fire pumps are at work.

3.4.4.4 The fire mains should be provided with isolating valves located so as to permit optimum utilization in the event of physical damage to any part of the main.

3.4.4.5 Fire mains should have no connections

other than those required for fire-fighting, except for the purposes of washing the deck and anchor chains or operating the chain locker bilge ejector.

### 3.5 Fire hoses and nozzles

3.5.1 Every ship should be provided with a minimum of 2 fire hoses.

3.5.2 Where hydrants are required in any machinery spaces, each hydrant should be provided with a fire hose. Where practicable fire hoses should be connected to the hydrants in such machinery spaces.

3.5.3 Notwithstanding the requirements of 3.5.1 and 3.5.2, the Administration may increase the required number of fire hoses so as to ensure that hoses in sufficient number are available and accessible at all times, having regard to the type of ship and the nature of trade in which the ship is engaged.

3.5.4 A single length of fire hose should not exceed 18 m.

3.5.5 Fire hoses should be oil-resistant and of approved material.

3.5.6 Fire hoses of unlined canvas should have a diameter of not less than 64 mm. Hoses of at least 45 mm internal diameter having a throughput comparable to that of 64 mm internal diameter unlined canvas at corresponding pressure may be used. Fire hoses of an internal diameter not less than 32 mm may be accepted in the accommodation spaces of all ships.

3.5.7 Unless one fire hose and nozzle is provided for each hydrant, there should be complete interchangeability of fire hose couplings.

3.5.8 Fire hoses provided in compliance with these requirements should not be used for any purpose other than firefighting or testing of the fire appliances.

3.5.9 Every fire hose should be provided with an approved nozzle and the necessary couplings.

3.5.10 In tankers and in machinery spaces of category A of all ships to which this chapter applies, the nozzles provided for fire hoses should be of dual purpose (combined jet and spray) types.

3.5.11 Nozzles should comply with the following requirements:

- .1 For the purposes of this chapter, standard nozzle sizes should be 12 mm, 16 mm, 19 mm or as near thereto as possible. Larger diameter nozzles may be permitted at the discretion of the Administration.
- .2 For accommodation and services spaces, a nozzle size greater than 12 mm need not be used.
- .3 For machinery spaces and exterior locations, the nozzle size should be such as to obtain the maximum discharge possible from the required jets at the pressure specified in 3.4.2 from the smallest pump, provided that a nozzle size greater than 19 mm need not be used.

### 3.6 Fire extinguishers

3.6.1 Fire extinguishers should be of approved types and designs.

3.6.2 The capacity of required portable fluid fire extinguishers should be not more than 13.5 L and not less than 9l. Other extinguishers should have a fire extinguishing capability at least equivalent to that of a 9 l fluid fire extinguisher.

3.6.3 The capacity of required portable carbon dioxide fire extinguishers should not be less than 3 kg.

3.6.4 The capacity of required portable dry powder fire extinguishers should not be less than 4.5 kg.

3.6.5 All required portable fire extinguishers should not exceed 23 kg. in weight in a fully charged condition and should be at least as portable as 13.5 litre fluid fire extinguisher.

3.6.6 A spare charge should be provided for every portable fire extinguisher provided in compliance with this Code, except that for each such fire extinguisher which is of a type that cannot readily be recharged while the ship is at sea an additional fire extinguisher of the same type, or its equivalent, should be provided in lieu of a spare charge.

3.6.7 Fire extinguishers containing an extinguishing medium which, in the opinion of the Administration, either by itself or under expected conditions of use gives off toxic gases in such quantities as to endanger persons should not be used.

3.6.8 Fire extinguishers should be periodically examined and subjected to such tests as follows:

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- .1      The condition of the charges of extinguishers other than carbon dioxide extinguishers, should be checked annually. If on checking there is any indication of deterioration, the charges should be renewed and, in any case, at least every four years. A record of the annual check should be fixed to each fire extinguisher.
  
- .2      Carbon dioxide extinguishers and gas propellant cartridges of other extinguishers should be examined externally for corrosion and for loss of content annually. They should be recharged or renewed if the loss of gas by weight exceeds 10% of the original charge as stamped on the bottles or cartridge, or have corroded excessively externally.
  
- .3      All portable fire extinguishers, other than carbon dioxide extinguishers, should be tested by hydraulic pressure once every four years and the date of such test legibly marked on the extinguisher.
  
- .4      New carbon dioxide extinguishers which do not require to be recharged, should be tested by hydraulic pressure 10 and 20 years after manufacture and thereafter every five years.



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- .5 Carbon dioxide extinguishers which require recharging should be pressure tested before being recharged if four years have elapsed since the last hydraulic test was carried out.

3.6.9 One of the portable fire extinguishers intended for use in any space should be stowed near an entrance to that space.

3.6.10 Halon fire extinguishers should not be used.

3.6.11 Each fire extinguisher should as far as is practicable be clearly marked on the front with a label of durable material with at least the following information in English or in the official language of the flag State:

- .1 name of manufacturer;
- .2 type of fire for which the extinguisher is suitable;
- .3 type and quantity of extinguishing medium;
- .4 approval details;
- .5 operating instruction supplemented by diagrams;
- .6 intervals for recharging;
- .7 temperature range over which the extinguisher will operate satisfactorily; and
- .8 test pressure.

In addition, the year of manufacture, test pressure and any serial number should be stamped on the outside of the container.

### 3.7 Fire buckets

3.7.1 Fire buckets should be of material which is not readily flammable. They should be painted red, clearly marked with the word "FIRE" and provided with lanyards of sufficient length, having regard to the size of the ship.

3.7.2 The capacity of each of the fire buckets referred to in this part should be at least 9 L.

3.7.3 Fire buckets provided in compliance to this part should not be used for any purpose other than extinguishing fires.

### 3.8 Fixed fire-extinguishing systems and fixed fire detection and fire alarm systems

3.8.1 Subject to the provisions of 3.8.2, fixed fire-extinguishing systems and fixed fire detection and fire alarm systems required by this chapter should comply, as far as is practicable and reasonable, with the relevant requirements for these systems specified in the regulations of the 1974 SOLAS Convention.

3.8.2 Fixed halogenated hydrocarbon fire-extinguishing systems should not be used in ships.

### 3.9 Portable fire extinguishers in accommodation spaces, service spaces and control stations

3.9.1 In every ship there should be provided a sufficient number of approved portable fire extinguishers to ensure that at least one extinguisher will be readily available for use in any part of accommodation spaces, service space and control stations. The minimum number of fire extinguishers to be provided in such ships should be 3. The arrangement of such fire

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extinguishers should be to the satisfaction of the Administration.

3.9.2 In every ship, where in the opinion of the Administration electrical installations fitted in accommodation, service and control stations constitute hazard of fire or explosion, at least one of the required fire extinguishers should be suitable for extinguishing electrical fires.

### **3.10 Fire-extinguishing appliances and systems in machinery spaces**

3.10.1 In every ship, spaces containing main or auxiliary oil-fired boilers or fuel oil units, should be provided with the following fixed fire-extinguishing systems in accordance with chapter II-2 of the 1974 SOLAS Convention in force.

- .1 a gas system complying with the provisions of section 3.5, or
- .2 a high expansion foam system complying with the provisions of section 3.9, or
- .3 a pressure water-spraying system complying with the provisions of section 3.10.

In each case, where the engine and boiler rooms are not entirely separate, or where fuel oil can drain from the boiler room into the engine room, the combined boiler and engine rooms should be considered as one compartment.

3.10.2 In addition to the requirements of 3.10.1,

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every ship with spaces referred to in 3.10.1 should be provided with the following numbers of portable fire extinguishers.

3.10.2.1 There should be at least one portable extinguisher suitable for extinguishing oil fires for each burner. However, the total capacity of such extinguishers should not be less than 18 L or equivalent and need not exceed 45 L or equivalent in each boiler room.

3.10.2.2 There should be at least two portable extinguishers suitable for extinguishing oil fires in each space in which part of oil fuel units is situated.

3.10.2.3 In each firing space there should be a receptacle containing not less than 0.15 m<sup>2</sup> of sand, sawdust impregnated with soda or other approved dry material to the satisfaction of the Administration. Alternatively an approved portable extinguisher may be substituted.

3.10.3 In every ship, there should be provided for the protection of any space containing internal combustion type machinery having a total power output of 750 kW and above:

- .1 one of the fixed fire-extinguishing systems referred to in 3.10.1; and
- .2 at least one portable extinguisher suitable for extinguishing oil fires for each 750 kW of engine power output or part thereof, but the total number of such fire extinguishers so supplied should be not less than two and not exceed six.

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3.10.4 In every ship to which this chapter applies which does not comply with the requirements of 3.10.3, there should be provided in any space containing internal combustion type machinery having the aggregate a total power output of less than 750 kW either:

- .1 at least one portable fire extinguisher suitable for extinguishing oil fires for each 75kW or part thereof of such machinery, but the total number of such extinguishers so supplied should not be less than two and need not exceed seven; or
- .2 at least two portable fire extinguishers suitable for extinguishing oil fires together with one non-portable foam fire extinguisher of at least 45 liters capacity or at least 15 kg capacity or equivalent.

3.10.5 In every ship, there should be provided in machinery spaces containing electrical installations, one or more fire extinguishers suitable for extinguishing electrical fire as deemed necessary by the Administration having regard to the fire hazards of electrical origin. One or more of the fire extinguishers required by this section may be used as the fire extinguishers required by this paragraph.

3.10.6 Where, in the opinion of the Administration a fire hazard exists in any machinery space for which no specific provision for fire-extinguishing appliances are prescribed in 3.10.1 to 3.10.4, there should be provided in, or adjacent to, that space a number of approved portable fire extinguishers or other means of fire extinction to the satisfaction of the Administration.

3.10.7 In each firing space of every such ship, fitted with auxiliary oil-fired boilers, a receptacle should be provided which should contain at least 0.28 m<sup>3</sup> of sand or other dry material suitable for quenching oil fires. Scoops should be provided for distributing the contents of the receptacle.

### 3.11 Fireman's outfit

3.11.1 Every ship of 150 gross tonnage and above propelled by mechanical means should be provided with at least one fireman's outfit.

3.11.2 A fireman's outfit should consists of:

- .1 personnel equipment comprising:
  - .1 protective clothing of material to protect the skin from the heat radiating from the fire and from burns and scalding by steam. The outer surface of protective clothing should be water-resistant;
  - .2 boots and gloves of rubber or other electrically non-conducting material;
  - .3 a rigid helmet providing effective protection against impact;
  - .4 an electric safety lamp (hand lantern) of an approved type with a minimum burning period of three hours; and
  - .5 an axe to the satisfaction of the

Administration; and

- .2 breathing apparatus of an approved type which may be either:
  - .1 a smoke helmet or smoke mask which should be provided with a suitable air pump and a length of air hose sufficient to reach from the open deck, well clear of hatch or doorway, to any part of the holds or machinery spaces. Where in order to comply with this paragraph, an air hose exceeding 36 m in length would be necessary, a self-contained breathing apparatus should be substituted or provided, in addition, as determined by the Administration; or
  - .2 a self-contained compressed-air operated breathing apparatus, the volume of air contained in the cylinders of which should be at least 1,200 L, or other self-contained breathing apparatus which should be capable of functioning for at least 30 minutes. A number of spare charges, suitable for use with the apparatus provided, should be available on board to the satisfaction of the Administration.

3.11.3 For each breathing apparatus a fireproof lifeline of sufficient length and strength should be provided capable of being attached by means of a snap hook to the harness of the apparatus or to a separate belt in order to prevent the breathing apparatus becoming detached when the lifeline is operated.

3.11.4 The Administration may require additional sets of personal equipment and breathing apparatus, having due regard to the size and type of the ship.

3.11.5 The fireman's outfits or sets of personal equipment should be so stored as to be easily accessible and ready for use and where more than one fireman's outfit or more than one set of personnel equipment is carried, they should be stored in widely separated positions.

### **3.12 Fireman's axe**

Every ship should be provided with at least one fireman's axe in an easily accessible location outside the machinery, accommodation and service spaces.

### **3.13 Fire control plan**

3.13.1 In ships having machinery spaces of category A, there should be provided a permanently exhibited fire control plan or equivalent to the satisfaction of the Administration.

3.13.2 In all such ships, fire control plans should be kept up to date. Description in such plans should be in the official language of the flag State and in the English language.

3.13.3 In addition, instructions concerning the maintenance and operation of all the equipment and installations on board for fighting and containment of fire should be kept under one cover and readily available in an accessible position.



### 3.14 Acceptance of substitutes

Where in this chapter a special type of appliance, apparatus, extinguishing medium or arrangement is specified, any other type of appliance, etc., may be allowed provided the Administration is satisfied that it is not less effective.

## PART B - FIRE SAFETY MEASURES

### 3.15 Structure

3.15.1 The hull, superstructure, structural bulkheads, decks and deckhouses of ships propelled by mechanical means should be constructed of steel or other equivalent material. Material other than steel should be insulated to the same fire retardant properties as steel.

3.15.2 In lieu of complying with the requirements of 3.15.1, the hull, superstructure, structural bulkheads, deck and deckhouses of ships propelled by mechanical means (other than tankers) or as specified by the Administration may be constructed of materials other than steel.

### 3.16 Constructional fire safety measures

#### *Bulkheads, decks, doors and stairways*

3.16.1.1 Subject to the provisions of 3.16.1.2 and 3.16.1.3, the fire safety requirements of bulkheads, decks, doors and stairways should, as far as practicable and reasonable in the opinion of the Administration, comply with the applicable requirements of the 1974 SOLAS Convention for such bulkheads, doors and stairways.

3.16.1.2 The bulkheads and decks separating the machinery spaces of category A from control stations, corridors, accommodation spaces, stairways, service spaces and cargo spaces should be so constructed as to be capable of preventing the spread of fire to the unexposed side.

3.16.1.3 Interior stairways below the weather deck should be of steel or other material having acceptable fire resisting properties.

#### *Insulation materials*

3.16.2 Insulation materials in accommodation spaces, service spaces (except domestic refrigeration compartments), control stations and machinery spaces should be non-combustible. Vapour barriers and adhesive used in conjunction with insulation, as well as insulation of pipes fittings, for cold service systems, need not be non-combustible materials, but they should be kept to the minimum quantity practicable and their exposed surfaces should have qualities of resistance to the propagation of flame to the satisfaction of Administration.

#### *Restricted use of combustible material*

3.16.3.1 All exposed surfaces in corridors and stairway enclosures and surfaces including decks in 3.13.1 concealed or inaccessible spaces in accommodation spaces, service spaces and control stations should have low flame-spread characteristics. Exposed surfaces of ceilings in accommodation spaces, service spaces and control stations should have low flame-spread characteristics.

3.16.3.2 Paints, varnishes and other finishes used

on exposed interior surfaces should not offer an undue fire hazard in the judgment of the Administration and should not be capable of producing excessive quantities of smoke.

3.16.3.3 Primary deck coverings, where applied within accommodation spaces, service spaces and control stations, should be of approved materials which will not readily ignite or give rise to toxic or explosive hazards at elevated temperature. In existing ships, the Administration may, in lieu of applying the requirements fully, apply such requirements-only to deck coverings within accommodation spaces on decks forming the crown of machinery spaces and cargo spaces.

#### *Means of escape*

3.16.4.1 Stairways and ladders should be so arranged as to provide, from accommodation spaces, service spaces, control stations, machinery spaces and other spaces in which the crew is normally employed, ready means of escape to the open deck and thence to the survival craft.

3.16.4.2 Two means of escape should be provided from every machinery space of category A which should be as widely separated as possible. Vertical escapes should be by means of steel ladders or other means acceptable to the Administration as suitable alternatives. Where the size of such machinery space makes it impracticable, one of these means of escape may be dispensed with provided that the means provided is to the satisfaction of the Administration.

3.16.4.3 From machinery spaces other than those of category A, escape routes should be provided to the satisfaction of the Administration having regard to the nature and location of the space and whether persons are normally employed in the space.

3.16.4.4 No dead-end corridors having a length of more than 7 m should be accepted. A dead-end corridor is a corridor or part of a corridor from which there is only one escape route.

3.16.4.5 The width and continuity of the means of escape should be to the satisfaction of the Administration.

*Special arrangements in machinery spaces*

3.16.5 The following provisions should apply to machinery spaces of category A and, where the Administration considers it desirable, to the other machinery spaces:

- .1 Means should be provided for opening and closure of skylights, opening and closure of windows in machinery space boundaries, closure of openings in funnels which normally allow exhaust ventilation, and closure of ventilator dampers.
- .2 Means should be provided for permitting the release of smoke.
- .3 Means should be provided for stopping forced and induced draught fans, fuel oil transfer pumps, fuel oil unit pumps and similar fuel pumps.
- .4 The means required in .1, .2, and .3 should be located outside the space concerned where they will not be cut off in the event of fire in the space

they serve.

- .5 The number of skylights, doors, ventilators for natural ventilation, opening in funnels to permit exhaust ventilation and other openings to machinery spaces should be reduced to a minimum consistent with the needs of ventilation and the proper and safe working of the ship.
- .6 Skylights should not contain glass panels. However, skylights containing wire-reinforced glass or toughened safety glass panels may be permitted provided that they are fitted with external shutters of steel or other equivalent material permanently attached. Suitable control arrangements should be made to permit the release of smoke from the space to be protected in the event of fire.
- .7 Windows should not be fitted in machinery space boundaries. This does not preclude the use of glass in control rooms within the machinery space.
- .8 Doors fitted in machinery space boundaries should as far as practicable be equivalent in resisting fire to the divisions forming such boundaries. Where such doors are not weathertight or watertight doors, they should be self-closing.

### *Ventilation systems*

3.16.6.1 Ventilation systems of each of the following groups of spaces should be entirely separated from each other:

- .1 machinery spaces;
- .2 galleys;
- .3 cargo spaces; and
- .4 accommodation spaces and control station.

The arrangement of each ventilation system should be such that fire in one space should not readily spread to the other spaces.

3.16.6.2 Power ventilation of accommodation spaces, service spaces, cargo spaces, control stations and machinery spaces should be capable of being stopped from an easily accessible position located outside the space being served. This position should not be readily cut off in the event of a fire in the space served. The means provided for stopping the power ventilation of machinery spaces should be entirely separated from the means provided for stopping ventilation of other spaces.

3.16.6.3 The main inlets and outlets of all ventilation systems should be capable of being closed from outside the spaces being ventilated.

### *Fixed fire detection and fire alarm systems for periodically unattended machinery spaces*

3.16.7 A fixed fire detection and fire alarm systems of an approved type should be installed in periodically

unattended machinery spaces.

### **3.17 Ventilation of tanks, cofferdams, etc.**

3.17.1 Subject to the provisions of 3.24 and 3.25, all tanks carrying cargo, cofferdams and other enclosed spaces in all ships should be provided with effective means for ventilation and access to the satisfaction of the Administration, having regard to the intended services.

3.17.2 In tankers and barges carrying flammable liquid cargo in bulk, other than crude oil or petroleum products of low flashpoint, there should be provided for ventilation of cargo tanks a venting system consisting of one or more pressure vacuum valves at the outlets to the atmosphere or air pipes the open ends of which are fitted with removable wire mesh diaphragms of incorrodible material. Such venting systems should be to the satisfaction of the Administration.

### **3.18 Miscellaneous items**

3.18.1 Where bulkheads, decks, ceiling or linings are penetrated for the passage of electric cables, pipes, trunk, etc., or for the fitting of ventilation terminals, lighting fixtures and similar devices, or for girders, beams or other structural members, arrangements should be made to ensure that the fire integrity is not impaired.

3.18.2 Where the Administration may permit the conveying of oil and combustible liquid through accommodation and service spaces, the pipes conveying oil or combustible liquids should –

- .1 be of a material approved by the Administration, having regard to the fire risk;

- .2 not be concealed; and
- .3 carry only low-pressure liquids and not normally be used at sea.

3.18.3 Materials readily rendered ineffective by heat should not be used for overboard scuppers, sanitary discharges and other outlets which are close to the waterline and where the failure of the material in the event of fire would give rise to danger of flooding.

3.18.4 In spaces where penetration of oil products is possible, the surface of insulation should be impervious to oil or oil vapour.

### **3.19 Arrangement for oil fuel, lubricating oil and other flammable oils**

#### *Limitations in the use of oil as fuel*

3.19.1 The following limitations should apply to the use of oil as fuel:

- .1 Except as otherwise permitted by this paragraph, no oil fuel with a flashpoint of less than 60°C should be used.
- 2 In emergency generators oil fuel with a flashpoint of not less than 43°C should be used.
- .3 Subject to such additional precautions as it may consider necessary and on condition that the ambient



temperature of the space in which such oil fuel is stored or used should not be allowed to rise to within 10°C below the flashpoint of the oil fuel, the Administration may permit the general use of oil fuel having a flashpoint of less than 60 C but not less than 43° C.

- .4 In cargo ships, the use of fuel having a lower flashpoint than otherwise specified in this paragraph, for example, crude oil, may be permitted provided that such fuel is not stored in any machinery space and subject to the approval of the complete installation by the Administration.

The flashpoint of oils should be determined by an approved closed cup method.

### **Oil fuel arrangements**

3.19.2 In a ship in which oil fuel is used, the arrangements for the storage distribution and utilization of the oil fuel should be such as to ensure the safety of the ship and persons on board and should at least comply with the following provisions:

- .1 As far as practicable, parts of the oil fuel systems containing heated oil under pressure exceeding 0.18 N/mm<sup>2</sup> should not be placed in a concealed position such that defects and leakage cannot readily be observed. The machinery spaces in way of such parts of the oil fuel systems should be adequately illuminated.

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- .2 As far as practicable, oil fuel tanks should be part of the ship's structure and should be located outside machinery spaces of category A. Where oil fuel tanks, other than double bottom tanks, are necessarily located adjacent to, or with in, machinery spaces of category A, at least one of their vertical sides should be contiguous to the machinery space boundaries, and should preferably have a common boundary with the double bottom tanks, where fitted, and the area of the tank boundary common with the machinery spaces should be kept to the minimum. Where such tanks are situated within the boundaries of machinery spaces of category A, they should not contain oil fuel having a flashpoint of less than 60°C. In general, the use of free-standing oil fuel tanks should be avoided. Where permitted, they should be provided with an oil tight spill tray of suitable size having a drain pipe leading to a safe place to the satisfaction of the Administration.
- .3 Every oil fuel pipe, which, if damaged, would allow oil to escape from the storage, settling or daily service tank situated above the double bottom should be fitted with a cock or valve constructed of similar

material to that of the tank, directly on the tank capable of being closed from a safe position outside the space concerned in the event of a fire occurring in the space in which such tanks are situated. Such tanks of not more than 250 L capacity need not comply with this paragraph.

- .4 Safe and efficient means of ascertaining the amount of oil fuel contained in any oil fuel tank should be provided. Sounding pipes should not terminate in any space where the risk of ignition of spillage from the sounding pipe might arise. In particular, they should not terminate in accommodation spaces. Other means of ascertaining the amount of oil contained in any oil fuel tank should be provided. Sounding pipes should not terminate in any space where the risk of ignition of spillage from the sounding pipe might arise. In particular, they should not terminate in accommodation spaces. Other means of ascertaining the amount of oil fuel contained in any fuel tank may be permitted, provided that the failure of such means or overfilling of the tanks will not permit release of fuel. The Administration may permit the use of oil level gauges with flat glasses and self-closing valves between the gauge glasses and the oil tanks. Cylindrical gauge glasses may also be permitted in free standing oil fuel tanks provided that they are suitably

protected and fitted with self-closing valves to the satisfaction of the Administration.

- .5 Provision should be made to prevent overpressure in any oil tank or in any part of the oil fuel system including the filling pipes. Relief valves and air or over-flow pipes should discharge to a position which in the opinion of the Administration is safe. The open ends of air pipes should be fitted with wire mesh.
- .6 The ventilation of machinery spaces should be sufficient under all normal conditions to prevent accumulation of oil vapour.

#### *Lubricating oil arrangements*

3.19.3 The arrangements for storage, distribution and utilization of oil used in pressure lubricating systems should be such as to ensure the safety of the ship and persons on board, and such arrangements in machinery spaces of category A and whenever practicable in other machinery spaces should at least comply with the provisions of 3.19.2.1, .3, .4 and .5 except that this does not preclude the use of sight flow glasses in lubricating systems provided that they are shown by test to have a suitable degree of fire resistance.

#### *Arrangements for other flammable oils*

3.19.4 The arrangements for storage, distribution

and utilization of other flammable oils employed under pressure in power transmission systems, control and activation systems and heating systems should be such as to ensure the safety of the ship and persons on board. In locations where means of ignition are present, such arrangements should at least comply with the provisions of 3.19.2.

3.19.5 No oil fuel tank or lubricating oil tank or any other flammable oil tank should be situated where spillage or leakage therefrom can constitute a hazard by falling on heating surfaces. Precautions should be taken to prevent any oil that may escape under pressure or oil leakage from any pump, filter, piping system or heat exchanger from coming into contact with heated surfaces or enter into machinery air intakes. Where necessary, a suitable spill tray or gutter screen or other suitable arrangement should be provided to allow oil to drain to a safe place in the event of spillage or leakage of oil from such an oil tank, machinery, equipment or system. The number of joints in piping systems should be kept to a minimum practicable.

3.19.6 Pipes, fittings and valves handling fuel oil, lubricating oil and other flammable oils should be of the steel or other approved material, except that restricted use of flexible pipes should be permissible in positions where the Administration is satisfied that they are necessary. Such flexible pipes and end attachments should be of approved fire-resisting materials of adequate strength and should be constructed to the satisfaction of the Administration.

3.19.7 Oil fuel, lubricating oil or other liquid substances flammable or harmful to the marine environment should not be carried in forepeak tanks.

3.19.8 Any oil or other substances flammable or harmful to the marine environment should not be carried in other tanks or spaces which are not specially approved by the Administration for such purposes.

### 3.20 Carriage of oxygen and acetylene cylinders

3.20.1 Where more than one cylinder of oxygen and more than one cylinder of acetylene are carried simultaneously, such cylinders should be arranged in accordance with the following:

- .1 Permanent piping systems for oxygen and acetylene are acceptable provided that they are designed having due regard to standards and codes of practice to the satisfaction of the Administration.
- .2 Where two or more cylinders of each gas are intended to be carried in enclosed spaces, separate dedicated storage rooms should be provided for each gas.
- .3 Storage rooms should be constructed of steel, and be well ventilated and accessible from the open deck.
- .4 Provision should be made for the expeditious removal of cylinders from the storage rooms in the event of fire.
- .5 'NO SMOKING' signs should be displayed at the gas cylinder storage rooms.

- .6 Where cylinders are stowed in open locations, means should be provided to:
- .1 protect cylinders and associated piping from physical damage;
  - .2 minimize exposure to hydrocarbon; and
  - .3 ensure suitable drainage.
- .7 In all cases, cylinders and associated pipings should be located at a safe distance away from the ship's sides to avoid leakage of gases due to damage to the cylinders in the case of an accident to the ship's side.

3.20.2 Fire-extinguishing arrangements for the protection of areas or spaces where such cylinders are stored should be to the satisfaction of the Administration.

### **3.21 Carriage of dangerous stores for ship's use**

3.21.1 Stowage of explosives associated with every ship should be in accordance with the requirements for explosives storage specified in chapter 7 of the Code of Safety for Special Purpose Ships, adopted by the International Maritime Organization by resolution A.534 (13) as amended.

3.21.2 Subject to the provisions of 3.22, liquids which give off dangerous vapours and flammable gases and cylinders containing flammable or other dangerous gases should be stored in a well-ventilated space or on deck and protected against sources of dangerous heat. All pipes and fittings associated with the gas cylinder should be adequately

protected against damage. Where storage rooms are necessary separate storage room meeting the requirements of 3.20.1.3, .4, .5 and .7 should be provided for each type of gas cylinder.

3.21.3 Propane gas systems should meet the standards required by the Administration should be initially installed, then subsequently inspected and serviced annually, by a person that is properly qualified in accordance with the requirements of the Administration. The amount of propane gas that is carried should be kept to the minimum compatible with the operational requirements of the ship.

3.21.4 Substances which are liable to spontaneous heating or combustion should not be carried unless adequate precautions have been taken to prevent the outbreak of fire.

### 3.22 Cooking areas

3.22.1 In the case of a small cooking area that is common with the accommodation, the structural fire protection required will be dependent on the fire hazard of the appliances fitted and should be to the satisfaction of the Administration.

3.22.2 Cooking appliances such as deep-fat fryers or other types of appliances that could provide a high fire hazard in a seagoing environment should not be fitted.

3.22.3 There should be suitable fire retardant barriers built around the cooking and heating appliances where they are adjacent to combustible materials and structures.

3.22.4 Where a cooking range requires an exhaust hood and duct, this should be fitted with a grease trap.



3.22.5 Combustible materials that are not needed in the cooking area should not be stored in the area.

### **3.23 Fire protection arrangements in cargo spaces**

Any ship engaged in the carriage of dangerous goods should be provided in any cargo space with a fixed gas fire-extinguishing system complying with the relevant regulations of the 1974 SOLAS Convention or with a fire-extinguishing system which in the opinion of the Administration gives equivalent protection for the cargoes carried.

### **3.24 Special requirements for ships carrying dangerous goods**

3.24.1 Ships intended for the carriage of dangerous goods should comply with the special requirements specified in regulation 54 of chapter II-2 of the 1974 SOLAS Convention, except when carrying dangerous goods in limited quantities.

3.24.2 The Administration should provide the ship with an appropriate document as evidence of compliance of construction and equipment with the requirements of this section.

## **PART C - FIRE SAFETY MEASURES FOR SHIPS CARRYING CRUDE OIL OR PETROLEUM PRODUCTS OF LOW FLASHPOINT AND DANGEROUS GOODS IN BULK**

### **3.25 Safety of ships carrying crude oil and petroleum products of low flashpoint**

3.25.1 The requirements of regulations 56 to 63 of chapter II-2 of the 1974 SOLAS Convention should apply to

new tankers and barges of any tonnage carrying crude oil or petroleum products of low flashpoint in bulk as appropriate.

3.25.2 Existing tankers should, as far as practicable and reasonable in the opinion of Administration, comply with the requirements of 3.25.1.

### **3.26 Carriage of dangerous goods in barges.**

#### *Carriage of dangerous goods in packaged form or in solid form in bulk in barges*

The requirements of regulations 1 to 7 of chapter VII of the 1974 SOLAS Convention should apply to the dangerous goods, classified as such in regulation 2 of that chapter, which are carried in packaged form or in solid form in bulk in barges, as appropriate.

## **CHAPTER 4 LIFE-SAVING APPLIANCES, ETC**

### **4.1 Application**

4.1.1 Unless expressly provided otherwise, this chapter should apply to new ships.

4.1.2 Existing ships should, as far as is reasonable and practicable in the opinion of the Administration, comply with the provisions of this chapter and an existing ship that cannot comply with the provisions of this Chapter should not proceed more than 20 miles from the nearest land during the course of a voyage.

4.1.3 The Administration may exempt a ship from the provisions of 4.1.3 where such exemption is

acceptable to the States to be visited by the ship.

## 4.2 Definitions

For the purposes of this chapter, unless expressly provided otherwise:

4.2.1 *Embarkation ladder* is the ladder provided at survival craft embarkation stations to permit safe access to survival craft after launching.

4.2.2 *Free-fall launching* is that method of launching a survival craft whereby the craft with its complement of persons and equipment on board is released and allowed to fall into the sea without any restraining apparatus.

4.2.3 *Launching appliance or arrangement* is a means of transferring a survival craft or rescue boat from its position safely to the water.

4.2.4 *Survival craft* is a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship.

4.2.5 *Rescue boat* is a boat designed to rescue persons in distress and to marshal survival craft;

4.2.6 *International Life-Saving Appliance (LSA) Code* means the International Code for Requirements of Life Saving Appliances adopted by the Maritime Safety Committee of the International Maritime Organisation at its sixty sixth session by resolution MSC 48(66), as may be amended by the Organization.

## 4.3 General requirements for life-saving appliances.

4.3.1 Life-saving appliances required by this

chapter should comply with the technical specifications of the LSA Code. Where detailed specifications are not included in the LSA Code then the life-saving appliances should be to the satisfaction of the Administration.

4.3.2 In the case of ships engaged on voyages of such a nature and durations that in the opinion of the Administration, the application of the technical specifications referred to in 4.3.1 are unreasonable or impractical, the Administration may approve alternative specifications that are considered equally effective under the circumstances.

#### **4.4 Numbers and capacity of survival craft**

4.4.1 Every ship to which this chapter applies should carry:

- .1 a lifeboat on each side or one capable of being launched on either side or free fall launched over the stern of the ship of such aggregate capacity as will accommodate the total number of persons the ship is certified to carry; and
- .2 a life raft or life rafts capable of being launched on either side of the ship and of such aggregate capacity as will accommodate the total number of persons on board. Where the life raft or life rafts cannot be readily transferred for launching on either side of the ship, the total capacity available on each side shall be sufficient to accommodate the total number of persons on board.

*"Capable of being launched on either side of the ship" and "can be readily transferred" should be interpreted as "stowed in a position providing for easy side-to-side transfer at a single open deck level".*

4.4.2 Where the Administration is satisfied that, owing to the size or configuration of the ship, compliance with the requirements of 4.4.1 is unreasonable or impracticable, cargo ships other than tankers may, in lieu of complying with the requirements of 4.4.1, carry on each side of the ship survival craft capable of being launched on either side of the ship and of such aggregate capacity as will accommodate the total number of persons the ship is certified to carry. However, one or more of such survival craft of such aggregate capacity as will accommodate at least the total number of persons the ship is certified to carry should be capable of being readily transferred from their stowage positions to both sides or from one side to the other side of the ship at open deck level for launching.

4.4.3 Every ship to which this chapter applies should, in addition to complying with the requirements of 4.4.1 or 4.4.2 as appropriate, carry at least one rescue boat unless at least one of the required survival craft is a lifeboat complying with the requirements for a rescue boat.

4.4.4 Each lifeboat and rescue boat should be served by its own launching appliance.

4.4.5 Ships operating solely in restricted area III may replace the life rafts required by 4.4.1 or 4.4.2 with buoyant apparatus or lifebuoys sufficient for 100% of the total number of persons the ship is allowed to carry.

4.4.6 In the event of any one survival craft being

lost or rendered unserviceable, there should be sufficient survival craft available for use to accommodate the total number of persons on board.

#### **4.5 Marking of survival Craft and rescue boats.**

Each Survival Craft and rescue boat should be marked in accordance with the requirements of paragraphs 4.2.6.3, 4.2.7, 4.3.6 and 4.4.9 of the LSA Code as applicable.

#### **4.6 Security of lifeboat and rescue boat equipment**

All items of lifeboat or rescue boat equipment, with the exception of boat-hooks which should be kept free for fending off purposes, should be secured within the lifeboat or rescue boat by lashings, storage in lockers or compartments, storage in brackets or similar mounting arrangements or other suitable means. The equipment should be secured in such a manner as not to interfere with any abandonment procedures or with any launching or recovery procedures (in the case of rescue boat). All items of lifeboat or rescue boat equipment should be as small and of as little mass as possible and should be packed in a suitable and compact form.

#### **4.7 Servicing of inflatable life raft, inflatable life jackets and inflatable rescue boats**

4.7.1 Every inflatable life raft and inflatable lifejacket should be serviced:

- .1 at intervals not exceeding twelve months; however, in cases where it appears proper and reasonable, the

Administration may extend this period up to a maximum of seventeen months;

- .2 at an approved service station which is competent to service them, maintains proper servicing facilities and uses only properly trained personnel.

4.7.2 All repairs and maintenance of inflated rescue boats should be carried out in accordance with the manufacturer's instructions. Emergency repairs may be carried out on board the ship; however, permanent repairs should be effected at an approved servicing station.

#### **4.8 Servicing of hydrostatic release units**

Hydrostatic release units should be serviced:

- .1 at intervals not exceeding twelve months; however, in cases where it appears proper and reasonable, the Administration may extend this period up to a maximum of seventeen months;
- .2 at an approved service station which is competent to service them, maintains proper servicing facilities and uses only properly trained personnel;

#### **4.9 Survival craft launching stations and stowage of survival craft and rescue boats**

### *Launching stations*

4.9.1 Launching stations should be in such positions as to ensure safe launching having particular regard to clearance from the propeller and steeply overhanging portion of the hull so that, as far as possible, survival craft can be launched down the straight side of the ship. Where positioned forward, they should be located abaft the collision bulkhead in a sheltered position and, in this respect, the Administration should give special consideration to the strength of the launching appliance.

### *Stowage of survival craft*

4.9.2 Each survival craft should be stowed:

- .1 so that neither the survival craft nor its stowage arrangements will interfere with the operation of any other survival craft or rescue boat at any other launching station;
- .2 as near the water surface as is safe and practicable and, in the case of a survival craft other than a life raft intended for throw overboard launching, in such a position that the survival craft in the embarkation position is not less than 2 m above the waterline with the ship in fully loaded condition under unfavorable conditions of trim and listed up to 20° either way, or to the angle at which the ship's weather deck edge becomes submerged, whichever is less;



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- .3 in a state of continuous readiness so that two persons can carry out preparations for embarkation and launching in less than five minutes;
- .4 fully equipped as required by this chapter; and
- .5 as far as practicable, in secure and sheltered positions close to accommodation and service spaces and protected from damage by fire or explosion.

4.9.3 Lifeboats for lowering down the ship's side should be stowed as far forward of the propeller as practicable.

4.9.4 Lifeboats should be stowed attached to launching appliances.

4.9.5 Every life raft should be stowed with its painter permanently attached to the ship and with a float-free arrangement so that the life raft floats free and, if inflatable, inflates automatically when the ship sinks.

4.9.6 In addition to meeting the requirements of 4.9.5, life rafts should be so stowed as to permit manual release from their securing arrangements.

4.9.7 Davit-launched life rafts should be stowed within reach of the lifting hooks, unless some means of transfer is provided which is not rendered inoperable within the limits of trim and list prescribed in 4.9.2.2.

#### *Stowage of rescue boats*

4.9.8 Rescue boats should be stowed:

- .1 in a state of continuous readiness for launching in not more than 5 min.
- .2 in a position suitable for launching and recovery;
- 3 so that neither the rescue boat nor its stowage arrangements will interfere with the operation of any survival craft at any other launching station; and
- .4 if it is also a lifeboat, in compliance with the requirements of 4.9.2, 4.9.3 and 4.9.4.

#### 4.10 Embarkation and launching arrangements

##### *Survival craft*

4.10.1.1 Survival craft embarkation arrangements should be so designed that lifeboats can be boarded and launched directly from the stowed position and davit-launched life rafts can be boarded and launched from a position immediately adjacent to the stowed position or from a position to which the life raft is transferred prior to launching in compliance with the requirements of 4.9.7.

4.10.1.2 Suitable arrangements should be made to the satisfaction of the Administration for embarkation into survival craft which should include:

- .1 one or more embarkation ladders or

other approved means to afford access to the survival craft when it is waterborne;

- .2 means for illuminating the stowage position of survival craft and their launching appliances during preparation for and the process of launching, and also for illuminating the water into which the survival craft are launched until the process of launching is completed, the power for which is to be supplied from the emergency source required by 2.34;
- .3 arrangements for warning all persons on board that the ship is about to be abandoned; and
- .4 means for preventing the discharge of water into the survival craft.

### *Rescue boats*

4.10.2.1 Rescue boat embarkation and launching arrangements should be such that the rescue boat can be boarded and launched in the shortest possible time.

4.10.2.2 Where the rescue boat is one of the ship's survival craft, the embarkation arrangements and launching station should comply with the relevant requirements for survival craft of this section and 4.9.

4.10.2.3 Rescue boats should be of sufficient strength and rigidity to enable it to be lowered and recovered with its full complement of persons and equipment.

#### 4.11 Lifejackets

4.11.1 In every ship to which this chapter applies lifejackets should be provided for every person on board the ship and, in addition, lifejackets should be carried for persons on watch or duty and for use at remotely located survival craft stations in unlocked and clearly marked dry stowage positions in accordance with the following table:

The number of persons that the ship is certified to carry	Minimum number of additional Lifejackets
More than 16 persons	Not less than 25% of the total number of persons the ship is certified to carry
4 persons and above but not more than 16 persons	Not less than 4
Less than 4 persons	2

4.11.2 Lifejackets should be so placed as to be readily accessible and their position should be plainly indicated. Where, due to the particular arrangements of the ship, the lifejackets provided in compliance with the requirements of 4.11.1 may become inaccessible alternative provisions should be made to the satisfaction of the Administration which may include an increase in the number of lifejackets to be carried.

4.11.3 Each lifejacket should be fitted with a whistle firmly secured by a cord and a light and fitted with retro-reflective material.

#### 4.12 Lifebuoys

4.12.1 Ships to which this chapter applies should carry not less than the number of lifebuoys determined

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according to the following table:

Length of ship in metres	Minimum number of lifebuoys
Under 50	6
50 and over	8

4.12.2 At least half of the number of lifebuoys referred to in 4.12.1 should be fitted with self-igniting lights which in tankers should be of an electric battery type.

4.12.3 In ships of 50 m in length and over at least two of the lifebuoys provided with self-igniting lights in accordance with 4.12.2 should also be provided with self-activating smoke signals. Each of these lifebuoys should be capable of quick release from the place at which the ship is normally navigated where practicable or be of the throw over type.

4.12.4 At least one lifebuoy on each side of the ship should be fitted with a buoyant lifeline of at least 30 m in length.

4.12.5 Lifebuoys should be:

- .1 so distributed as to be readily available on both side of the ship and as far as practicable on all open decks extending to the ship's sides; at least one lifebuoy should be placed in the vicinity of the stern;
- .2 so stowed as to be capable of being rapidly cast loose, and not permanently secured in any way; and

- .3 marked in block capitals of the Roman alphabet with the name and port of registry of the ship on which it is carried.

#### 4.13. Distress signals

Every ship to which this chapter applies should be provided, with not less than 6 rocket parachute flares. They should be stowed on or near the place at which the ship is normally navigated. They should be so placed as to be readily accessible and their position should be plainly indicated.

#### 4.14 Radio life-saving appliances

4.14.1 Subject to 4.14.2, every ship of 300 gross tonnage and upwards but less than 500 gross tonnage and ships of less than 300 gross tonnage operating on unrestricted service or within Restricted area I, should comply with the requirements of regulation 6 of chapter III of the 1974 SOLAS Convention for ships of 300 tons gross tonnage and upwards but less than 500 tons gross tonnage.

4.14.2 Ships of less than 300 gross tonnage operating within Restricted area II or III should carry at least one two-way VHF telephone apparatus to be used in survival craft.

#### 4.15 General emergency alarm system

Every ship should be provided with a general emergency alarm system capable of sounding the general emergency alarm signal consisting of seven or more short blasts followed by one long blast on the ship's

whistle or siren. The system should be capable of operation from the navigation bridge or control station as appropriate and should be audible throughout all accommodation and normal working spaces.

#### **4.16 Emergency instructions**

4.16.1 Clear instructions to be followed in the event of an emergency should be provided and exhibited in conspicuous places throughout the ship including the navigation bridge, machinery spaces and accommodation spaces.

4.16.2 The emergency instructions should specify details of the general emergency alarm prescribed in 4.15 and action to be taken by crew or other persons on board when the alarm is sounded. Instructions on the signal for fire on board and the order to abandon ship should be specified.

4.16.3 The attention of the passengers or industrial personnel should be drawn to the emergency instructions required in 4.16.1 before the ship departs on a voyage.

#### **4.17 Emergency training and drills**

4.17.1 In all ships training in the procedures specified in accordance with 4.16 should be carried out at least once per month. The Administration may accept other equivalent procedures or training arrangements for specific ships.

4.17.2 Training drills should as far as practicable be conducted as if there were an actual emergency.

4.17.3 Each lifeboat should be launched with its assigned operating crew aboard and manoeuvred in the

water at least once every three months during an abandon ship drill.

4.17.4 As far as reasonable and practicable, rescue boats other than lifeboats which are also rescue boats, should be launched each month with their assigned crew aboard and manoeuvred in the water. In all cases this requirement should be complied with at least once every three months.

4.17.5 On board training in the use of the ship's lifesaving appliances, including survival craft equipment should be given as soon as possible but not later than two weeks after a crew member or person joins the ship.

4.17.6 The dates when training in the procedures specified in 4.16 are held should be recorded in the Official Log Book.

## CHAPTER 5 RADIO COMMUNICATIONS

### 5.1 Application

5.1.1 This chapter applies to all ships of less than 300 gross tonnage. All ships of 300 gross tonnage and over to which this code applies should comply with the provisions of chapter IV of the 1974 SOLAS Convention.

5.1.2 No provision in this chapter should prevent the use by a ship or survival craft in distress of any means at its disposal to attract attention to make known its position and to obtain help.



5.1.3 Ships to which this chapter applies should comply with the applicable requirements of chapter IV of the 1974 SOLAS Convention as appropriate for ships operating in sea areas A1, A2 and A3 to the extent required by the Administration.

5.1.4 In determining the extent to which ships will comply as required by 5.1.3, the Administration should take into account the following functional requirements of which the ship, while at sea, should be capable of:

- .1 transmitting distress alerts by at least two separate and independent means, each using a different radio communication service;
- .2 receiving shore to ship distress alerts;
- .3 transmitting and receiving ship to ship distress alerts;
- .4 transmitting and receiving search and rescue coordinating communications;
- .5 transmitting and receiving on scene communications;
- .6 transmitting and receiving maritime safety information;
- .7 transmitting and receiving general radio communications to and from shore-based radio systems; and
- .8 transmitting and receiving bridge to bridge communications.

## 5.2 FPIRB's

5.2.1 Every ship of less than 300 gross tonnage should carry at least one satellite emergency position indicating radio beacon (satellite EPIRB) which should be capable of transmitting a distress alert through the polar orbiting satellite service operating on the 406 MHz band or, through the geostationary satellite service operating in the 1.6 GHz band.

5.2.2 In lieu of meeting the requirements of 5.2.1, such ships engaged on voyages solely within sea area A1 as defined in chapter IV of the 1974 SOLAS Convention may carry at least one VHF emergency position indicating radio beacon (VHF EPIRB) which should be capable of transmitting a distress alert using digital selective calling (DSC) on VHF channel 70 and providing for locating by means of a radar transponder operating in the 9 GHz band.

**5.2.3 The satellite EPIRB and VHF EPIRB referred to in 5.13.1 and 5.13.2 should be:**

- .1 installed in an easily accessible position;
- .2 ready to be manually released and capable of being carried by one person into a survival craft;
- .3 capable of floating free if the ship sinks and of being automatically activated when afloat; and
- .4 capable of being activated manually.

### **5.3 Periodic inspection and testing of emergency position-indicating radio beacons**

Survival craft emergency position-indicating radio beacons (EPIRBs) provided in accordance with the applicable requirements of 5.2 should at intervals not exceeding 12 months be inspected, tested and, where necessary, have their source of energy replaced. However, in cases where it appears proper and reasonable, the Administration or recognized organisation may extend this period up to a maximum of seventeen months.

## **CHAPTER 6 SAFETY OF NAVIGATION**

### **6.1 Application**

6.1.1 This chapter applies to ships to which this Code applies.

6.1.2 The regulations of chapter V of the 1974 SOLAS Convention, given in 6.2, apply, as appropriate, to all ships to which this Code applies, except that regulation 23 does not apply to ships of less than 150 gross tonnage, or ships not engaged on international voyages.

### **6.2 Safety of navigation**

6.2.1 Ships should comply with the following requirements as they apply in relation to a ship of its description:

1. paragraph 7 of regulation 10;
2. paragraph 7 of regulation 11;
3. paragraphs 2 and 3 of regulation 17;

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4. paragraphs 1 to 3 and 7 and 8 of regulation 18;
5. regulation 19;
6. regulations 21 to 30;
7. paragraphs 1 and 4 of regulation 31;
8. paragraphs 1, 2, 3 and 5 of regulation 32;
9. paragraphs 1 and 2 of regulation 33; and
10. regulation 34

## 6.3 Code Flags

All ships to which this Code applies should carry code flags B, C, G, H, N and Q.

### ANNEX 1

#### Form of Caribbean Cargo Ship Safety Certificate

#### CARIBBEAN CARGO SHIP SAFETY CERTIFICATE

This Certificate should be supplemented by a Record of ship equipment and Information

*(Official seal) (State)*

Issued under the provisions of the  
CODE OF SAFETY FOR CARIBBEAN CARGO SHIPS  
under the authority of the Government of  
*(Name of State)*

by (person or organisation authorised)

Name of ship	Official No. and call sign	Port of registry	Gross tonnage	Date of build	IMO No.

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Valid for: - unrestricted trade in the Caribbean Trading Area\*

- Restricted trade - area I
- Restricted trade - area II
- Restricted trade - area HI

THIS IS TO CERTIFY:

1. That the ship has been surveyed in accordance with the applicable provisions of the Code of Safety for Caribbean Cargo Ships.
2. That the survey showed that:
  - .1 the ship complied with the requirements of the Code as regards:
    - .1 the relevant requirements of chapters 2 and 3 of the Code and the condition of the structure, machinery and equipment as defined in 1.10 of the Code was satisfactory.
    - .2 a freeboard of mm was assigned and marked on the ship's side at amidships.
  - 2.2 the last two inspections on the outside of the ship's bottom took place on the ..... and .....(dates)
  - 2.3 the ship complied with the requirements of the Code as regards structural fire protection, fire safety systems and appliances and fire control plans.
  - 2.4 the life-saving appliances and the equipment of the

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lifeboats, life rafts and rescue boats were provided in accordance with the requirements of the Code for a total number of..... persons.

2.5 the ship was provided with radio installations used in life-saving appliances in accordance with the requirements of the Code.

2.6 the ship complied with the requirements of the Code as regards radio installations.

2.7 the functioning of the radio installations used in life-saving appliances complied with the requirements of the Code.

2.8 the ship complied with the requirements of the Code as regards shipborne navigational equipment, means of embarkation for pilots and nautical publications.

2.9 the ship was provided with lights, shapes, means of making sound signals and distress signals, in accordance with the requirements of the Code and the International Regulations for Preventing Collisions at Sea in force.

2.10 in all other respects the ship complied with the relevant requirements of the Code.

3. That an Exemption Certificate has/\* has not been issued.

This certificate is valid until.....subject to the annual and periodical surveys and inspections of the outside of the ship's bottom in accordance with section 1.10 of the Code.

Issued at .....  
(Place of issue of certificate)

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(Date of Issue) (Signature of authorized official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate).

**Endorsement for annual and periodical surveys relating to structure, machinery and equipment referred to in paragraph 2.1.1 of this certificate**

THIS IS TO CERTIFY that, at a survey required by 1.10 of the Code, the ship was found to comply with the relevant requirements of the Code.

Annual survey: Signed:.....

(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

Annual/Periodical\* Signed:.....

survey: (Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

Annual/Periodical\*SIGNED:.....

survey: (Signature of authorized official)

Place:.....

Date:.....

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed:.....

(Signature of authorized official)

Place.....

Date:.....

(Seal or stamp of the authority, as appropriate)

**Endorsement for inspections of the outside of the ship's**

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**bottom**

THIS IS TO CERTIFY that, at an inspection required by 1.10.1.5 of the Code, the ship was found to comply with the relevant requirements of the Code.

First inspection: Signed:.....

(Signature of authorized official)

Place:.....

Date:.....

(Seal or stamp of the authority, as appropriate)

Second inspection: Signed: .....

(Signature of authorized official)

Place: .....

Date:.....

(Seal or stamp of the authority, as appropriate)

**Endorsement for annual and periodical surveys relating to life-saving appliances and other equipment referred to in paragraph 2.3, 2.4, 2.5 2.8 and 2.9 of this certificate**

THIS IS TO CERTIFY that, at a survey required by 1.10 of the Code, the ship was found to comply with the relevant requirements of the Code.

Annual survey Signed:.....

(Signed of authorized official)

Place:.....

Date:.....

(Seal or stamp of the authority, as appropriate)

Annual/Periodical\* Signed:.....

survey: (Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

Annual/Periodical\*



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survey: Signed:.....

(Signature of authorized official)

Place:.....

Annual survey: Signed.....

(Signature of authorized official)

Place: .....

Date: .....

**Endorsement for periodical surveys relating to radio installations referred to in paragraphs 2.6 and 2.7 of this certificate**

THIS IS TO CERTIFY that, at a survey required by 1.10 of the Code, the ship was found to comply with the relevant requirements of the Code.

Periodical survey: Signed:.....

(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp, of the authority, as appropriate)

Periodical survey: Signed:.....

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

Periodical survey: Signed:.....

(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

Periodical survey: Signed:.....

(Signature of authorized official)

Place: .....

Date: .....

**Endorsement to extend the certificate if valid for less than 5 years where section 1.13.3 of the Code applies**

The ship complies with the relevant requirements of the Code, and this certificate shall, in accordance with 1.13.3 of the Code, be accepted as valid until .....

Signed:.....

(Signature of authorized official)

Place:.....

Date:.....

(Seal or stamp of the authority, as appropriate)

**Endorsement where the renewal survey has been completed and 1.13.4 of the Code applies**

The ship complies with the relevant requirements of the Code, and this certificate shall, in accordance with 1.13.4 of the Code, be accepted as valid until.....

Signed:.....

(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

**Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where 1.13.5 or 1.13.6 of the Code applies**

This certificate shall, in accordance with 1.13.5/1.13.6\* of the Code, be accepted as valid until

Signed:.....

(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

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**Endorsement for advancement of anniversary date where 1.13.8 of the Code applies**

In accordance with 1.13.8 of the Code, the new anniversary date is.....

Signed: .....

(Signature of authorized official)

Place:.....

Date:.....

(Seal or stamp of the authority, as appropriate)

In accordance with 1.13.8 of the Code, the new anniversary date is .....

Signed: .....

(Signature of authorized official)

Place: .....

\* Delete as appropriate.

Date:.....

(Seal or stamp of the authority, as appropriate)

**ANNEX 2**

**Form of Exemption Certificate  
EXEMPTION CERTIFICATE**

*(Official seal)*

*(State)*

Issued under the provisions of the  
**CODE OF SAFETY FOR CARIBBEAN CARGO SHIPS**

under the authority of the Government of

*(Name of State)*

by *(person or organisation authorised)*

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Name of ship	Official No. and call sign	Port of registry	Date of build	Gross Tonnage	IMO No.

THIS IS TO CERTIFY:

That the ship is, under the authority conferred by section ..... of the Code exempted from the requirements of..... the Code. Conditions, if any, on which the Exemption Certificate is granted:

This certificate is valid until .....subject to the Caribbean Cargo Ship Safety Certificate to which this certificate is attached, remaining valid. Issued at .....

(Place of issue of certificate)  
 (Date of issue) Signature of authorized official issuing the certificate (Seal or stamp of the issuing authority as appropriate)

**ANNEX 3**  
**Form of Record of Equipment and Ship Information**

*This record shall be permanently attached to the applicable Caribbean Cargo Ship Safety Certificate*

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**RECORD OF EQUIPMENT AND SHIP INFORMATION  
FOR COMPLIANCE WITH THE CODE OF SAFETY FOR  
CARGO SHIPS OPERATING IN THE CARIBBEAN**

Name of ship	Official No./IMO No.	Port of registry	Gross tonnage

Notes

1. This Record forms part of the applicable Caribbean Ship Safety Certificate and is to be kept with the Certificate.
  
2. Surveys are to be carried out in accordance with the provisions of the Code of Safety for Caribbean Cargo Ship and national shipping legislation as applicable, subject to the following:
  - .1 ships are to be measured for tonnage in accordance with the provisions of the International Convention on Tonnage Measurement of ships, 1969;
  
  - .2 ships are to be surveyed to ensure compliance with the International Convention on Load Lines 1966 with respect to load line requirements;
  
  - .3 ships of 300 gross tonnage and over are to be surveyed to ensure compliance the International Convention for the Safety of Life at Sea 1974 with respect to radio requirements;
  
  - .4 oil tankers of 150 gross tonnage or more and all other ships of 400 gross tonnage or more are to comply with

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the requirements regarding oil pollution prevention equipment.

3. Following initial or renewal survey, the schedule of surveys should be as follows:-

**ANNUAL SURVEY:** To be held within 3 months before or after the anniversary date.

**PERIODICAL SURVEY:** Instead of the 2nd or 3rd annual survey.

**DOCKING SURVEY:** To be held at 2<sup>1</sup>/<sub>2</sub>year intervals and within 3 months of the due date. Where a docking survey is carried out outside the normal cycle the due date will be adjusted accordingly.

(Date of issue)                      (Signature of authorized official)

(Seal or stamp of issuing authority, as appropriate)

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## 1. GENERAL

## 1.1 SHIP PARTICULARS

Call sign	IMO No	Date of build	Type of cargo ship
Where built			
Construction material			
Type & No. of engines			
No. of propellers	II Service speed		

## 1.2.1 CERTIFICATION - International certificates

Certificate	Required*	Date of issue	Date of expiry	Issuing authority
Tonnage				
Safety Radio				
Load Line				
IOPP				
Other (Specify)				

## 1.2.2 CERTIFICATION - Other

Certificate	Date of issue	Date of expiry	Issuing authority
Safe Manning Certificate*			
Certificate of Registry			

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1.3	Classification Society
1.4	Number of persons for which life-saving appliances are provided
1.5	Number of crew for which accommodation is provided
1.6	Engine room classification (Unmanned (UMS)/Partially Unmanned)

Where the ship is required to hold any of the specified international certificates enter "Yes" in this column, followed by appropriate entries in the subsequent columns, otherwise enter "No" and "NA" respectively.

- IMO resolution A.481 (XII)

## GENERAL ARRANGEMENT - SKETCHES AND PLANS - (Section 1.8.)

Indicate on the outline sketches below (+):-

General arrangement of superstructures

Number of decks

Position of engine room

Position of holds and hatches

Position of tanks (indicate use)

Transverse watertight bulkheads

Profile





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Weather Deck

--

Tank Top Deck

--

Average daily consumption at full service speed :-

Total Bunker capacity \_\_\_\_\_

Total F.W. capacity \_\_\_\_\_

Total Ballast capacity \_\_\_\_\_

Alternatively, a General Arrangement Plan may be attached.

**2. CONSTRUCTION**

**2.1 STABILITY AND LOAD LINES - (Chapter 2 - Part C)**

**2.1.1 STABILITY DETAILS**

Inclining	Date of test	Place of test	Authority
	Stability Criteria Met	IMO resolution A.749 (18) (Cargo ship)	IMO resolution A.469 (XH) (Offshore supply vessels)
* Indicate as appropriate			
APPROVED STABILITY INFORMATION	Date approved	Approving authority	Information on board
			Yes/no

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**2.1.2 LOAD LINES - (section 1.10)**

**SUMMARY OF FREEBOARDS**

Summer		Tropical	
Fresh		Tropical Fresh	
Fresh Water Allowance		Summer draught	
The ship has been assigned Timber Load Lines	Yes / No		
Assigning Authority:			

**2.2 MACHINERY - (section 2.19)**

**2.2.1 MAIN ENGINE DETAILS**

Make (No.)No. of Cylinders		Type	
		R.P.M	
		Starting system	
Unmanned machinery space(U.M.S) Arrangemen ts (If any)			

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MAIN GENERATORS	No.	Make	Output (KW)

**2.2.3 BOILERS AND PRESSURE VESSELS - (section 2.21)**

Item	Description	Working pressure	Date of last test

**2.3 MAIN AND EMERGENCY STEERING GEAR - (section 2.33)****2.3.1 RUDDERS**

Type	No fitted	Remarks

**2.3.2 DESCRIPTION OF STEERING GEAR OF ARRANGEMENTS**

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<b>IDGE TO STEERING COMPARTMENT/RUDDER</b> Bridge to mechanical (e.g. rod and chain), hand hydraulic and electric systems. Give a clear picture of the system)	steering compartment/rudder arrangements include The description should contain sufficient detail to
Manufacturer:	
Type:	
Description:	
<b>MAIN STEERING GEAR</b> (Main steering gear arrangements include mechanical (e.g. rod and chain), hydraulic, and electric hydraulic. Again, sufficient detail should be provided in the description to give a clear picture of the system.)	
Manufacturer:	
Type:	
Description:	

### 2.3.3 EMERGENCY STEERING

Complete description of emergency/alternative steering arrangements:-
Details of communication between bridge and emergency/alternative steering position

Details of provision of compass at emergency/alternative steering position

### ANCHORING ARRANGEMENTS –

(section 2.9 to 2.11)

#### 2.4.1 ANCHORS

No.	Type	Size	Locaton
1			
2			

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3			
4			

## 2.4.2 ANCHOR CABLES

No.	Type	Size	LENGTH
1			
2			
3			
4			

## 2.4.3 MEANS OF HOISTING

No.	Type	Power	Location
1			
2			
3			
4			

## 3.0 FIRE PROTECTION FIRE DETECTION AND FIRE EXTINGUISHMENT

3.1 STRUCTURAL FIRE PROTECTION –  
(Chapter 3 - Part B)

SUMMARY OF ADMINISTRATION REQUIREMENTS

## 3.2 FIRE APPLIANCES - (Chapter 3 Part A)

## 3.2.1 MAIN FIRE PUMP(S)

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NO.	TYPE	CAPACITY	PRESSURE HEIGHT	WHERE PLACED
1				
2				
3				
4				

### 3.2.2 EMERGENCY FIRE PUMP(S)

NO.	TYPE	CAPACITY	PRESSURE HEIGHT	WHERE PLACED
1				
2				
3				
4				

### 3.2.3 FIRE MAIN AND HYDRANTS

NO	FIRE MAIN	DIAMETER	PRESSURE	WHERE PLACE

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#### 3.2.4 HOSES AND NOZZLES

NO			Description
	Hose Length With Couplings	Machinery Spaces	
		Other Space	
	Plain Nozzles	Outside Space	Diameter Of Nozzle Outlet

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	Dual Purpose Nozzles	Machinery	Diameter Of Nozzle Outlet
		Other Space	Equipment Diameter Of Nozzle

3.2.5 FIRE EXTINGUISHERS

Location	Type	No.	Size	Spare Charges
Machinery Spaces				
Crew Spaces				
Other Spaces				

3.2.6 FIRE BUCKETS

LOCATION	NO	DESCRIPTION

Annex 3

3.2.7 FIREMAN'S OUTFIT

	No	Type	Name	Location
Breathing Apparatus				
Safety Lamp				
Axes				

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Protective Clothing				
Boots				
Gloves				
Helmet				
Lifelines				

### 3.2.8 FIRE AXES

No	Location

### 3.2.9 FIRE CONTROL PLANS

Location	Remarks

## 3.3 FIXED EXTINGUISHING SYSTEMS – (Chapter 3 - Part A)

### 3.3.1 MACHINERY SPACES

Location	Type	Name	Date of Survey



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3.3.2 CARGO HOLDS

Location	Type	Name	Date of Survey

3.4 DETECTION AND ALARM SYSTEMS

Detectors	Machinery Space				
Manual Call Points	Accommodation Service Space				
	Machinery Space				
	Cargo Space				
Control and Indicating Lights	Accommodation				
	Location	NO	DESCRIPTION		

4. LIFE-SAVING APPLIANCES AND EQUIPMENT

4.1 LIFEBOATS - (Chapter 4, sections 4.3 and 4.4)

No of Boat	Description	Measurements			Cubic Capacity	No of Persons
		Length	Breadth	Depth		

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### 4.2 RESCUE BOAT - (Chapter 4, sections 4.3 and 4.4)

Maker's Name	Length	No. of Person	Weight Complete	Stowage
Type of Engine				

### 4.3 LIFERAFTS - (Chapter 4, sections 4.3 and 4.4)

Inflatable life raft	Manufacturer and Type	Persons	Number	Date of Inspection	Stowage
Rigid Life raft					
Hydrostatic Release Unit					

### 4.4 LIFEBOAT DAVITS - (Chapter 4, sections 4.3 and 4.4)

Davits or Launch/recovery Device	Description	S.W.L./SFT
	Are They of Sufficient Strength To Lower Fully Laden Boats	

### 4.5 LIFEBOAT WINCHES - (Chapter 4, section 4.10)

WINCHES	DESCRIPTION	S.W.L.

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	DATE OF OVERHAUL
FALLS	TYPE OF PURCHASE
	ROPE OR WIRE CONSTRUCTION SIZE BREAKING STRAIN
	DATES OF REVERSAL OR RENEWALS

4.6 SURVIVAL CRAFT LAUNCHING AND RECOVERY -  
(Chapter 4, section 4.10)

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4.7 LIFE JACKETS- (Chapter 4, section 4.11)

	Manufac- turer	Type	Number		Stowage
			32 Kg or More (adult		
			Under 32 Kg (child)		

4.8 LIFEBUOYS- (Chapter 4, section 4.12)

	Type	Number With Smoke	Number With Lines	Number With Lights
Lifebuoy				
	Stowage			

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4.9      PYROTECHNICS - (Chapter 4, section 4.13)

		Manufacturer's Name and Description	Date of Manufacture	Date of Expiry
	Parachute			
	Red star			
	Parachute			
	Hand Flakes			
	Buoyant Smoke			
Means Provided for Emergency Signals				

4.10      EMERGENCY POWER - (Chapter 2, section 2.34)

Source Of Power Including Rating Capacity	
If Generator Means of Starting	
Services Supplied	

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4.11 RADIO EQUIPMENT - (Chapter 4, section 4.14)

Survival Craft Portable Radio	Type	Serial No.
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Portable two way V.H.F Radios	
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5. RADIO COMMUNICATIONS - CHAPTER 5

5.1 RADIO OPERATORS (Section 5.1)

REQUIRED NO. OF PERSONS QUALIFIED TO OPERATE	
THE RADIO INSTALLATION	

5.2 V.H.F. RADIO INSTALLATION (CCSS Code section 5.1;  
SOLAS Chapter IV)

	Make	Type	No	Description
Radio telephone*				
D.S.C. Encoder				
D.S.C. Watch Receiver				

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## 5.3 MF RADIO INSTALLATION - (SOLAS Chapter IV, CCSS Code section 5.1)

	Make	Type	No.	Description
Radio Telephone*				
D.S.C. Encoder				
D.S.C. Watch Receiver				

## 5.4 MF/HF RADIO INSTALLATION - (SOLAS Chapter IV; CCSS Code section 5.1)

	Make	Type	No	Description
Radio Telephone*				
D.S.C. Encoder				
Direct Printing Telegraphy				
5.5 INMARSAT EQUIPMENT TYPE: SERIAL NO:				

5.6 SECONDARY MEANS OF ALERTING	
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## 5.7 FACILITIES FOR RECEPTION OF MARITIME SAFETY INFORMATION- (SOLAS chapter IV, Regulation 9)

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	Make	Type	No	Description
Navtex Receiver				
E.G.C. Receiver				
HF Direct Printing Radiotelegraph Receiver				

(SOLAS Chapter IV; CCSS Code section 5.1)

5.8	EPIRBS	Type	Serial No.

(SOLAS Chapter III/6; CCSS Code section 4.14)

5.9	Spare	Type	Serial No

#### 5.10 METHODS USED TO ENSURE AVAILABILITY OF RADIO FACILITIES

DUPLICATION OF EQUIPMENT	
SHORE-BASED MAINTENANCE	
AT SEA MAINTENANCE CAPABILITY	

5.11 INSTRUCTIONS ON HOW TO OPERATE EQUIPMENT	
5.12 CLOCK AND CALL SIGN DISPLAYED	

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5.13 RADIO LOG	
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**6. NAVIGATION LIGHTS AND SOUND SIGNALLING EQUIPMENT**

6.1 GENERAL ARRANGEMENT OF NAVIGATION LIGHTS

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6.2 NAVIGATION LIGHTS DETAILS - (CCSS Code chapter 1 and 1972 Collision Regulations)

PRIMARY				ALTERNATIVE		
LANTERN	Marker	Type & Serial No.	Lamp Wattage	Marker	Type & Serial No.	Lamp Wattage
MAST HEAD						
MAST FORE						
PORT						
S/BOARD						
STERN						
ANCHOR						
NOT UNDER COMMAND						



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6.3 POWER SUPPLY NAVIGATION LIGHT ALARM PANEL - (CCSS Code chapter 2, sections 2.33 and 2.34)

MAIN POWER SUPPLY	
ALTERNATIVE POWER SUPPLY	

6.4 SOUND SIGNALS, SHAPES AND ADDITIONAL LANTERNS - (CCSS Code, chapter I and the 1972

DIAMETER AND POSITION OF BELL	Type of Whistle (s)	GONG	No. NUC Shapes	Black Diamond	Additional Lanterns Shapes

6.5 (CCSS Code Chapter 6, section 6.3)

INTERNATIONAL CODE FLAGS	
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6.6 (CCSS Code Chapter 6, SOLAS V/21)

INTERNATIONAL CODE OF SIGNALS	
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## 7. SAFETY OF NAVIGATION -CHAPTER 6

### 7.1 COMPASSES - (CCSS Code Chapter 6, SOLAS V/19.2)

Compasses	Make	Type	Remarks

### 7.2 NAVIGATION EQUIPMENT- (CCSS Code Chapter 6, SOLAS V/19)

	Manufacturer & Type	Serial No.	Remarks
Radar			
Satellite Navigation			
Radio Direction Finder			
Echo Sounder			
Speed Log			
G.P.S.			

### 7.3 WHEELHOUSE ARRANGEMENTS

### 7.4 BRIDGE CONTROLS AND INSTRUMENTS

### 7.5 AUTO PILOT

Type/Manufacturer:			
Type of compass:			
Item	If Fitted	If Operational	Remarks

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Off course alarm			
Power failure alarm			
Change-over arrangements	Yes		Are adequate diagrams posted up?

7.6 PUBLICATIONS - (CCSS Code Chapter 6, SOLAS V/27)

No	Remarks/Description		
CHARTS			
SAILING DIRECTIONS			
TIDE TABLES			
INTERNATIONAL CODE OF SIGNALS			
OTHER PUBLICATIONS			

7.7 PILOT LADDER - (CCSS Code Chapter 6, SOLAS V/23)

<p><b>PILOT LADDER DETAILS</b></p>	
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ALTERATIONS

<b>Item No.</b>	<b>Nature of Alteration</b>	<b>Date/Signed</b>

<b>Item No.</b>	<b>Nature of Alternation</b>	<b>Date/Signed</b>