



# The Official Gazette

PUBLISHED  
BY  
AUTHORITY

VOL. CLXI No. 52

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BRIDGETOWN, BARBADOS, 5TH MAY, 2026

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## BARBADOS CITIZENSHIP ACT, 2026

### **OBJECTS AND REASONS**

This Bill would revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados and would provide for related matters.



BARBADOS CITIZENSHIP ACT, 2026

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## **BARBADOS**

A Bill entitled

An Act to revise the law relating to the acquisition, deprivation and renunciation of citizenship of Barbados and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Barbados Citizenship Act, 2026*.

**Interpretation**

- 2.(1) For the purposes of this Act,

“child” includes stepchild;

“dependant”, in relation to a person, means

- (a) a spouse;
- (b) a child or step-child under the age of 18 years;
- (c) a child adopted by the person in a manner recognized by law and who is under the age of 18 years; or
- (d) any other relative who is, by reason of age or any infirmity of body or mind, wholly dependent on that person for subsistence;

“foreign country” means a country other than Barbados;

“former Act” means the *Barbados Citizenship Act, Cap. 186*;

“former Immigration Act” means the *Immigration Act, Cap. 190*;

“national of a Member State” has the meaning assigned to it by Article 32(5) (a) of the *First Schedule to the Caribbean Community Act, Cap. 15*;

“Member State” means a Member State of the Community, excluding an Associate Member within the meaning of Article 231 of the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy, that was signed in the Bahamas on 5<sup>th</sup> July, 2001;

“Minister” means the Minister responsible for citizenship;

“spouse” includes

- (a) a single man who has cohabited with a single woman continuously; or
  - (b) a single woman who has cohabited with a single man continuously
- for a period of at least 5 years immediately preceding the date an application was made under this Act;

“union other than marriage or “union” has the meaning assigned to it by the *Family Law Act*, Cap. 214.

(2) For the purposes of this Act, a person born aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall, for the purposes of this Act, be of full age if the person has attained the age of 18 years and is of sound mind.

(4) For the purposes of this Act, a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(5) Subject to subsections (6) and (7), in calculating for the purposes of this Act any period of residence in Barbados,

- (a) a period of absence from Barbados of less than 6 months;
- (b) a period of absence from Barbados for the purpose of education of such kind, in such country and for such time, as may be either generally or specifically approved by the Minister; or
- (c) a period of absence from Barbados for reasons of health or any other cause prescribed generally or specially by the Minister,

shall be treated as residence in Barbados, and a person shall be deemed to be resident in Barbados on a particular day if he had been resident in Barbados before

that day and that day is included in any period of absence referred to in this subsection.

(6) In calculating for the purposes of this Act any period of residence in Barbados, account shall not be taken

(a) of any period during which a person was not lawfully resident in Barbados; or

(b) of any period spent as an inmate of any prison or as a person detained in lawful custody in any place other than a mental hospital under the provisions of any enactment.

(7) Without affecting subsections (5) and (6), the Minister may, in calculating for the purposes of this Act any period of residence in Barbados, take account of any period during which a person is allowed to remain temporarily in Barbados under the authority of any enactment.

(8) For the purposes of this Act, a person born outside Barbados to a citizen of Barbados serving in a diplomatic or consular capacity shall be deemed to have been born in Barbados where that State in which they were born refuses to grant a birth certificate.

(9) Subsection (8) does not apply to any person to whom section 2(2) or 5 of the *Constitution* or any other enactment applies.

(10) For the purposes of this Act a step-child includes a child of either spouse by a previous marriage or other relationship who is acknowledged and treated by both parties as a child of the marriage or union.

## PART II

## ACQUISITION OF CITIZENSHIP

**Additional grounds of citizenship and registration of certain persons as citizens**

3.(1) Where after the commencement of this Act a newborn infant is found abandoned in Barbados, that infant shall, unless the contrary is shown, be deemed to have been born in Barbados.

(2) Subject to section 4, a person who was born outside Barbados and who is a grandchild or great grandchild of a citizen of Barbados may upon application to the Minister in the prescribed form and on payment of the prescribed fee, be registered as a citizen of Barbados.

(3) Subject to section 4, a person who was granted permanent residence under section 5(2C) of the former Immigration Act is entitled, upon application to the Minister in the prescribed form, to be registered as a citizen.

(4) Subject to section 4, any person who, on the day immediately preceding the commencement of this Act is an immigrant having obtained that status under the former Immigration Act and had been an immigrant for a period exceeding 3 years shall be entitled to be registered as a citizen of Barbados on the commencement of this Act upon satisfying the Minister that he has been an immigrant for the period referred to in this subsection.

(5) Subject to section 4, the following persons may, upon application to the Minister in the prescribed form, and upon payment of the prescribed fee, be registered as citizens of Barbados:

- (a) a person who is a national of a Member State by birth, descent or naturalization;
- (b) the spouse of the person referred to in paragraph (a); and
- (c) the dependants of the person referred to in paragraph (a),

if they satisfy the Minister that they have lawfully resided in Barbados as permanent residents of Barbados for an aggregate period of at least 180 days during the period of at least 730 days immediately preceding the date of application.

(6) Subject to section 4, the following persons may, upon application to the Minister in the prescribed form, and upon payment of the prescribed fee, be registered as citizens of Barbados:

- (a) a person who is not a national of a Member State;
- (b) the spouse of the person referred to in paragraph (a), if the spouse is not a national of a Member State by birth, descent or naturalization; and
- (c) the dependants of the person referred to in paragraph (a), not being nationals of Member States by birth, descent or naturalization,

if they satisfy the Minister that they have lawfully resided in Barbados as permanent residents of Barbados for an aggregate period of at least 270 days during the period of at least 1 095 days immediately preceding the date of application.

(7) A person is entitled, on making application under this subsection to the Minister in the prescribed manner, to be registered as a citizen of Barbados if the person satisfies the Minister that the person has always been stateless and

- (a) if the person was born before the 29<sup>th</sup> November, 1966, that either parent was, at the time of the person's birth, a citizen of the United Kingdom and Colonies by reason of the parent's birth in Barbados;
- (b) if the person was born after 29<sup>th</sup> November, 1966, that either parent was a citizen of Barbados, at the time of the person's birth; or
- (c) that he was born in Barbados.

(8) **The persons set out in the *First Schedule* are entitled upon application to the Minister in the prescribed form to be registered as citizens of Barbados.**

(9) An application for registration under this section on behalf of a minor may be made by the parent or guardian.

#### **Right of refusal to register**

4. The Minister may, in the interests of national security and public policy, refuse to register as a citizen of Barbados a person

- (a) who, under subsection (2) or (3) of section 3 of the *Constitution*, is entitled to be registered as a citizen of Barbados and applies to be so registered;
- (b) who pursuant to subsection (2), (3), (4), (5), (6) or (8) of section 3 applies to be registered as a citizen of Barbados;
- (c) who has been convicted by a competent court in any country of a criminal offence for which he has been sentenced to a term of imprisonment for 12 months or more and has not received a free pardon in respect of the offence;
- (d) who, has engaged in activities, whether within or outside Barbados, which, in the opinion of the Minister, are prejudicial to the safety of Barbados or to the maintenance of law and public order in Barbados;
- (e) who, not being the dependant of a citizen of Barbados, has not sufficient means to maintain himself and is likely to become a charge on public funds; or
- (f) to whom the *Fifth Schedule* of the *Immigration Act, 2026* (Act 2026- ) applies.

#### **Registration of minors**

5.(1) The Minister may cause the minor child of any citizen of Barbados to be registered as a citizen of Barbados upon application made in the prescribed form by a parent or guardian of the child.

(2) The Minister may, in such special circumstances as he thinks fit, cause any minor to be registered as a citizen of Barbados.

(3) Where under any enactment in force in Barbados relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Barbados, then, if the adopter or in the case of a joint adoption, either adopter, is a citizen of Barbados, the minor shall become a citizen of Barbados from the date of the order.

#### **Certificate of registration**

6. Where an application for registration as a citizen of Barbados under the *Constitution* or this Act is approved, the Minister may issue to the applicant a certificate of registration in the prescribed form.

#### **Effect of registration as a citizen**

7. A person registered under section 3 of this Act or under section 3, 3A or 6 of the *Constitution* shall be a citizen of Barbados by registration from the date on which he is registered.

### **PART III**

#### **LOSS OF CITIZENSHIP**

##### **Renunciation of citizenship by reason of dual citizenship or nationality**

8.(1) Where any citizen of Barbados of full age and capacity who is or who intends to become a citizen of a foreign country makes a declaration of renunciation of citizenship of Barbados in the prescribed manner, the Minister shall cause the declaration to be registered, and upon registration that person shall cease to be a citizen of Barbados.

(2) The Minister may withhold registration of a declaration made under subsection (1) by a person who is or who intends to become a citizen of a foreign country during any war in which Barbados is engaged.

(3) Where the Minister causes a declaration of renunciation of citizenship of Barbados to be registered under subsection (1), he may issue to the person making the declaration a certificate of renunciation in the prescribed form.

### **Deprivation of citizenship**

9.(1) Subject to this section, the Minister may, by order, deprive of his citizenship, any citizen of Barbados other than a person who is a citizen by virtue of section 2(3), 4, 5(1) or (2) of the *Constitution* if the Minister is satisfied

- (a) that the citizenship was obtained by means of fraud, false representation or the concealment of any material fact;
- (b) that at anytime after the person acquired citizenship
  - (i) the person was convicted of high treason or treason in Barbados or by a competent court in any foreign country and has not received a free pardon in respect of the offence; or
  - (ii) the person was convicted by a competent court in any foreign country of a criminal offence on conviction of which the death penalty or a term of imprisonment of not less than 7 years may be imposed and the person has not received a free pardon in respect of the offence;
- (c) that the person has shown himself by act or speech to be disloyal or disaffected towards Barbados;
- (d) that during any war in which Barbados was engaged, the person unlawfully traded or communicated with the enemy or has been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

- (e) that the person engaged in activities, whether within or outside Barbados, which, in the opinion of the Minister, are prejudicial to the safety of Barbados or to the maintenance of law and public order in Barbados.
- (2) The Minister shall not deprive a person of citizenship under this section, unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Barbados.
- (3) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made
  - (a) notice in writing informing the person of the grounds on which it is proposed to be made; and
  - (b) notice of the person's right to an enquiry under this section if the order is proposed to be made on any of the grounds specified in subsection (1).
- (4) Where the order is proposed to be made on any of the grounds specified in subsection (1) and the person against whom the order is proposed to be made applies in the prescribed manner for an enquiry, the Minister shall refer the case to a committee of enquiry.
- (5) Where the order is proposed to be made on any of the grounds specified in subsection (1) and the person against whom the order is proposed to be made has not applied in the prescribed manner for an enquiry, the Minister may nonetheless refer the case to a committee of enquiry.
- (6) The committee referred to in subsections (4) and (5) shall consist of the following persons who shall be appointed by the Minister:
  - (a) a chairman, being a person who is or has held judicial office having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and
  - (b) not less than 2 other members.

(7) The powers, rights and privileges of a committee of enquiry appointed under this section shall be the same as those conferred on a commission appointed under the *Commissions of Inquiry Act*, Cap. 112 and the provisions of that Act shall, *mutatis mutandis*, apply in relation to any enquiry under this section and to any person summoned to give evidence at the enquiry.

(8) Without prejudice to the generality of subsection (7), any power exercisable by the President under the *Commissions of Inquiry Act*, Cap. 112 shall, in the application of that Act to an enquiry under this section, be exercisable by the Minister.

(9) A person who is deprived of his citizenship of Barbados by an order under this section or under section 8, shall, upon the making of the order, cease to be a citizen of Barbados.

(10) For the purposes of this section, “Commonwealth” has the meaning assigned to it by section 117 of the *Constitution*.

**Deprivation of citizenship of Barbados where person deprived of citizenship elsewhere**

**10.(1)** Where any citizen of Barbados, who acquired citizenship by naturalization, was also a citizen of any foreign country but has been deprived of citizenship of that country on grounds which in the opinion of the Minister are substantially similar to any of the grounds specified in section 9(1), the Minister may by order deprive that person of citizenship of Barbados if the Minister is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Barbados.

(2) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made notice in writing informing the person of the grounds on which it is proposed to be made and may refer the case to a committee of enquiry constituted in the manner, and having the powers, rights and privileges, specified in section 9(4), (5) and (6).

**Resumption of citizenship**

**11.(1)** A person who is a citizen of Barbados by virtue of section 2 or 5 of the *Constitution* and who has ceased to be a citizen of Barbados as a result of a declaration of renunciation of citizenship of Barbados shall be entitled to resume citizenship of Barbados where the person satisfies the Minister that at the time the declaration was made, the person was about to become or had become a citizen of another country and

- (a) could not have remained a citizen of Barbados and become a citizen of the other country; or
- (b) had reasonable cause to believe that the person would be deprived of citizenship of that country unless the person had made the declaration.

(2) A citizen of Barbados, other than a citizen referred to in subsection (1), who has ceased to be a citizen of Barbados as a result of a declaration of renunciation of citizenship of Barbados may make application to the Minister to be re-registered as a citizen of Barbados if the person satisfies the Minister

- (a) of the matters set out in paragraph (a) or (b) of subsection (1);
- (b) that the person is the parent of a child who was born in Barbados;
- (c) that the person is the grandchild or great-grandchild of a citizen of Barbados; or
- (d) that the person is or was married to a citizen of Barbados.

(3) The Minister may refuse to re-register a person referred to in subsection (2) for any reason set out in section 4.

PART IV

MISCELLANEOUS

**Certificate of citizenship in cases of doubt**

**12.(1)** The Minister may, in such cases as he thinks fit, upon application made by or on behalf of any person with respect to whose citizenship of Barbados a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Barbados.

(2) A certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date mentioned, but without prejudice to any evidence that he was such a citizen at any earlier date.

**Minister's discretion not to be questioned and decisions to be final**

**13.** The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act; and the Minister's decision shall be final.

**Evidence**

**14.(1)** Every document purporting to be

- (a) a notice, certificate, order or declaration;
- (b) an entry in a register; or
- (c) a subscription of an oath of allegiance,

given, granted or made under this Act or under Chapter II of the *Constitution* shall be received in evidence and shall, unless the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given, granted or made.

(2) *Prima facie* evidence of any document referred to in subsection (1) may be given by production of a document purporting to be certified as a true copy of that document by such person and in such manner as may be prescribed.

(3) Any entry in a register made under this Act or under Chapter II of the *Constitution* shall be received as evidence and is conclusive of the matters stated in the entry.

### **Regulations**

**15.(1)** The Minister may make regulations

- (a) relating to the registration of anything required or authorized under this Act or under Chapter II of the *Constitution* to be registered;
- (b) relating to the administration and taking of oaths of allegiance under this Act, for the time within which oaths of allegiance shall be taken and for the registration of oaths of allegiance;
- (c) fixing the fees to be paid in respect of
  - (i) any application made to the Minister under this Act; or
  - (ii) any registration or the making of any document or the taking of any oath of allegiance under this Act or by or under Chapter II of the *Constitution*; or
  - (iii) supplying any document required under this Act and providing for the application of any such fees;
- (d) relating to the giving of any notice required or authorized to be given to any person by or under this Act;
- (e) relating to the cancellation of the registration of, and the cancellation and amendment of certificates of naturalization relating to, persons deprived of citizenship under this Act or under Chapter II of the *Constitution*, and for requiring such certificates to be delivered up for such purposes;

- (f) relating to the registration by consular officers or other officers in the service of Barbados of the births and deaths of persons of any class or description born or dying outside Barbados;
  - (g) relating to enabling the births and deaths of citizens of Barbados born or dying in any country in which Barbados has for the time being no diplomatic or consular representatives, to be registered;
  - (h) prescribing anything that is authorized or required by this Act to be prescribed; and
  - (i) generally for giving effect to this Act.
- (2) All regulations made under this section shall be subject to negative resolution.

#### **Power to amend Schedule**

**16.** The Minister may by order amend, vary or revoke the *First Schedule*.

#### **Offences**

**17.(1)** Any person who for the purpose of procuring anything to be done or not to be done under this Act or under Chapter II of the *Constitution*

- (a) makes any statement which he knows to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular;

is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 6 months or to both.

(2) Any person who fails to comply with any requirement imposed on him by regulations with respect to the delivering up of certificates of naturalization is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for 6 months or to both.

**Oath of allegiance**

**18.** Every person who obtains citizenship under this Act shall, before being registered as a citizen, subscribe to the oath of allegiance set out in the *Second Schedule*.

**Saving and transitional**

**19.** Any application for the grant of citizenship of Barbados or for registration as a citizen of Barbados begun under the former Act, but not completed before the commencement of this Act shall be deemed to be an application for citizenship of Barbados under this Act and shall be dealt with accordingly.

**Repeal of Cap. 186**

**20.** The *Barbados Citizenship Act*, Cap. 186 is repealed.

**Commencement**

**21.** This Act shall come into operation on a date to be fixed by Proclamation.

**FIRST SCHEDULE**

*(Section 3(8))*

*Persons Entitled to be Registered*

- (a)* former Secretaries General of CARICOM
- (b)* holders of the Order of the Caribbean Community
- (c)* former Chancellors and former Vice Chancellors of the University of the West Indies
- (d)* former heads of State of Member States
- (e)* former heads of Government of Member States; and
- (f)* spouses and dependents of persons referred to in paragraphs *(a)* to *(e)*.

**SECOND SCHEDULE**

*(Section 17)*



*Barbados Citizenship Act, 2026*  
(Act 2026- )

**OATH OF ALLEGIANCE**

I, \_\_\_\_\_do swear that I will be faithful and bear true allegiance to Barbados according to law and that I will faithfully observe the laws of Barbados and fulfil my duties as a citizen of Barbados.

SO HELP ME GOD

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2026.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2026.

**President**

## IMMIGRATION ACT, 2026

### **OBJECTS AND REASONS**

This Bill would revise the law regulating the entry of persons into Barbados and would provide for related matters.



IMMIGRATION ACT, 2026

*Arrangement of Sections*

PART I

*Preliminary*

1. Short title
2. Interpretation

PART II

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**SIXTH SCHEDULE**

*Advance Passenger Information*

## **BARBADOS**

A Bill entitled

An Act to revise the law regulating the entry of persons into Barbados and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

*Preliminary*

**Short title**

1. This Act may be cited as the *Immigration Act, 2026*.

**Interpretation**

- 2.(1) For the purposes of this Act,

“advance passenger information” means the information or data concerning a crew member, passenger or any other person travelling in an aircraft or vessel;

“Agreement” means the Agreement instituting the Order of the Caribbean Community signed at Georgetown on the 14<sup>th</sup> May, 1991 and to which Barbados is a party;

“automated passport control kiosk” or “kiosk” means a self-service machine designed to streamline the entry of persons into Barbados, which scans and authenticates passport data and facial biometric data, generates a series of questions to confirm biographic and flight information and prints a receipt to be submitted to an immigration officer;

“CARICOM” means the Caribbean Community established by the Treaty;

“Chief Immigration Officer” means the person appointed as such under section 13 of the *Public Service Act, Cap. 29*;

“citizen” means a person who is a citizen of Barbados by virtue of the *Constitution* or the *Barbados Citizenship Act, Cap. 186*;

“Community” means the Caribbean Community established by Article 2 of the Treaty and includes the CARICOM Single Market and Economy signed at Nassau, The Bahamas on 5<sup>th</sup> July, 2001;

“dependant”, in relation to a person, means

- (a) a spouse;
- (b) a child or step-child who is under the age of 18 years;
- (c) a child adopted by the person in a manner recognized by law and who is under the age of 18 years; or
- (d) any other relative who is by reason of age or any infirmity of body or mind, wholly dependant on that person for subsistence;

“deportation order” means an order requiring the person against whom it is made to leave Barbados and to remain outside Barbados;

“domestic space” means the countries listed in the *First Schedule*;

“entry receipt” means a receipt printed by an automated passport control kiosk for submission to an immigration officer, which bears

- (a) the letters “PG” indicating that passage has been granted; or
- (b) the letter “X” indicating that further inspection is required;

“facial biometric data” means a photographic image of the face of a person which is used for the purpose of identification;

“former Act” means the *Immigration Act, 1975* (Act 1975-20);

“immigration officer” means an Immigration Officer appointed under section 13 of the *Public Service Act, Cap. 29* and includes the Chief Immigration Officer, the Deputy Chief Immigration Officer, an Assistant Chief Immigration Officer and a Senior Immigration Officer;

“IMPACS” means the CARICOM Implementing Agency for Crime and Security established under the Agreement Establishing the CARICOM Implementation Agency for Crime and Security, 2006;

“intelligence agency” means a law enforcement agency which is established to share information and intelligence and to collaborate and cooperate with any other law enforcement agency on matters of mutual interest;

**“international organisation” means an organisation certified as such by the Minister responsible for Home Affairs;**

“JRCC” means the Joint Regional Communication Centre, a sub-agency of IMPACS, which receives advance passenger information;

“master” means the person in immediate charge or control of a vessel;

“Member State” means a Member State of the Community, excluding an Associate Member within the meaning of Article 231 of the Treaty;

“Minister” means the Minister responsible for Immigration;

“minor” means a person who has not attained the age of 18 years;

“national” means a person who

- (a) is a citizen of a Member State other than Barbados;
- (b) has a connection with that 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 that state for the purposes of the laws of that state relating to immigration; or
- (c) is a company or other legal entity constituted in the Member State in conformity with the laws of that state and which that state regards as belonging to it, if the company or other legal entity
  - (i) has been formed for gainful purposes;
  - (ii) has its registered office and central administration in the Community;
  - (iii) carries on substantial activity within the Community; and
  - (iv) is substantially owned and effectively controlled by persons mentioned in paragraph (a) or (b);

“Order” means the Order of the Caribbean Community instituted by the Agreement;

“owner”, in relation to a vessel, includes a charterer;

“passport” means a valid passport referring to the person producing the passport, furnished with a photograph of that person and duly issued to him by or on behalf of the Government of the country of which he is a subject or citizen and for a period which, according to the law in force in that country, has not expired, and includes a travel permit or other document establishing to the satisfaction of an immigration officer the nationality and identity of the person to whom it refers;

“passport data” means information in a passport, including the passport number, expiration date of the passport, family and given names, nationality, date of birth, gender and other particulars which establish the identity of the person to whom the passport is issued;

“permitted entrant” means a person permitted to enter Barbados under section 4;

“permanent resident” means a person granted the status of permanent resident under section 6;

“port of entry” means any place in Barbados designated as a port of entry by regulations made under section 37;

“PNR” means passenger name record;

“ship” includes a boat or a craft of any kind for travel or transport;

“spouse” includes

(a) a single man who has cohabited with a single woman; or

(b) a single woman who has cohabited with a single man

continuously for a period of at least 5 years immediately preceding the date an application was made under this Act;

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy, that was signed in The Bahamas on 5<sup>th</sup> July, 2001;

“union other than marriage or “union” has the meaning assigned to it by the *Family Law Act*, Cap. 214;

“vessel” means any ship, aircraft or other means of travel by sea or air;

“watch list” means a list that is used to watch or track the current activity or movements of criminals, including terrorists and persons who have been found guilty of involvement with stolen and lost travel documents, criminal deportees and other persons of interest to the intelligence community;

“work permit” means a permit granted by the Minister under section 20(1).

(2) For the purposes of this Act a stepchild includes a child of either spouse by a previous marriage or other relationship who is acknowledged and treated by both parties as a child of the marriage or union.

## PART II

### *Entry into Barbados*

#### **Right to enter Barbados**

3.(1) A citizen has the right to enter Barbados.

(2) A permanent resident shall, so long as he continues to be a permanent resident, be permitted to enter Barbados.

(3) The Minister may prohibit the entry into Barbados of any person other than a citizen or a permanent resident.

#### **Permitted entrants**

4.(1) Subject to this Act and the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A, an immigration officer may permit

(a) a person described in Part I of the *Second Schedule* to enter and remain in Barbados on such conditions and for such period, not exceeding in the case of a person described in paragraph 2 or 4 of that Part of the

*Second Schedule*, 5 years in the first instance, as that officer considers appropriate in the particular case;

- (b) a person described in Part II of the *Second Schedule* to enter and remain in Barbados on such conditions as that officer thinks fit and for such period not exceeding 6 months as that officer considers appropriate in the particular case; and
  - (c) the individuals specified in subsection (2) who are representatives of entities which carry on business in a EU Member State or the UK, as the case may be, to enter and remain in Barbados on such conditions as the officer thinks fit and in accordance with
    - (i) in the case of a EU Member State, the Economic Partnership Agreement signed at Bridgetown, Barbados on 15<sup>th</sup> October, 2008; or
    - (ii) in the case of the UK, the Economic Partnership Agreement signed at Castries, St. Lucia on 22<sup>nd</sup> March, 2019.
- (2) The following are the individuals to whom paragraph (1)(c) relate:
- (a) a business services seller;
  - (b) a business visitor;
  - (c) a contractual services supplier;
  - (d) a graduate trainee;
  - (e) an intra-corporate transferee; and
  - (f) key personnel.
- (3) A permit issued to a person referred to in subsection (1) does not exempt that person from satisfying any other requirement of this Act or any other enactment to first obtain permission to work in Barbados.
- (4) Subsection (1)(c)
- (a) shall apply to EU Member States; and

(b) shall apply to the UK

only if that state or the UK grants reciprocal treatment to a service provider who is an individual representing a company incorporated or registered in Barbados.

(5) An immigration officer shall issue to a person permitted to enter Barbados under subsection (1), other than a person described in paragraph 1 of Part I of the *Second Schedule*, a permit in a form approved by the Minister, expressed to be in force for the period, and subject to the conditions specified therein; and a permit issued under this subsection may, notwithstanding the generality of subsection (1), be subject to a condition requiring the holder thereof to register with an immigration officer.

(6) The holder of a permit issued under subsection (5) who wishes

(a) to remain in Barbados for a period longer than that specified in the permit; or

(b) to have the conditions specified in the permit varied,

shall apply for the purpose to the Chief Immigration Officer in the prescribed form, and, if so required by that officer, report in person to an immigration officer and submit to an examination under this Act and the regulations notwithstanding that the holder of the permit is already in Barbados.

(7) Where an application has been made under subsection (6), the Chief Immigration Officer may, with the approval of the Minister,

(a) extend the period specified in a permit; or

(b) vary the conditions of that permit in such a manner as is fit and proper under this Act or the regulations.

(8) The Minister may, at any time,

(a) modify or cancel any condition specified in a permit issued under subsection (5);

(b) vary the period specified in a permit issued under subsection (5); or

(c) revoke a permit issued under subsection (5).

(9) Where a person to whom a permit was issued under subsection (5) remains in Barbados after the expiration or revocation thereof, the Minister may make a deportation order against that person.

(10) The Chief Immigration Officer may detain a person mentioned in subsection (9) pending the making and execution of a deportation order.

(11) The detention of a person pursuant to subsection (10) shall not constitute entry into Barbados by that person.

(12) For the purposes of this Act, special entry permits issued under the former Act, shall have the same validity as if they had been issued under this Act and holders of those permits shall have and enjoy the same rights and privileges and be subject to the same conditions and obligations as they enjoyed and were previously subject.

(13) Without limiting or affecting the operation of this section, the Minister may grant to a person special permission to remain in Barbados on such terms and conditions as the Minister thinks fit.

(14) For the purposes of this section,

“business services seller” means an individual of a EU Member State or the UK, who is a representative of a service supplier of that EU member state or the UK seeking temporary entry into Barbados for the purpose of negotiating the sale of services or entering into agreements to sell services for that service supplier, except that such a person does not engage in making direct sales to the general public and does not receive remuneration from a source located within Barbados;

“business visitor” means an individual of a EU Member State or the UK, working in a senior position who is responsible for setting up a commercial presence;

“contractual services supplier” means an individual or a body corporate of a EU Member State or the UK, who is employed by a company of that EU member

state or the UK which has no commercial presence in Barbados and which has concluded a *bona fide* contract, other than through an employment agency, to supply services with a final consumer in Barbados requiring the presence on a temporary basis of its employees in Barbados in order to fulfil the contract to provide services;

“EU Member State” means a Member State of the European Union referred to in the *Third Schedule* that is a signatory to the Economic Partnership Agreement signed at Bridgetown, Barbados on 15<sup>th</sup> October, 2008;

“graduate trainee” means an individual of a EU Member State or the UK who

- (a) has been employed by a company of that EU Member State or the UK for at least one year;
- (b) possesses a university degree; and
- (c) is temporarily transferred to a commercial presence or to the parent company of the company located in Barbados for career development purposes or to obtain training in business techniques or methods;

“intra-corporate transferee” means an individual from a EU Member State or the UK who

- (a) is a manager or a specialist;
- (b) has been employed by a company or has been a partner in the company for at least one year; and
- (c) is temporarily transferred to a commercial presence in Barbados;

“key personnel” means

- (a) individuals employed within a company of a EU Member State or the UK, other than a nonprofit organization and who are responsible for the setting up or for the proper control, administration and operation of a commercial presence; and
- (b) business visitors and intra-corporate transferees;

“service provider” includes a business services seller, a business visitor, a contractual services supplier, a graduate trainee, an intra-corporate transferee and key personnel who are individuals representing a company incorporated or registered in Barbados; and

“UK” means the United Kingdom of Great Britain and Northern Ireland.

**Reside or reside and work**

5. The Minister may, on application made to the Minister in the prescribed form, grant to any person, a permit in such form as the Minister may approve,

- (a) to reside; or
- (b) to reside and work

in Barbados for such period and subject to such conditions as the Minister determines.

**Acquisition of status of permanent resident**

6.(1) Subject to this Act, **the following persons may, upon application to the Minister in the prescribed form, and on payment of the prescribed fee be registered as permanent residents of Barbados**

- (a) **the spouse of a citizen of Barbados; and**
- (b) **a retired person and his dependants if they have sufficient financial resources to maintain themselves.**

(2) A citizen of Barbados who has renounced his citizenship of Barbados is entitled upon application to the Minister to be registered as a permanent resident.

(3) A person who is a permanent resident of Barbados residing in Barbados may make an application to the Minister in the prescribed form on behalf of a minor child or dependant who is under a disability to be registered as a permanent resident.

(4) A person who is a direct descendant of a citizen of Barbados is entitled upon application to the Minister in the prescribed form to be registered as a permanent resident.

(5) A person who is an immigrant within the meaning of the former Act on the day immediately preceding the commencement of this Act shall, upon the commencement of this Act, be entitled to be registered as a permanent resident upon satisfying the Minister that he has been an immigrant.

**Additional grounds for acquisition of status of permanent resident**

7.(1) Subject to this Act, a person who

- (a) by reason of age, Barbadian descent, education, skill, experience and financial resources; or
- (b) has served
  - (i) **in Barbados as a member of staff of a diplomatic mission; or**
  - (ii) **in any country as a member of staff of an international organisation.**
- (c) not being a national of Barbados, has served in an embassy, consulate or other diplomatic mission as an employee of the Government of Barbados for period of at least 5 years,

and who is awarded at least 10 points, as set out in the second column of the *Fourth Schedule* in respect of the criteria set out in the first column may, upon application to the Minister in the prescribed form, and on payment of the prescribed fee be registered as a permanent resident.

(2) Where a person referred to in subsection (1) is awarded points which exceed 10 and is accompanied by a dependant who is over the age of 18 years, the excess may be awarded to the dependant if the dependant is eligible for an award of less than 10 points.

(3) For the purposes of this section, the Minister may make regulations respecting the method by which points are to be awarded.

(4) Regulations made pursuant to subsection (3) shall be subject to negative resolution.

(5) **Notwithstanding anything in section 6 or this section, the Minister may in the interest of national security refuse to grant the status of permanent resident to an applicant.**

#### **Loss of status of permanent resident**

8.(1) Where the Minister is satisfied that a person has engaged in activities detrimental to the security of Barbados, the Minister may revoke the status of permanent resident granted to that person.

(2) The Minister may revoke the status of permanent resident granted to a person where that person has been convicted on indictment of an offence and sentenced to a period of imprisonment exceeding 3 years.

(3) The Minister may make a deportation order against any person who has lost the status of permanent resident under this section.

#### **Prohibited persons**

9.(1) Subject to subsection (2), entry into Barbados of the persons described in the *Fifth Schedule*, other than citizens and permanent residents, is prohibited.

(2) The Minister or a person designated by the Minister may, in writing or through a person designated by the Minister, exempt from the operation of subsection (1)

(a) a person described in paragraph 1 or 2 of the *Fifth Schedule* whose entry into Barbados to seek treatment and care at a hospital or other place or institution for that treatment and care is approved by the Minister responsible for Health;

(b) a person described in paragraph 1 or 5(a) of the *Fifth Schedule* if the Minister is satisfied that that person is a member of a family already lawfully in Barbados and another member of that family provides

security satisfactory to the Minister against that person becoming a charge on public funds;

- (c) a person described in paragraph 4 of the *Fifth Schedule*;
- (d) a person described in paragraph 7 of the *Fifth Schedule* in respect of whom the Minister is satisfied that
  - (i) the person has ceased to be a member of or associated with an organization, group or body so described; and
  - (ii) the entry of that person would not be detrimental to the security of Barbados; or
- (e) a person in lawful custody passing through Barbados in transit to another country.

(3) An exemption under subsection (2) may be granted subject to such conditions as the Minister thinks fit, and, if the person to whom the exemption relates fails to comply with or contravenes any such condition, the Minister may make a deportation order against the person.

### **Entry without passport**

**10.** A person shall not be permitted to enter Barbados without a passport unless he explains why he has no passport and establishes his identity and national status to the satisfaction of an immigration officer.

### **Entry into Barbados only at port of entry**

- 11.(1)** No person may enter Barbados by sea or air except at a port of entry.
- (2) No person arriving in Barbados by sea or air may disembark without the consent of an immigration officer.
- (3) The master of a vessel in which a person arrives in Barbados shall not allow that person to disembark without the consent of an immigration officer.
- (4) A person who contravenes subsection (1), (2) or (3) is guilty of an offence under this Act.

(5) Notwithstanding any enactment to the contrary, an information for an offence under this section may be laid at any time.

### **Duty of person entering Barbados**

**12.(1)** A person who arrives in, seeks to enter or enters Barbados shall appear before an immigration officer at a port of entry for the purpose of being examined as to whether or not that person may be permitted to enter Barbados.

(2) Notwithstanding subsection (1), and subject to such regulations as may be prescribed, a person who

- (a) is *en route* to Barbados, may complete the online Embarkation and Disembarkation Form; or
- (b) arrives in Barbados, seeks to enter or enters Barbados, may proceed to an automated passport control kiosk

prior to appearing before an immigration officer to be examined.

(3) A person mentioned in subsections (1) and (2) shall, upon examination by an immigration officer, truthfully answer all proper questions put by that officer, and, if so required by that officer, shall

- (a) make and sign a declaration stating whether or not the person is carrying or has control of any documents of any description specified by that officer which, in the opinion of that officer, are relevant for the purposes of the examination;
- (b) produce to that officer any documents specified under paragraph (a) which are in the person's possession or control;
- (c) produce to that officer an entry receipt where that person proceeded to an automated passport control kiosk prior to appearing before an officer;
- (d) submit any baggage belonging to the person or in the person's possession or control to be searched by that officer or any person acting under the authority of that officer for the purpose of ascertaining

whether the person is carrying or has control of any documents specified under paragraph (a); and

(e) submit to be medically examined by a registered medical practitioner.

(4) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to a term of imprisonment for 5 years or to both.

(5) A person other than a citizen, a national of a Member State, or, subject to section 10, a permanent resident, who

(a) refuses to be examined as required by subsection (1); or

(b) fails or refuses to comply with a request made by an immigration officer under subsection (3),

shall not be permitted to enter Barbados.

(6) Where in the opinion of an immigration officer, a person cannot for any reason be properly examined under subsection (1) or subsection (3)(d), that officer may detain that person until that person can be properly examined.

(7) A person detained under subsection (6) may be so detained on the vessel on which the person arrived in Barbados or may be removed to and detained in any place in Barbados approved by the Minister for the purpose.

(8) A removal under subsection (7) of a person from the vessel on which the person arrived in Barbados shall not constitute entry into Barbados by that person, and shall not exempt the owners of the vessel from the application of section 21.

(9) A person who is permitted to enter Barbados may be allowed to remain in Barbados for the period specified

(a) in the case of a national of a Member State, for a period not exceeding 6 months; and

(b) in the case of any other person not being a national of a Member State, for a period not exceeding 3 months.

**Duty of master of vessel**

**13.** The master of a vessel arriving in Barbados shall, if so required by an immigration officer, truthfully answer all proper questions put to him by that officer relating to the passengers and members of the crew of the vessel for the purposes of this Act.

**Duty to provide advance passenger information**

**14.(1)** This section applies to a vessel that

- (a) is expected to arrive in Barbados; or
- (b) has left or is expected to leave Barbados.

(2) The master of a vessel to which this section applies shall, at such times as is stated in subsections (3) and (4), provide the Chief Immigration Officer and the Chief Operations Officer of the JRCC

- (a) with the advance passenger information data set out in the *Sixth Schedule* in respect of each person on board the vessel including every member of the crew who is arriving in and departing Barbados; and
- (b) with such other information as may be prescribed,

in an electronic format or in a form approved by the Chief Immigration Officer and the Chief Operations Officer respectively.

(3) Where a vessel is expected to arrive in Barbados, the data referred to in subsection (2) shall be provided, in the case of

- (a) a commercial aircraft, no later than 40 minutes prior to the departure from the last port of call;
- (b) a private aircraft, no later than 40 minutes prior to the departure from the last port of call;
- (c) a ship arriving from outside the domestic space, no later than 24 hours prior to arrival; and

- (d) a ship arriving from a destination within the domestic space, no later than one hour prior to the arrival of the ship from the last port of call.
- (4) Where a vessel has left or is expected to leave Barbados, the data referred to in subsection (2)(a) shall be provided no later than 40 minutes prior to the departure from Barbados.
- (5) Where a master of a vessel intentionally or recklessly
  - (a) fails to transmit the data in accordance with subsection (2), (3) or (4); or
  - (b) transmits incomplete or false data,the master of the vessel is guilty of an offence and is liable on conviction on indictment to a fine of \$200 000 or to imprisonment for a term of 5 years or to both.
- (6) The Minister may by order
  - (a) waive any of the requirements of subsection (2);
  - (b) waive or modify any of the data referred to in the *Sixth Schedule*; or
  - (c) waive or modify any of the requirements of subsection (3) or (4) with regard to the time required for the submission of data.
- (7) An order made under subsection (6) is subject to negative resolution.

**JRCC to share advance passenger information with intelligence agencies**

**15.** Where advance passenger information is provided to the Chief Operations Officer of the JRCC pursuant to section 14, the Chief Operations Officer shall share that information with intelligence agencies.

**Use of advance passenger information by JRCC**

**16.(1)** Where the Chief Operations Officer of the JRCC receives advance passenger information pursuant to section 14, the JRCC shall use the advance

passenger information to conduct screening of persons who are on board a vessel, which enters, departs from or travels within the domestic space.

(2) The JRCC shall use the advance passenger information referred to in subsection (1) to conduct screening of persons against a watch list for the purposes of assisting participating countries or intelligence agencies in the furtherance of national, regional and international security.

(3) Where the JRCC conducts screening of persons pursuant to subsection (2) and as a result of the screening suspects that a person on board a vessel is

- (a) a criminal;
- (b) a criminal deportee;
- (c) involved in a criminal activity; or
- (d) a person of interest to an intelligence agency,

the JRCC shall share the information with law enforcement agencies of participating countries and with intelligence agencies.

(4) For the purpose of this section “participating country” means a country which enters into an agreement with the JRCC to share advance passenger information.

### **Special provisions as to seamen**

**17.(1)** A member of the crew of a vessel, other than a citizen or permanent resident, shall not be discharged therefrom in Barbados without the consent of an immigration officer.

(2) An immigration officer may not give consent under subsection (1) to the discharge in Barbados of a member of the crew of a vessel unless the owner, master or agent of the vessel has made arrangements to the satisfaction of that officer for ensuring that that member of the crew will not become a charge on public funds.

### **Charging of crew, stowaway or extra hand**

**18.** Where a member of the crew of a vessel, a stowaway or an extra hand, other than a citizen or permanent resident, is charged before a magistrate with an offence committed prior to the arrival in Barbados of the vessel or while the vessel is in Barbados, the magistrate

- (a) may, if the magistrate convicts the person, in awarding punishment, order that on the expiration of the sentence or on the sooner readiness of the vessel to proceed from Barbados, the person shall be taken into custody aboard the vessel for removal from Barbados;
- (b) shall, if the magistrate discharges the person, in the order of discharge, order that person to be immediately taken back to the vessel.

## PART III

### *Work permits*

#### **Work permits**

**19.(1)** A person other than a citizen, permanent resident or national of a Member State to whom

- (a) the right of establishment referred to in Articles 32, 33 and paragraph (c) of Article 34 of the Treaty applies;
- (b) the provision of services referred to in Articles 37 and 38 of the Treaty applies; and
- (c) the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A applies,

may not engage in any occupation in Barbados or accept employment without having first obtained a written permit for the purpose granted by the Minister.

(2) A person may not engage or employ another person who is not a citizen, permanent resident or national of a Member State to whom

- (a) the right of establishment referred to in Articles 32, 33 and paragraph (c) of Article 34 of the Treaty applies;
- (b) the provision of services referred to in Articles 37 and 38 of the Treaty applies; and
- (c) the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A applies,

unless there is a work permit in force in relation to that other person for the purpose of that engagement or employment.

(3) A work permit shall be in such form and may be granted subject to such conditions as the Minister thinks fit.

(4) Any person who

- (a) contravenes subsection (1) or (2); or
- (b) being the holder of a work permit, contravenes or fails to comply with any condition subject to which that permit was granted

is guilty of an offence.

(5) The Minister may at any time

- (a) modify or cancel any condition specified in a work permit; or
- (b) revoke a work permit.

#### **Application for work permits**

**20.(1)** An application for a work permit shall be made in such form and in such manner as may be prescribed.

(2) There shall be paid in respect of the application, grant and renewal of a work permit such fees as may be prescribed.

(3) Regulations under this section may specify the level of fees in respect of different categories of employment and in respect of different categories of persons.

#### PART IV

##### *Removal of persons not permitted to enter Barbados, deportation and detention*

##### **Persons not permitted to enter Barbados**

**21.(1)** Where a person who seeks to enter Barbados is not permitted to do so, an immigration officer may give directions

- (a) to the master of the vessel on which the person arrived in Barbados requiring the master to remove the person from Barbados in that vessel;
- (b) to the owner, or agents in Barbados of that vessel, requiring them to remove the person from Barbados in any vessel of which they are owners or agents; or
- (c) to the owners or agents of that vessel, requiring them to arrange for the person's removal from Barbados in any vessel bound for a country specified in the directions, being a country
  - (i) of which the person is a citizen;
  - (ii) in which the person obtained a passport or other document of identity;
  - (iii) in which the person embarked for Barbados; or
  - (iv) which there are reasonable grounds for believing that the person will be permitted to enter,

and for securing the person a passage to that country.

(2) Where a person who is not permitted to enter Barbados appeals against the decision of the immigration officer, the liability of the owners or agents of

the vessel in which the person arrived in Barbados or the person's removal from Barbados is not affected by the appeal.

(3) Nothing in subsection (1) affects the liability of a person who is not permitted to enter Barbados to pay to the owner or agents of the vessel in which the person arrived in Barbados the cost of the person's passage from Barbados.

(4) Where it appears to the Minister that in the circumstances of any particular case it is not practicable for directions to be given under subsection (1) in respect of any person who is not permitted to enter Barbados, or that directions so given would be ineffective, the Minister or any person acting under the Minister's authority may give to the owner or agent of any vessel, any directions an immigration officer is empowered to give to the owner or agents of the vessel in which the person arrived in Barbados; but, in any such case, the costs of complying with the directions shall be defrayed out of moneys provided for the purpose by Parliament.

(5) A person who fails or refuses to comply with directions given under subsection (1) or (4) is guilty of an offence under this Act.

(6) Any person in respect of whom directions are given under this section may be placed under the authority of an immigration officer on board any vessel in which the person is to be removed from Barbados in accordance with the directions.

### **Deportation orders**

**22.(1)** A deportation order in the prescribed form or a copy thereof shall be served on the person against whom it is made and on such other persons as may be prescribed.

(2) Unless otherwise provided in this Act, a deportation order shall be executed as soon as practicable.

(3) A deportation order does not become invalid on the ground of any lapse of time between its making and execution, and remains valid after execution unless cancelled by the Minister.

(4) A person who commits an offence under this Act or the regulations may, notwithstanding the fact that a deportation order has been made against that person, be prosecuted and required to undergo any punishment imposed in respect of that offence before the person is deported.

(5) A deportation order may not be executed where the person against whom it is made

(a) is at the time of its making an inmate of a prison; or

(b) becomes such an inmate before its execution,

until that person ceases to be liable to be detained therein.

(6) A person against whom a deportation order is made, in this Act referred to as “a deportee”, shall leave Barbados in accordance with the terms of the order and shall thereafter, so long as the order is in force, remain outside Barbados.

(7) A person who re-enters Barbados in contravention of a deportation order may again be deported under that order.

(8) A person who contravenes or fails to comply with subsection (6) or (7) is guilty of an offence under this Act.

(9) A person who, having been removed or otherwise lawfully sent out of Barbados, enters or resides in Barbados without the permission in writing of the Minister is guilty of an offence under this Act, and, in addition to any other penalty provided by this Act, is liable to be again removed from Barbados.

(10) Unless otherwise directed by the Minister, a deportee may be requested or allowed to leave Barbados voluntarily if the deportee complies with the conditions governing his voluntary departure.

(11) The Minister may delegate to the Chief Immigration Officer the power conferred on the Minister by this Act to make a deportation order.

**Revocation of deportation order**

23.(1) Notwithstanding any other provision of this Act, a deportee may within 24 hours after he is served with the order, make application in writing to the Minister for revocation of the order and the Minister shall act in accordance with the provisions of section 35.

(2) Where a deportee makes an application referred to in subsection (1), the deportee shall pay a fee of \$3 000 which is not refundable.

(3) The Committee shall, within 72 hours after receipt of the application referred in subsection (1), by notice in writing, inform the deportee of its decision.

(4) Where the Committee denies the application referred to in subsection (1), the deportee shall be removed from Barbados as soon as practicable.

**Effect of revocation of permission to remain in Barbados**

24. A person

- (a) whose permission to remain in Barbados has been revoked; or
- (b) who has been served with a deportation order,

whether the person leaves Barbados voluntarily or is removed from Barbados, shall remain out of Barbados for a period of at least 5 years or such shorter period as the Minister may in the Minister's discretion determine.

**Detention**

25.(1) A person who is refused permission to enter Barbados may be detained in custody by an immigration officer, a member of the Police Service or such other person as may be designated by the Chief Immigration Officer, in such place as the Minister approves, until the person is removed from Barbados in accordance with directions given under section 22.

(2) Where a deportation order is made against a person, the Minister may order that person to be detained in custody in such place as the Minister directs

and for such period as may be necessary for the purpose of making arrangements for the person's removal from Barbados.

(3) Where a person is detained under this section, an immigration officer, a member of the Police Service, prison officer or any other person authorized by the Minister may take such steps as may reasonably be necessary for photographing, measuring or otherwise identifying the person.

(4) A person who is detained pursuant to the sentence or order of a court and would otherwise be liable to be detained under this section may be taken into custody by a member of the Police Service, an immigration officer or a prison officer to or from any place where the person's attendance is required for the purpose of ascertaining the person's citizenship or of making arrangements for the person's removal from Barbados.

(5) A person who is ordered or authorized to be detained under this section may be arrested without warrant by an immigration officer or a member of the Police Service.

#### **Recovery of costs of deportation**

**26.(1)** Where a magistrate is satisfied by information in writing made on oath

(a) that expenses have been or will be incurred by or on behalf of the State in connection with the maintenance, medical treatment or removal from Barbados of a person against whom a deportation order is made; and

(b) as to the amount or estimated amount of those expenses,

the magistrate may issue a warrant for the levy of that amount or estimated amount by distress or sale of any moveable property of that person, and for the purposes of the recovery of that amount or estimated amount may order forfeiture of any moneys in the possession of that person.

(2) A warrant issued under subsection (1) may be executed in the same manner as a writ of execution issued under the *Magistrate's Court Act*,

Cap. 116A, for the levy of a sum of money adjudged to be payable by order of a magistrate's court.

(3) The partial recovery of expenses under subsection (1) does not prejudice the liability of any surety for the balance, nor is the issue or execution of a warrant or the forfeiture of moneys under that subsection a condition precedent to the liability of any surety or to the enforcement of that liability.

## PART V

### *Administration*

#### **Responsibility for general management of department**

**27.(1)** The Chief Immigration Officer shall be responsible for the general management and administration of the Immigration Department, and all other immigration officers shall perform such functions as are assigned to them by the Chief Immigration Officer.

(2) For the purpose of discharging functions under this Act, an immigration officer may, with the assistance of such persons as the immigration officer thinks fit

- (a) without a search warrant, enter upon and search any vessel in Barbados;
- (b) question any person who seeks to enter or leave Barbados or any person who the immigration officer believes is a prohibited person within the meaning of section 9;
- (c) without warrant, arrest any person whom the immigration officer has reasonable grounds for believing has committed an offence under this Act or the regulations; and
- (d) on the authority of a warrant, enter and search any place in Barbados if the immigration officer has reasonable ground for believing that there is in any such place any person who has contravened this Act or any

other enactment or any person against whom a deportation order has been made.

(3) Subsections (1) and (2) of section 84 of the *Magistrate's Courts Act*, Cap. 116A apply to paragraph (d) of subsection (4) with such adaptations and modifications as circumstances require.

### **Permits**

**28.(1)** A permit granted under this Act shall be in the form approved by the Minister and shall contain such particulars and marks, including photographs and fingerprints, as may be necessary for the purpose of identifying the person to whom it relates.

(2) The Minister may direct that a permit granted under this Act be endorsed on the passport or other document establishing the identity and national status of the person to whom it relates, or in such other manner as the Minister thinks fit.

### **Evidence of administrative matters**

**29.(1)** Notwithstanding any enactment or other law to the contrary, any matter relating to the administration of this Act and the regulations, including

- (a) any matter relating to the records in the possession of an immigration officer;
- (b) the delivery or non-delivery or the receipt or non-receipt of any document;
- (c) the failure to do any act or the doing of any act; or
- (d) the date or time for the doing of any act remaining undone,

may be proved by the affidavit of an immigration officer setting out that the officer has examined the records maintained by or under the authority of the Chief Immigration Officer or the Minister and what those records indicate with respect to the matter.

- (2) An affidavit under subsection (1) shall be *prima facie* evidence of
- (a) the facts set out therein; and
  - (b) the fact that the records referred to therein show correctly when and whether an act was or was not done,

and it is not necessary for its admissibility in evidence to prove the signature or status of the person making it or the official character of the person before whom it is sworn.

### **Production of permits**

**30.(1)** A person to whom a permit is issued or granted under this Act shall produce that permit to an immigration officer or member of the Police Service on demand, or within 3 days after such demand, at such place as is specified by that officer or member.

- (2) A person who without reasonable excuse fails or refuses to comply with subsection (1) is guilty of an offence.

### **Delegation**

**31.** The Minister may, by instrument in writing, delegate any power conferred by this Act (except the power to make regulations) to the Chief Immigration Officer but such a delegation does not prevent the Minister from exercising the power.

## PART VI

*Miscellaneous***Offences**

- 32.** A person who
- (a) being a person seeking to enter or entering Barbados
    - (i) wilfully gives an untrue answer to any question referred to in section 12(3); or
    - (ii) wilfully makes a false statement in a declaration referred to in paragraph (a) of section 12(3);
  - (b) being the master of a vessel arriving in or departing Barbados discharges, causes or permits anyone to be discharged therefrom in contravention of section 17(1);
  - (c) assaults, resists, obstructs or hinders or uses any threatening, insulting, indecent or abusive language to an immigration officer, a member of the Police Service or any person acting under the authority of this Act, in the execution of the person's duty under this Act or the regulations;
  - (d) without lawful excuse knowingly harbours or conceals
    - (i) any other person who is in Barbados in contravention of this Act; or
    - (ii) any other person who, having entered Barbados under the authority of a permit issued under section 4(5) or section 5, has contravened or failed to comply with any condition to which the permit is subject;
  - (e) being a person lawfully detained under this Act, escapes or attempts to escape from such detention;

- (f) knowingly aids, assists or procures a person who has not been permitted to enter Barbados or against whom a deportation order is in force to enter Barbados; or
- (g) with the intention of entering, remaining in or departing from Barbados or of assisting any other person to enter, remain in or depart from Barbados
  - (i) fabricates or falsifies any passport, permit or other document;
  - (ii) uses, utters or possesses, or attempts to use or utter or possess,
    - (A) any passport, permit or other document which has not been lawfully issued or which the person is not entitled to use, utter or possess; or
    - (B) any fabricated or falsified passport, permit or other document knowing the same to be fabricated or falsified,

is guilty of an offence.

### **Offences re smuggling of persons**

**33.(1)** A person is guilty of the offence of smuggling of persons who with intent to obtain directly or indirectly a financial or other material benefit

- (a) engages in conduct preliminary to or takes part in the smuggling of persons by sea or air without complying with the requirements for legal entry into Barbados;
- (b) while engaging in conduct referred to in paragraph (a),
  - (i) produces a fraudulent travel or identity document; or
  - (ii) procures, provides or possesses a fraudulent travel or identity document; or
- (c) arranges for a person who is not a national or permanent resident of Barbados to enter or remain in Barbados without having that person

comply with the legal requirements for entering or remaining in Barbados.

- (2) A person is guilty of smuggling of persons with aggravation where in committing the offence, the person
- (a) endangers the lives of the persons concerned; or
  - (b) engages in inhumane or degrading treatment.
- (3) Where in proceedings brought under subsection (1), evidence is found that a vessel is engaged in the smuggling of migrants by sea, the vessel may be seized and forfeited.
- (4) In this section “fraudulent travel or identity document” means any travel or identity document that
- (a) has been falsely made or altered in some material way by a person other than a person lawfully authorized to make or issue the travel or identity document;
  - (b) has been improperly issued or obtained through misrepresentation or in any other unlawful manner; or
  - (c) is being used by a person other than the rightful holder.

### **Penalty for smuggling**

- 34.(1)** A person who is convicted under section 33(1) of the offence of smuggling of persons is liable on conviction on indictment to a fine of \$1 500 000 or to imprisonment for 15 years or to both.
- (2) A person who is convicted under section 33(2) of the offence of smuggling of persons with aggravation is liable on conviction on indictment to a fine of \$2 000 000 or to imprisonment for 25 years or to both.

### **Right of appeal**

- 35.(1)** Any person aggrieved by a decision of the Chief Immigration Officer made under this Act may appeal to the Minister who shall constitute a committee

comprising the Minister, the Solicitor-General and a third person invited by the Minister to be a member of the committee to review the decision.

(2) The decision of the committee referred to in subsection (1) shall be final.

### **Forfeiture**

**36.(1)** Where a person has been convicted of the offence of smuggling of persons or smuggling of persons with aggravation, and the court is satisfied that

- (a) any property of the person convicted was used or was intended to be used or was obtained in the course of the crime; or
- (b) any benefits were gained from the proceeds of the crime,

the court shall order that the property or benefits be forfeited and accrue to the Criminal Assets Recovery Fund.

(2) For the purposes of subsection (1)

- (a) “Criminal Assets Recovery Fund” means the fund established under section 14 of the *Transnational Organized Crime (Prevention and Control) Act, 2011* (Act 2011-3) and continued under section 3 of the *Criminal Assets Recovery Fund Act, 2016* (Act 2016-10);
- (b) “property” includes money, valuables and other movable and immovable property.

(3) The forfeiture of property referred to in subsection (1) applies to the property of persons convicted of the smuggling of persons or the smuggling of persons with aggravation, whether or not the property is located in Barbados.

### **General penalties**

**37.(1)** A person who is guilty of an offence under this Act for which no other penalty is provided is liable on summary conviction to a fine of \$20 000 or to imprisonment for a term of 6 months or to both.

(2) Where subsidiary legislation made under this Act creates an offence, the subsidiary legislation may provide for such offence to be tried summarily and the subsidiary legislation may prescribe a fine not exceeding \$20 000 or imprisonment for a term of 6 months or both.

### **Regulations**

**38.(1)** The Minister may make regulations

- (a) prescribing the circumstances in which a vessel is to be deemed to be arriving in or departing Barbados;
- (b) designating places in Barbados as ports of entry for the examination by immigration officers of persons seeking to enter or entering Barbados;
- (c) requiring persons disembarking or embarking in Barbados to produce to an immigration officer, if so required, embarkation and disembarkation forms in such form as the Minister directs and requiring the owners or agents of vessels to supply those forms to such persons;
- (d) prescribing the operation of automated passport control kiosks;
- (e) prescribing the use online of the embarkation and disembarkation form;
- (f) prescribing the functions of immigration officers;
- (g) prescribing an employer's responsibilities in relation to the repatriation of an employee who is the holder of a work permit;
- (h) prescribing the time, place and manner of examining persons found in Barbados and who are suspected of being in Barbados contrary to this Act;
- (i) prescribing the means to be taken for identifying persons suspected of being in Barbados contrary to this Act;
- (j) prescribing anything that is by this Act authorized or required to be prescribed;

- (k) prescribing the fees to be paid in respect of
    - (i) the making or granting of any application under this Act or the regulations;
    - (ii) the issue of any permit, certificate or other document approved, made or prescribed by or under this Act or the regulations;
  - (l) generally for carrying out the objects and purposes of this Act; and
  - (m) prescribing the conditions of entry into Barbados of persons generally.
- (2) Regulations made under paragraph (k) of subsection (1) may contain such provisions as the Minister considers necessary or expedient for giving effect thereto, including such qualifications, exceptions and conditions as he thinks fit.
- (3) All regulations made under subsection (1) shall be subject to negative resolution.

#### **Savings and transitional**

- 39.(1)** The Regulations made under the former Act shall be deemed to have been made under this Act, and shall apply with such adaptations and modifications as circumstances require for the purpose of giving effect to this Act.
- (2) The Regulations referred to in subsection (1) shall remain in force until revoked by regulations made under this Act.
- (3) Any application for the grant of status of immigrant or permanent resident begun under the former Act, but not completed before the commencement of this Act shall be deemed to be an application for the grant of status of permanent resident under this Act and shall be dealt with accordingly.

#### **Repeal of Cap. 190**

- 40.** The *Immigration Act, 1975* (Act 1975-20), referred to in this Act as the former Act, is repealed.

**Commencement**

**41.** This Act shall come into operation on a date to be fixed by Proclamation.

**FIRST SCHEDULE**

*(Section 2)*

*Domestic Space*

1. Anguilla
2. Antigua and Barbuda
3. Bahamas
4. Barbados
5. Belize
6. Bermuda
7. British Virgin Islands
8. Cayman Islands
9. Dominica
10. Grenada
11. Guyana
12. Haiti
13. Jamaica
14. Montserrat
15. St. Kitts and Nevis
16. St. Lucia
17. St. Vincent and the Grenadines
18. Suriname
19. Trinidad and Tobago
20. Turks and Caicos Islands

**SECOND SCHEDULE**

*(Section 4(1) and (5))*

*Permitted Entrants*

PART I

*Permission to enter for a period not exceeding 5 years*

1. Persons who are duly accredited
  - (a) diplomatic or consular officers of a country other than Barbados; or
  - (b) representatives or officials of
    - (i) the United Nations or any of its agencies or subagencies, or
    - (ii) any governmental organization in which Barbados participates, entering Barbados to carry out official duties or in transit, and members of the suites or families of such persons.
2. Persons entering Barbados to attend as students at
  - (a) an educational or training institution approved by the Minister for the purposes of this Act; or
  - (b) a university or college authorized by law to confer degrees or to offer training in holy orders.
3. Persons entering Barbados for the purposes of employment, trade or business.
4. Persons entering Barbados for other purposes approved by the Minister.

PART II

*Permission to enter for a period not exceeding 6 months*

1. Passengers in transit through Barbados.
2. Visitors.

3. Persons entering Barbados for medical treatment.
4. Members of crews of vessels entering Barbados for shore leave or some other legitimate and temporary purpose.
5. Persons entering Barbados for the purpose of engaging in sport or in dramatic or other cultural activities.

**THIRD SCHEDULE**

*(Section 4(14))*

*EU Member States*

1. The Republic of Austria
2. The Kingdom of Belgium
3. The Republic of Bulgaria
4. The Republic of Croatia
5. The Republic of Cyprus
6. The Czech Republic
7. The Kingdom of Denmark
8. The Republic of Estonia
9. The Republic of Finland
10. The French Republic
11. The Federal Republic of Germany
12. The Hellenic Republic
13. The Republic of Hungary
14. Ireland
15. The Italian Republic

16. The Republic of Latvia
17. The Grand Duchy of Luxemburg
18. Malta
19. The Kingdom of the Netherlands
20. The Republic of Poland
21. The Portuguese Republic
22. Romania
23. The Slovak Republic
24. The Republic of Slovenia
25. The Kingdom of Spain
26. The Kingdom of Sweden

**FOURTH SCHEDULE***Section 7(1) and (2)**Maximum Points to be Awarded*

<b>Criteria</b>	<b>Points</b>
<b>1. Age</b>	
(a) 18 to 30	5
(b) 31 to 50	4
(c) over 50	3
<b>2. Barbadian descent</b>	
(a) Great-great grandchild	4
(b) Other	3
<b>3. Education/Skill/Experience</b>	up to 5
<b>4. Service: diplomatic mission/international organization</b>	
(a) member of staff of diplomatic mission	10
(b) member of staff of an international organisation	10
(c) employee of Government of Barbados in diplomatic mission abroad	10

*Fourth Schedule - (Concl'd)*

	<b>Criteria</b>	<b>Points</b>
<b>5.</b>	<i>Financial resources</i>	
	(a) Real property in Barbados:	
	(i) valued between \$500 000 and \$5 million	3
	(ii) valued over \$5 million	5
	(b) Other assets in Barbados:	
	(i) valued between \$100 000 and \$500 000	2
	(ii) valued between \$500 001 and \$5 million	3
	(iii) valued over \$5 million	5

**FIFTH SCHEDULE**

*(Section 9(1) and (2))*

*Prohibited Persons*

1. Persons who are likely to become charges on public funds.
2. Persons who are suffering from communicable diseases within the meaning of any regulations relating to such diseases made under the *Health Services Act*, Cap. 44.
3. Persons
  - (a) whose conduct offends public morality; or
  - (b) who groom or sexually assault minors.
4. Persons who
  - (a) are or have been at any time engaged or reasonably suspected of being likely to engage in the unlawful
    - (i) offering or exposing for sale any dangerous or narcotic drugs; or
    - (ii) trading or trafficking in any dangerous or narcotic drugs; or
  - (b) have been convicted of intent to supply any dangerous or narcotic drug or any offence referred to in subparagraph (a).
5. Persons who
  - (a) have been convicted of or admit to having committed a criminal offence, which, if committed in Barbados, is punishable with imprisonment for a term of 5 years or longer;
  - (b) knowingly or for profit or aid, encourage or procure other persons who are not citizens of Barbados to enter Barbados illegally;

- (c) are stowaways or seek to enter Barbados illegally.
- 6. Persons who are or have been at any time advocates of
  - (a) the overthrow by force or violence of the Government of Barbados or any other country or of all forms or law;
  - (b) the abolition of organized government;
  - (c) the assassination of any person or the unlawful destruction of property.
- 7. Persons who are or have been members of or affiliated to any organisation which entertains or teaches any doctrine or practice specified in subparagraphs (a) to (c) of paragraph 6.
- 8. Persons who have been convicted of the offence of terrorism or in respect of whom there are reasonable grounds for believing they have financed or facilitated acts of terrorism.
- 9. Persons in respect of whom there are reasonable grounds for believing that they are likely to engage in espionage, sabotage or other subversive activity directed against or detrimental to the security of Barbados.
- 10. Persons against whom deportation orders have been made.
- 11. Persons who are or have been at any time engaged or reasonably suspected of being likely to engage in the unlawful trafficking in persons.
- 12. **Persons entering Barbados at a place other than a port of entry for the purpose of avoiding detection.**

**SIXTH SCHEDULE**

*(Sections 14(2)(a), (6)(b))*

A. *Data Relating to the Voyage or Flight*

1. **Flight Identification**  
IATA airline code and flight number.
2. **Vessel Identification**  
Vessel name and voyage number.
3. **Vessel Registration**  
Vessel Registration number.
4. **Country of Registration**  
Country where vessel is registered.
5. **Agent or owner**  
Name of agent for the vessel or, where no agent, name of owner.
6. **Scheduled Departure Date**  
Date of scheduled departure of vessel (based on local time of departure from location).
7. **Scheduled Departure Time**  
Time of scheduled departure of vessel (based on local time of departure from location).
8. **Scheduled Arrival Date**  
Date of scheduled arrival of vessel (based on local time of arrival).
9. **Scheduled Arrival Time**  
Time of scheduled arrival of vessel (based on local time of arrival at location).

*Sixth Schedule - (Cont'd)*A. *Data Relating to the Voyage or Flight - (Concl'd)*10. **Last Place or Port of Call of Vessel**

Vessel departed from this last place or port of call to go to a place or port of call of a vessel's initial arrival.

11. **Place or port of Initial Arrival of Vessel**

Place or port of call in the country where the vessel arrives from the last place or port of call of the vessel.

12. **Subsequent Place or Port of Call within the Country or domestic space**13. **Number of Persons on board**

Total number of passengers and crew on board the vessel.

14. **Place or Port of forward Foreign Destination**

For departure from last port of call.

B. *Data relating to each individual person on board**Core Data Elements of the Official Travel Documents*1. **Official Travel Document Number**

Passport or other official travel document number.

2. **Issuing State or Organisation of the Official Travel Document**

Name of the state or organisation responsible for the issuance of the official travel document.

3. **Official Travel Document Type**

Indicator to identify type of official travel document.

*Sixth Schedule - (Cont'd)**B. Data relating to each individual person on board - (Concl'd)**Core Data Elements of the Official Travel Documents*

4. **Expiration Date of Official Travel Documents**  
Expiration date of official travel document.
5. **Surname and Given Name(s)**  
Family name and given name(s) of the holder as they appear on the official travel document.
6. **Nationality**  
Nationality of the holder
7. **Date of Birth**  
Date of birth of the holder
8. **Gender**  
Gender of the holder

*C. Passenger Name Record Data as Available in a Vessel's Reservation System*

1. **PNR Locator**  
PNR locator.
2. **Date of Reservation or Issue of Ticket**  
Date of reservation or issue of ticket for passenger.
3. **Date(s) of Intended Travel**  
Date(s) of intended travel for passenger.
4. **Surname and Given Name(s)**  
Family name and given name(s) of passenger.

*Sixth Schedule - (Cont'd)**C. Passenger Name Record Data as Available in a Vessel's Reservation System - (Cont'd)*

5. **Address and Contact Information**  
Address and contact information of passenger including telephone number(s) and e-mail address.
6. **Information on Form of Payment for Ticket**  
Information on form of payment for ticket of passenger including billing address.
7. **Travel Itinerary**  
Complete travel itinerary of passenger.
8. **Frequent Flyer Information**  
Frequent flyer information of passenger.
9. **Travel Agency or Travel Agent**  
Travel agency or travel agent used to reserve ticket of passenger.
10. **Travel Status of Passenger**  
Travel status of passenger including confirmations, check-in status and no show status.
11. **Split or divided PNR Information**  
Split or divided PNR information.
12. **Ticketing Information**  
Ticketing information for passenger including ticket number, date of issuance of ticket, one way tickets and automated ticket fare quotations.
13. **Seat Information**  
Seat number and any other seat information for passenger.
14. **Baggage Information**  
All baggage information for passenger.

*Sixth Schedule - (Concl'd)**C. Passenger Name Record Data as Available in a Vessel's Reservation System - (Concl'd)***15. Code Share Information**

Where applicable, code share information for passenger.

**16. Number and Names of Other Persons**

Number and name(s) of person(s) travelling with passenger.

**17. General Remarks**

General remarks including all available information on unaccompanied minors under 18 years such as the name and gender of the minor, language spoken by the minor, name and contact details of guardian on departure and relationship to the minor, name and contact details of guardian on arrival and relationship to the minor and the departure and arrival agent.

**18. Any Advance Passenger Information**

Any advance passenger information data collected for passenger.

**19. Historical Changes to the PNR**

Any historical changes to the PNR listed at 1 to 18.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2026.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2026.

**President**

## MARITIME AREAS (JURISDICTION AND RIGHTS) ACT, 2026

### **OBJECTS AND REASONS**

This Bill would provide for the establishment of maritime areas, jurisdiction, rights and related matters.



MARITIME AREAS (JURISDICTION AND RIGHTS) ACT, 2026

*Arrangement of Sections*

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Force of Law
4. Act binds the State

PART II

ADMINISTRATION

5. Ministry responsible for Maritime Affairs
6. Barbados Maritime Transport Administration
7. Ministry responsible for Foreign Affairs
8. Ministry responsible for National Security
9. Ministry responsible for Telecommunications
10. Ministry responsible for the Environment
11. Ministry responsible for Space Affairs

**12.** Maritime law enforcement officers

**13.** Powers of Ministers

**14.** Liability

### PART III

#### OCEAN GOVERNANCE

**15.** Coastal State Activities Coordination Program

**16.** Sub-program 1 requirements

**17.** Sub-program 2 requirements

**18.** Vessels entering Barbados waters

**19.** Activities in Barbados waters

**20.** Removal of marine resources from Barbados waters

**21.** Hot pursuit

### PART IV

#### MARITIME AREAS

**22.** Rights and jurisdiction

**23.** Sovereignty and territorial integrity

#### *Internal waters and territorial sea*

**24.** Internal waters

- 25. Territorial sea
- 26. Baselines of territorial sea
- 27. Jurisdiction of courts in internal waters and the territorial sea
- 28. Passage
- 29. International responsibility

*Contiguous zone*

- 30. Limits of the contiguous zone
- 31. Jurisdiction in the contiguous zone
- 32. Enforcement powers in the contiguous zone

*Exclusive economic zone*

- 33. Limits of the exclusive economic zone
- 34. Rights in, and jurisdiction over, the exclusive economic zone
- 35. Boundary lines of the exclusive economic zone
- 36. Freedom of navigation, overflight and laying of cables etc.
- 37. Application of certain enactments to EEZ
- 38. Jurisdiction of courts
- 39. Locus of offence in EEZ

*Continental shelf*

- 40. Rights and jurisdiction over the continental shelf
- 41. Limits of the inner continental shelf
- 42. Limits of the extended continental shelf
- 43. Submarine cables and pipelines
- 44. Shared maritime areas agreement
- 45. Transboundary continental shelf resources

*High seas*

- 46. Freedom of the high seas
- 47. Barbados vessels operating on the high seas
- 48. Marine environmental protection obligations on the high seas

*The Area*

- 49. Oversight
- 50. Activities in the Area

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MARITIME BOUNDARIES

*Nautical charts and geographical coordinates*

- 51. Nautical charts and geographical coordinates
- 52. Publication of charts and coordinates

*Maritime boundary delimitation*

- 53.** Delimitation of boundaries
- 54.** Restrictions on activities within the outer boundary limit
- 55.** Continental shelf boundary agreements for areas beyond 200 nautical miles
- 56.** Publication of maritime boundary agreements
- Sea level rise impacts on maritime areas and the preservation of maritime areas*
- 57.** Declarations on sea level rise
- 58.** Sea level rise and existing maritime boundaries
- 59.** Sea level rise and future maritime boundaries
- 60.** Maritime boundary framework
- 61.** Preservation of Barbados' maritime areas
- 62.** Submerged areas
- 63.** Deterritorialization
- 64.** Resettlement and climate-induced migration planning

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## BIODIVERSITY IN AREAS BEYOND NATIONAL JURISDICTION

- 65.** Application of the Agreement
- 66.** Administration

- 67.** BBNJ Inspectorate
- 68.** BBNJ Inspectors
- 69.** Barbados Marine Biodiversity in Areas Beyond National Jurisdiction Program
- 70.** Marine Biodiversity in Areas Beyond National Jurisdiction Plan
- 71.** The Program and Plan
- 72.** Notifications and inspections
- 73.** Notices, guidelines and directives
- 74.** Marine biodiversity in areas beyond national jurisdiction investment schemes
- 75.** Particulars of investment scheme
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- 78.** Logistics and supply chain management
- 79.** Vessels engaged in marine biodiversity activities in areas beyond national jurisdiction
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SPACE-RELATED OCEAN ACTIVITIES

- 82. Application of Part VII
- 83. Treaty on Principles Governing Activities of States in Outer Space, 1967
- 84. Barbados Space-related Ocean Program
- 85. Administration of the Program
- 86. Registration of spacecraft, space objects, satellite stations and other facilities
- 87. Requirements for space exploration and research
- 88. Terms, conditions, restrictions
- 89. Waste management

PART VIII

MISCELLANEOUS

- 90. Publication or disclosure of information
- 91. Confidentiality
- 92. Administrative penalties
- 93. General penalty
- 94. Environmental clean-up and restoration
- 95. Barbados Port Inc.

- 96.** Orders in the interest of peace, good order or security of Barbados
- 97.** Marine environmental risks
- 98.** Transfer of functions
- 99.** Regulations by Minister responsible for Foreign Affairs
- 100.** Regulations by Minister responsible for Maritime Affairs
- 101.** Regulations by Minister responsible for Shipping
- 102.** Regulations by Minister responsible for National Security
- 103.** Regulations by Minister responsible for Telecommunications
- 104.** Regulations by Minister responsible for the Environment
- 105.** Regulations by Minister responsible for Space Affairs
- 106.** Repeal

## **BARBADOS**

A Bill entitled

An Act to provide for the establishment of maritime areas, jurisdiction, rights and related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Maritime Areas (Jurisdiction and Rights) Act, 2026*.

**Interpretation**

2. In this Act,

“Administration” has the meaning assigned to it in section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“Area” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“artificial island” or “offshore island”

(a) means an island that has not formed naturally; and

(b) includes a floating or fixed man-made structure in the territorial sea, exclusive economic zone or on the continental shelf of Barbados that is surrounded by water, is above water at high tide and does not generate any maritime zones of its own;

“Authority” means the Ministry responsible for Maritime Affairs;

“Barbados Ocean Minerals Secretariat” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“Barbados Port Inc.” has the meaning assigned to it under section 2 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13);

“Barbados structure” means a structure registered in Barbados;

“Barbados vessel”

- (a) means a vessel registered in Barbados; and
- (b) includes a submarine and other submersible vessel;

“Barbados waters”

- (a) mean
  - (i) the internal waters;
  - (ii) territorial sea;
  - (iii) contiguous zone;
  - (iv) exclusive economic zone; and
  - (v) continental shelf; and
- (b) includes the seabed and subsoil thereof;

“baselines” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“continental shelf” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“cosmic water resources” mean widespread, non-terrestrial reservoirs of water primarily in vapour or ice form that exist throughout the universe, formed by the combination of hydrogen and oxygen in stellar nurseries, interstellar clouds, and around energetic cosmic objects;

“deterritorialization” means loss of personhood status as a State in international law as a result of not meeting the State qualifications criteria under Article 1 of the *Montevideo Convention on the Rights and Duties of States*, signed at Montevideo 26 December 1933 and entered into force 26 December, 1934;

“exclusive economic zone” or “EEZ” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“extraterrestrial oceans” means a body of liquid water or other liquids that exist beneath the surfaces of planets and celestial bodies beyond Earth;

“Food and Agriculture Organization” means the organization established on October 16, 1945 which became a specialized agency of the United Nations on December 14, 1946;

“foreign state” means a state other than Barbados;

“foreign structure” means a structure registered in a foreign state;

“foreign vessel”

(a) means a vessel registered in a foreign state; and

(b) includes a submarine and other submersible vessel;

“high seas” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“innocent passage” has the meaning assigned to it under Article 19 of the UNCLOS;

“installations and structures”

(a) mean constructions resting on the sea floor and fixed there by means of piles, tubes or other devices driven into the sea floor used for the purposes provided for in Article 56 of the UNCLOS and other economic purposes; and

(b) include

(i) a communication cable;

(ii) a military surveillance installation;

(iii) an oil pipeline;

(iv) a pipeline which is used for the transfer of any substance to or from

(A) a vessel;

- (B) a research, exploration or production platform; or
- (C) the coast of Barbados;
- (v) an exploration or production platform used in the prospecting, exploration, mining or extraction, as the case may be, of any substance;
- (vi) a telecommunications line or cable used for the purpose of providing telecommunications services under the *Telecommunications Act*, Cap. 282B;
- (vii) any equipment used for the exploration, mining or utilization of the seabed;
- (viii) a concrete structure which has become affixed by its own weight in the sea floor; or
- (ix) any other structure whether permanent or temporary within the maritime zone, which is being or intended to be used for, or in connection with, the exploration, utilization, conservation and management of the natural resources of Barbados;

“internal waters” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“International Labour Organization” means the organization established in 1919 as part of the *Treaty of Versailles* that became a specialized agency of the United Nations in 1946;

“International Maritime Organization” or “IMO” means the specialized agency of the United Nations responsible for regulating maritime transport;

“island” means a naturally formed area of land, surrounded by water, which is above water at high tide;

“marine biological diversity” means the variety of life in the ocean and seas, encompassing all levels of biological organization from genes to

ecosystems, including species diversity, genetic variations within species, variety of habitats and ecological communities;

“marine living resources” mean the renewable biological components of marine ecosystems, including fish, mammals, plants, invertebrates, bacteria and other marine flora and fauna and encompasses all marine life;

“marine non-living resources” mean non-organic physical materials extracted from the ocean, seabed or beneath the seafloor for commercial and industrial purposes;

“maritime autonomous vessel” or “autonomous vessel” means any seaborne surface or submersible vessel fitted with automatic processes or systems capable of providing decision support or taking over all or part of the control and steering of the vessel, irrespective of whether the exercise of control or steering takes place from the vessel, from another location at sea or from land;

“maritime law enforcement officer” has the meaning assigned to it under section 2 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

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

“nautical mile” or “mile” means the international nautical mile;

“ocean-targeted space activities” means any space-oriented activity that is aimed at Earth’s oceans, extraterrestrial oceans or other cosmic water resources;

“passage”

(a) means the navigation of a vessel without stopping or hovering; and

(b) includes stopping, hovering and anchoring in so far as the same are rendered necessary by *force majeure* or by reason of distress or for the purpose of affording assistance to persons, vessels or aircraft in danger or distress;

“port areas” has the meaning assigned to it under section 2 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13);

“sea” means the water of the sea, the seabed and its subsoil;

“space”

(a) means the region in which all celestial bodies including Earth move; and

(b) includes the part of the universe that lies outside Earth’s atmosphere, outer space and deep space;

“spacecraft” means a vehicle or machine designed to travel to, operate in, or be stationed in space, including outer space and deep space;

“submarine” means a self-sufficient vessel capable of prolonged independent underwater operation which can operate both on the surface of water and underwater and is not reliant on a surface support vessel or platform for its transfer or launch;

“submarine areas” include the seabed and subsoil thereof;

“submersible vessel”

(a) means a vessel designed to operate under water that is reliant on a surface support vessel or platform for its transfer or launch and only capable of limited independent operation; and

(b) includes human occupied vehicles, remotely operated vessels, autonomous vessels;

“territorial sea” has the meaning assigned to it under section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“title” has the meaning assigned to it in section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“United Nations Convention on the Law of the Sea, 1982” or “UNCLOS” has the meaning assigned to it under section 2(1) of the *Maritime and Underwater Heritage Act, 2024* (Act 2025-2);

“United Nations Sustainable Development Framework”

- (a) means the 2030 Agenda for Sustainable Development adopted by Member States of the United Nations, comprising 17 Sustainable Development Goals (SDGs) and 169 related targets; and
- (b) a reference to the United Nations Sustainable Development Framework means the Framework as may be modified from time to time;

“vessel” includes a conventionally-manned vessel, autonomous vessel, ship, boat or any other mode of water transport employed in navigation but does not include a foreign warship.

### **Force of Law**

**3.** The following shall have the force of law in Barbados:

- (a) the *United Nations Convention on the Law of the Sea, 1982*;
- (b) the *Agreement Under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction* or “BBNJ”, as may be modified from time to time, which entered into force for Barbados on January 17, 2026; and
- (c) the *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS) 1982*, as may be modified from time to time, which Barbados signed on November 15, 1994 and became bound by consent on July 28, 1995 through the simplified procedure set out in Article 5(2) of the Agreement.

**Act binds the State**

- 4.** This Act binds the State.

PART II

ADMINISTRATION

**Ministry responsible for Maritime Affairs**

- 5.(1)** The Ministry responsible for Maritime Affairs shall
- (a) develop ocean policies, laws, procedures and standards and undertake any other action to ensure the effective governance of activities in Barbados waters;
  - (b) make proposals for the designation of areas as special marine areas;
  - (c) keep abreast of developments led by the United Nations Secretariat, International Maritime Organization, International Seabed Authority and any other relevant international organizations to ensure that national level ocean-based activities are sustainable;
  - (d) issue warnings, notices, guidelines, directives and information relevant to matters under this Act and its statutory instruments;
  - (e) ensure compliance with this Act, its statutory instruments, international standards and best practices relevant to the particular ocean-based sector;
  - (f) issue, renew, endorse, exempt, waive, vary, suspend, cancel or revoke any permit, licence, certificate or other document or instrument, as the case may be, in relation to any activity under this Act or its statutory instruments;
  - (g) specify fees;

- (h) waive, in whole or in part, any outstanding fees payable under this Act or its statutory instruments;
  - (i) undertake any advisory, supervisory or enforcement activities in relation to ocean-based activities;
  - (j) establish and maintain registers for matters and activities falling within its purview under this Act and its statutory instruments;
  - (k) consult with and seek expert advice from such persons as may be necessary in the performance of its functions under the Act;
  - (l) coordinate with relevant agencies and stakeholders in the development and implementation of a road map to ensure continued adaptive management of Barbados' ocean space;
  - (m) consult and collaborate with relevant stakeholders in relation to matters under this Act and its statutory instruments;
  - (n) perform any other function necessary to give effect to this Act and its statutory instruments.
- (2) Subject to any applicable enactment, the Ministry responsible for Maritime Affairs may disclose information which it receives to an authorized official or a duly authorized representative of the government of a foreign state in connection with the enforcement of this Act.

### **Barbados Maritime Transport Administration**

- 6.** The Barbados Maritime Transport Administration shall
- (a) implement maritime policies developed by the International Maritime Organization to support shipping and other maritime-related matters;
  - (b) administer and manage shipping-related aspects of the Coastal State Activities Coordination Program;
  - (c) exercise flag, port and coastal State control functions in relation to vessels engaged in activities under this Act or its statutory instruments;

- (d) undertake actions to promote economic growth and national development in relation to the maritime and space sectors interface, giving due regard to safety, security and environmental considerations, including:
- (i) jointly collaborating with the Ministry responsible for Space Affairs in facilitating and coordinating space-related ocean activities;
  - (ii) implementing international standards and best practices applicable to joint or related maritime and space activities, including IMO Guidelines on Maritime Autonomous Surface Ships relevant to the use of autonomous vessels space launch, landing and recovery operations;
  - (iii) regulating, in collaboration with Barbados Port Inc. and Barbados Coast Guard, vessels supporting space activities, including
    - (A) vessels dedicated to the transport of space equipment and their component parts;
    - (B) vessels dedicated to space launch, re-entry or recovery activities;
    - (C) multi-purpose offshore vessels used for space-based operations; and
    - (D) vessels engaged in any other space activities;
  - (iv) coordinating with Barbados Port Inc. and Barbados Coast Guard to secure essential logistical links between the maritime and space sectors by providing and maintaining stable, sustainable, secure and regulated sea areas for integrated maritime and space transport ventures; and
  - (v) coordinating with Barbados Port Inc. and Barbados Coast Guard in establishing and designating maritime transport safety zones

to manage risks associated with space operations on maritime vessels and infrastructure and ensuring maritime safety;

- (e) regulating and managing vessels and enforcing measures relating to vessels under the jurisdiction and control of Barbados relating to marine biological diversity in areas beyond national jurisdiction to support Barbados in fulfilling its obligations under the BBNJ; and
- (f) performing any necessary functions within the mandate and purview of the Barbados Maritime Transport Administration in relation to matters under the Act and its statutory instruments.

### **Ministry responsible for Foreign Affairs**

7. The Ministry responsible for Foreign Affairs shall

- (a) conclude bilateral and multilateral maritime and maritime-related treaties;
- (b) handle international judicial co-operation on maritime matters;
- (c) oversee and participate in maritime disputes involving Barbados;
- (d) assist with the examination of foreign-related maritime laws and regulations;
- (e) organize and coordinate work aimed at fulfilling obligations under international conventions and agreements to which Barbados is a party;
- (f) formulate policies related to maritime boundaries;
- (g) provide technical guidance and support on maritime activities comprising a foreign relation or foreign trade element;
- (h) organize the work of maritime boundary delimitation, demarcation, and joint inspections;
- (i) conduct negotiations on maritime delimitation and joint development; and

- (j) generally perform any necessary functions within the mandate and purview of the Ministry responsible for Foreign Affairs in relation to maritime matters under the Act.

**Ministry responsible for National Security**

**8.** The Ministry responsible for National Security shall, in consultation with the Authority, the Administration, the Ministry responsible for Foreign Affairs and other relevant agencies,

- (a) develop programs, strategies, plans or initiatives to
  - (i) enhance maritime domain awareness;
  - (ii) enhance collection and analysis of intelligence to detect and manage threats and monitor activities at sea;
  - (iii) improve maritime border protection and enforcement within Barbados maritime zones and activities by persons and vessels in areas beyond national jurisdiction including the high seas and the Area;
- (b) review and improve national maritime security regulatory frameworks, policies, practices and standards to ensure alignment with international maritime security standards, requirements and best practices;
- (c) secure maritime infrastructure in Barbados waters and in areas outside Barbados waters belonging to Barbados or belonging to persons under the jurisdiction and control of Barbados carrying out activities in those areas from attacks, sabotage or other unlawful interference;
- (d) integrate actions amongst government agencies and private sector stakeholders to ensure a holistic and unified maritime and marine environmental security approach;
- (e) foster and promote national, regional and international partnerships to combat maritime security and marine environmental security threats;

- (f) develop preparedness and response strategies and plans to effectively manage maritime accidents and incidents;
- (g) generally perform any necessary functions within the mandate and purview of the Ministry responsible for National Security in relation to maritime matters under the Act.

**Ministry responsible for Telecommunications**

**9.** The Ministry responsible for Telecommunications shall, in consultation with the Authority and the Ministry responsible for Foreign Affairs,

- (a) determine the sea areas for telecommunications and radio communications infrastructure;
- (b) define boundaries of sea areas for telecommunications and radio communications infrastructure; and
- (c) generally perform any necessary functions within the mandate and purview of the Ministry responsible for Telecommunications in relation to maritime matters under the Act.

**Ministry responsible for the Environment**

**10.** The Ministry responsible for the Environment shall, in collaboration with the Authority and the Administration,

- (a) adopt any measure or undertake any action consistent with the UNCLOS to
  - (i) prevent, reduce and control pollution of the marine environment from any source including technologies under Barbados' jurisdiction or control; and
  - (ii) safeguard against the direct or indirect transfer of damage or hazards from one area to another or one type of pollution to another;

- (iii) safeguard against the introduction of alien or new species to Barbados waters or to a particular part of the marine environment, which may cause significant and harmful changes thereto;
- (b) formulate national environmental rules, standards and recommended practices and procedures consistent with the UNCLOS;
- (c) develop contingency plans in relation to environmental pollution and damage and marine ecosystem impairment, destruction or degradation;
- (d) develop a system for monitoring risks or effects of pollution;
- (e) ensure continued fulfilment of Barbados' obligations under PART XII of the UNCLOS; and
- (f) generally perform any necessary functions within the mandate and purview of the Ministry responsible for the Environment in relation to matters under the Act.

#### **Ministry responsible for Space Affairs**

- 11.(1)** The Ministry responsible for Space Affairs, shall
- (a) coordinate, as necessary, with other entities specified in this Act, in relation to space-related ocean activities, to the extent that such space-related ocean activities may interface with, intersect with, or impact upon activities under the purview of those entities;
  - (b) collaborate with the Authority and the Barbados Maritime Transport Administration, in facilitating and coordinating research and exploration of extraterrestrial oceans and other cosmic water resources;
  - (c) generally perform any necessary functions within the mandated and purview of the Ministry responsible for Space Affairs in relation to matters under the Act.
- (2) The Ministry responsible for Space Affairs shall, in consultation with the Authority, the Ministry responsible for Foreign Affairs and other relevant

agencies, coordinate programs, plans, projects, initiatives and strategies for leveraging space capabilities for maritime application.

### **Maritime law enforcement officers**

**12.(1)** A maritime law enforcement officer may, in performing his duties, exercise all the powers conferred on him by this Act and its statutory instruments in relation to

- (a) a Barbados vessel or Barbados structure that is at sea or in port;
- (b) a foreign vessel or foreign structure that he reasonably suspects of being used in connection with any activity carried on in contravention of this Act or its statutory instruments;
- (c) any other activity in Barbados waters; or
- (d) any other activity conducted by persons and vessels under the jurisdiction and control of Barbados in areas beyond national jurisdiction.

(2) In the performance of his duties under this section, a maritime law enforcement officer may

- (a) use such force as is reasonably necessary;
- (b) require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;
- (c) reasonably call on any person to assist him;
- (d) order that any vessel or structure be stopped or cease operations;
- (e) board any vessel or structure;
- (f) search or examine any vessel or structure or any equipment or thing on board thereof;
- (g) require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof;

- (h)* enforce all relevant national laws in Barbados waters; and
  - (i)* generally exercise any necessary powers to give effect to the Act and its statutory instruments.
- (3) A maritime law enforcement officer who has reasonable grounds to suspect that an offence has been committed under this Act or its statutory instruments by any person on board a vessel or structure, may, without warrant or other process
  - (a)* seize the vessel, structure, equipment, device or thing suspected of being used in the commission of the offence; and
  - (b)* detain the person he suspects.
- (4) Where a vessel, structure, equipment, device or thing is seized or a person is detained, as the case may be, under subsection (3), a maritime law enforcement officer shall, where possible,
  - (a)* take the vessel, structure, equipment, device or thing, as the case may be, as soon as practicable to a Barbadian port; and
  - (b)* within a reasonable time cause the person detained to be brought before a magistrate's court to answer a charge in connection with the offence that gave rise to the seizure or detention.
- (5) A court may order that any vessel, structure, equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within 6 months of the seizure under that subsection.
- (6) A court may order that property seized under subsection (3) be returned to the person from whom it was taken or to a person named by that person, where
  - (a)* the court dismisses a charge brought against that person under this Act or its statutory instruments, and it is of the opinion that the property can be returned consistently with the interests of justice; or
  - (b)* no charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

- (7) A person who
- (a) assaults, resists, obstructs or intimidates a maritime law enforcement officer or any person assisting him in the execution of his duty;
  - (b) uses indecent, abusive or insulting language to a maritime law enforcement officer in the execution of his duty;
  - (c) interferes with or hinders a maritime law enforcement officer in the execution of his duty;
  - (d) by any gratuity, bribes, promises, induces or prevents a maritime law enforcement officer from carrying out his duty; or
  - (e) without the authority of a maritime law enforcement officer, removes, alters or interferes with any articles seized under this Act or its statutory instruments,

commits an offence and liable on summary conviction to a fine of \$50 000 or imprisonment for 3 years or to both, and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

### **Powers of Ministers**

**13.** The following Ministers shall have the power to make regulations, rules, orders, notices, guidelines or directives:

- (a) the Minister responsible for Foreign Affairs;
- (b) the Minister responsible for Maritime Affairs;
- (c) the Minister responsible for Shipping;
- (d) the Minister responsible for National Security;
- (e) the Minister responsible for Telecommunications;
- (f) the Minister responsible for the Environment; and
- (g) the Minister responsible for Space Affairs.

**Liability**

- 14.** No liability shall lie personally against
- (a) any member, officer or employee of the following:
    - (i) the Authority;
    - (ii) the Administration;
    - (iii) any Ministry, department, division, unit, agency or office specified in this Act or its statutory instruments;
  - (b) a maritime law enforcement officer; or
  - (c) such other person who is authorized in writing, acting under the direction of a Minister or person specified in this Act,

who, acting lawfully, in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of the Act or its statutory instruments.

**PART III****OCEAN GOVERNANCE****Coastal State Activities Coordination Program**

**15.(1)** There is established a Program to be known as the Barbados Coastal State Activities Coordination Program to support ocean governance activities involving shipping including ocean-based activities.

- (2) The Program shall be organized as follows:
- (a) sub-program 1 – Shipping-related Coastal State Activities; and
  - (b) sub-program 2 – Non-Shipping Coastal State Activities.

(3) The Program, including its sub-programs, shall be periodically reviewed and amended to ensure its continued relevance and effectiveness.

**Sub-program 1 requirements**

**16.(1)** Sub-program 1 shall be developed and managed by the Administration.

(2) Sub-program 1 shall have the following objectives:

- (a) advancing the International Maritime Organization's framework for shipping, the maritime community and sustainable development;
- (b) developing a national maritime strategy in order to
  - (i) ensure full compliance with Barbados' international responsibilities and obligations under the IMO Instruments Implementation Code;
  - (ii) assist Barbados in improving its capabilities in the maritime sector; and
  - (iii) enhance Barbados' overall performance in compliance with international maritime standards and best practices;
- (c) improving coordination amongst the Administration and other entities with which it collaborates in the performance of various coastal State functions;
- (d) ensuring the institution of a system for evaluation and review of overall performance in the area of coastal State activities;
- (e) developing shipping legislation, guidance and procedures required for the implementation and verification of Barbados' rights, obligations and responsibilities contained in any relevant international instruments to which Barbados is party;

- (f) fostering partnerships and capacity building for the continued effective implementation of the International Maritime Organization's Sustainable Development Goals Strategy; and
  - (g) enhancing ocean governance of shipping and non-shipping ocean sectors to support integrated and sustainable marine management and development.
- (3) Sub-Program 1 shall commence within 12 months after the entry into force of the Act.

**Sub-program 2 requirements**

- 17.(1) Sub-program 2 shall be developed and managed by the Authority.
- (2) Sub-program 2 shall have the following objectives:
- (a) advancing the United Nations Sustainable Development Framework in relation to the wider ocean sector and marine resources management;
  - (b) developing a national maritime strategy relating to
    - (i) Barbados' international responsibilities and obligations under the UNCLOS;
    - (ii) Barbados' regional and international responsibilities and obligations under environmental and sustainability related instruments; and
    - (iii) national maritime laws specific to coastal state control regulation including coastal state activities;
  - (c) developing non-shipping ocean-specific legislation, guidance and procedures for the implementation and verification of Barbados' rights, obligations and responsibilities contained in relevant international instruments to which Barbados is party;

- (d) supporting the Administration in implementing the International Maritime Organization's Sustainable Development Goals (SDGs) Strategy;
  - (e) coordinating, and where necessary, streamlining processes, procedures and operations across the oceanic sectors provided for in this Act and its statutory instruments;
  - (f) maintaining general oversight over activities subject to the coastal State control of Barbados.
- (3) Sub-program 2 shall commence within 12 months of the entry into force of the Act.

#### **Vessels entering Barbados waters**

**18.(1)** No vessel shall enter Barbados waters without providing pre-arrival notification to the relevant authorities of the port or place at which the vessel intends to call.

- (2) Notwithstanding subsection (1), the following may enter Barbados waters:
- (a) vessels, irrespective of nationality, in distress;
  - (b) vessels, irrespective of nationality, calling at a port or place designated as a port in Barbados, in an emergency situation;
  - (c) vessels innocently passing through the territorial sea of Barbados in accordance with Article 19 of the UNCLOS;
  - (d) warships or other government ships operated for non-commercial purposes innocently passing through the territorial sea of Barbados in accordance with Article 17 of the UNCLOS; and
  - (e) vessels otherwise transiting through the exclusive economic zone of Barbados to a place outside Barbados.

- (3) A master of a vessel who contravenes subsection (1) is liable to an administrative penalty.
- (4) Notwithstanding subsection (1), a person may be exempted from the prior notification requirement in a distress or emergency situation.

#### **Activities in Barbados waters**

- 19.(1)** No person shall carry out activities in Barbados waters, except under or in accordance with the relevant licence, permit, written approval or authorization or agreement, as the case may be.
- (2) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment, to a fine of \$10 000 000 or to imprisonment for 15 years or to both and the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

#### **Removal of marine resources from Barbados waters**

- 20.(1)** No person shall remove marine living resources or marine non-living resources from Barbados waters without a permit, licence or other written approval or authorization.
- (2) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or to imprisonment for 15 years or to both and the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

#### **Hot pursuit**

- 21.** The laws of Barbados shall apply with respect to the execution of official and defence duties by maritime law enforcement officers in relation to hot pursuit from within Barbados waters including safety zones around installations and structures undertaken in accordance with the UNCLOS.

PART IV

MARITIME AREAS

**Rights and jurisdiction**

**22.**(1) Barbados shall have all rights in, and jurisdiction over, Barbados waters including the seabed and subsoil thereof.

(2) The rights enjoyed by Barbados in Barbados waters that are not stipulated in this Act or its statutory instruments shall be exercised in accordance with the UNCLOS, international law and the laws of Barbados.

(3) In exercising its rights and performing its duties under this Act and its statutory instruments, Barbados shall have due regard to the rights and duties of other States in accordance with international law.

**Sovereignty and territorial integrity**

**23.** Notwithstanding any other law, the Minister responsible for National Security may take any action in any area of the sea or in the airspace above the sea as is necessary to maintain national sovereignty and territorial integrity in the exercise of the principle of self defence in accordance with Article 51 of the Charter of the United Nations.

*Internal waters and territorial sea*

**Internal waters**

**24.** The internal waters of Barbados are established in accordance with Article 8 of the UNCLOS and comprise all areas of the sea on the landward side of the baselines, including the submarine areas thereof, and shall form part of the territory of Barbados.

**Territorial sea**

**25.(1)** The territorial sea of Barbados is established in accordance with Article 3 of the UNCLOS and the territorial sea, including the submarine areas thereof, shall form part of the territory of Barbados.

(2) The limits of the territorial sea comprise Barbados waters up to a limit not exceeding 12 nautical miles measured from baselines determined in accordance with the UNCLOS.

**Baselines of territorial sea**

**26.(1)** Subject to subsection (2), the low-water line along the coast of Barbados shall be the baseline of the territorial sea.

(2) The Minister responsible for Foreign Affairs may, in the place of the baseline referred to in subsection (1), by order, prescribe other baselines making use of a mixture of straight lines drawn from points on the coast of Barbados and the low-water line.

(3) Where baselines are prescribed under subsection (2), the Minister responsible for Foreign Affairs shall cause the baselines together with the seaward boundary line of the territorial sea to be marked on a scaled map or chart and such map or chart shall be judicially noticed for all purposes of the law as indicating the baselines from which the territorial sea shall be measured and the boundaries, breadth and limit of the territorial sea.

(4) The Minister responsible for Foreign Affairs shall

(a) make provision for the safe custody of the map or chart referred to in subsection (3); and

(b) by notice, specify the place where it may be open to inspection by the public and the place where certified copies thereof may be obtained.

(5) For the purposes of this Act, permanent harbour works which form a part of the harbour, dock or port system and the island commonly known as Culpepper

situated off the coast of the parish of Saint Philip shall be treated as forming part of the coast of Barbados.

### **Jurisdiction of courts in internal waters and the territorial sea**

**27.(1)** For the purposes of the exercise of the jurisdiction of the courts of Barbados, the territory of Barbados shall include the internal waters and the territorial sea.

(2) The jurisdiction conferred on any court under this Act shall be without prejudice to any jurisdiction conferred on or exercisable by such court apart from this Act.

### **Passage**

**28.(1)** A foreign vessel including a foreign vessel of war, submarine or other submersible vessel is entitled to the right of innocent passage through Barbados' territorial sea in accordance with Articles 17 and 19 of the UNCLOS.

(2) Notwithstanding subsection (1), a foreign vessel of war, submarine or other submersible shall require prior authorization from the Ministry responsible for Foreign Affairs before entering Barbados waters.

(3) The Ministry responsible for Foreign Affairs, in consultation with the Ministry responsible for National Security, may grant authorization for a foreign vessel of war, submarine or other submersible to enter Barbados waters.

(4) The passage of a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel shall be deemed to be prejudicial to the peace, good order or security of Barbados, if the vessel while in the territorial sea, engages in any of the following activities:

- (a) exercises or practises with weaponry of any kind;
- (b) any act aimed at collecting information relating to the defence, security or economic or social conditions and circumstances of Barbados;

- (c) the taking on board or off-loading of any person, commodity or currency in breach of any law relating to exchange control, customs, immigration, health or drugs and therapeutic substances;
  - (d) any act of pollution calculated to or is likely to cause damage or harm to Barbados, its resources or its marine environment;
  - (e) fishing or extracting marine living resources or non-living resources;
  - (f) the carrying out of research of whatever kind or survey activities;
  - (g) any act aimed at interfering with any system of communication or telecommunication, whether such system is on land, on the sea or under the sea;
  - (h) any unapproved or unauthorized underwater navigation;
  - (i) any act of propaganda calculated to affect the defence or security of Barbados;
  - (j) the launching of, landing on, or taking on board of any aircraft, spacecraft or military device;
  - (k) any threat or use of force against the sovereignty, territorial integrity or political independence of Barbados;
  - (l) any other act in violation of the principles of international law;
  - (m) any activity not directly related to its passage; or
  - (n) any other activity in contravention of Article 19 of the UNCLOS.
- (5) Where a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel, engages in any of the activities specified in subsection (4) or where a maritime law enforcement officer or a person authorised by the Minister responsible for Maritime Affairs, the Minister responsible for National Security or the Minister responsible for Shipping, as the case may be, suspects

upon reasonable grounds that a foreign vessel is engaged in any such activity, a maritime law enforcement officer may

- (a) stop and board the offending foreign vessel for the purpose of carrying out enquiries and investigations;
- (b) without a warrant, arrest the offending foreign vessel and bring it into a port in Barbados;
- (c) without a warrant, arrest the master, any person on board the vessel, any person connected to the vessel or whose acts or omissions are deemed to be prejudicial to the peace, good order or security of Barbados.

(6) The master of a foreign vessel, including a foreign vessel of war, submarine or other submersible vessel, who takes part in or causes the vessel to be engaged in, or any other person on board or connected to the vessel who takes part in, any activity under subsection (4), commits an offence and is liable on conviction on indictment to a fine of \$10 000 000 or to imprisonment for 15 years or to both.

(7) The court may, in addition to any penalty which it may impose, order the forfeiture to the State of any vessel, structure, equipment, device or thing used, in any activity which is the subject of the offence.

(8) A submarine or any other submersible vessel, whether or not a vessel of war, exercising a right of innocent passage through the territorial sea, shall navigate on the surface and show her flag while passing through the territorial sea.

(9) A master of a submarine or any other submersible vessel who contravenes subsection (8) commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or to imprisonment for 15 years or to both.

### **International responsibility**

**29.(1)** Where the passage of a foreign vessel is deemed to be prejudicial to the peace, good order or security of Barbados and the vessel or any person on

board who participates in the activity which is deemed to be prejudicial is entitled to state or other immunity recognised by law, the flag state of such vessel and the state of nationality of such person shall be deemed to bear international responsibility for the activity of the vessel.

(2) A flag state shall bear international responsibility for any loss or damage to Barbados resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of Barbados concerning passage through the territorial sea or with the UNCLOS or other rules of international law.

(3) Where the flag state of a vessel or the state of nationality of a person is deemed to bear international responsibility under this section, the Minister responsible for Foreign Affairs, in consultation with the Minister responsible for Shipping, shall take all steps possible to obtain redress under international law.

#### *Contiguous zone*

##### **Limits of the contiguous zone**

**30.(1)** The contiguous zone of Barbados is established in accordance with Article 33 of the UNCLOS.

(2) The limits of the contiguous zone comprise the area of Barbados waters that has as its inner limit the outer limit of the territorial sea and as its outer limit the line every point of which is a distance of 24 nautical miles from the nearest points of the baselines from which the breadth of the territorial sea is measured.

##### **Jurisdiction in the contiguous zone**

**31.(1)** Barbados has, and may exercise in its contiguous zone, such powers and authority as may be necessary to prevent, control or punish the infringement of any national law with respect to customs, fiscal, immigration, sanitary and archaeological or historical objects on the seabed of its contiguous zone in accordance with Article 33 and Article 303 of the UNCLOS.

(2) Where there is reasonable ground to believe that a person has committed or attempted to commit an offence in the territory or territorial sea of Barbados, in relation to any customs, fiscal, immigration or sanitary law, every power of arrest, entry, search or seizure or other power that could be exercised in Barbados may be exercised in the contiguous zone.

(3) A person who is in possession of, attempts to traffic or traffics in the contiguous zone, an object of an archaeological or historical nature found in Barbados waters is guilty of an offence and liable on conviction on indictment to a fine of \$300 000 or to imprisonment for 5 years or to both and is also liable to forfeit to the State the archaeological or historical object, the vessel, structure, equipment, device or thing in connection with which the offence was committed.

(4) Any person who attempts to commit or commits an offence related to customs, fiscal, immigration or sanitary laws from the territory or territorial sea of Barbados and enters the contiguous zone having committed the offence is liable on conviction on indictment to a fine of \$7 000 000 or to imprisonment for 7 years or to both and, in addition, the court may order the forfeiture of the vessel, structure, equipment, device or thing in connection with which the offence was committed.

### **Enforcement powers in the contiguous zone**

**32.** The following shall have enforcement powers in the contiguous zone:

- (a) the Customs Department, in relation to preventing and punishing infringements of customs laws;
- (b) the Ministry responsible for Finance, in relation to preventing and punishing infringements of fiscal laws;
- (c) the Immigration Department, in relation to preventing and punishing infringements of emigration and immigration laws;

- (d) the Environmental Protection Department jointly with the Authority, in relation to preventing and punishing sanitary and environmental laws; and
- (e) the Ministry responsible for Cultural Heritage, in relation to preventing and punishing infringements of maritime heritage laws including trafficking in objects of a historical or archaeological nature.

*Exclusive economic zone*

**Limits of the exclusive economic zone**

**33.(1)** The exclusive economic zone of Barbados is established in accordance with Article 57 of the UNCLOS.

(2) The limits of the exclusive economic zone comprise the area of Barbados waters up to a limit not exceeding 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

**Rights in, and jurisdiction over, the exclusive economic zone**

**34.(1)** Barbados shall have,

- (a) in accordance with Article 56 of the UNCLOS, all rights in, and jurisdiction over, the exclusive economic zone in relation to the following:
  - (i) the exploration, utilization, conservation, protection or management of the natural living and non-living resources of the seabed, subsoil and superjacent waters;
  - (ii) energy production from the water, currents and winds;
  - (iii) the establishment and use of offshore islands, installations and structures;
  - (iv) the authorization and regulation of the construction, operation, maintenance or use of structures or devices relating to the

exploration and utilization of the resources of the exclusive economic zone, the regulation and safety of shipping or any other economic purpose;

- (v) the authorisation, regulation or control of marine scientific research;
  - (vi) the protection and preservation of the marine environment;
  - (vii) the prevention and control of marine pollution; and
  - (viii) all other activities relating to the economic exploration or utilization of the exclusive economic zone; and
- (b) all other rights in, and jurisdiction over, the exclusive economic zone to the extent recognised by international law.

(2) The limits of the inner continental shelf comprises the seabed and subsoil of submarine areas that extend beyond Barbados' territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

(3) The laws of Barbados shall apply to offshore islands, installations and structures in the exclusive economic zone as if they were in the territorial sea, and in accordance with Article 60 of the UNCLOS.

(4) Barbados shall have exclusive jurisdiction over its offshore islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations in accordance with Article 60 of the UNCLOS.

(5) In exercising rights and performing its rights and duties in the exclusive economic zone, Barbados shall have due regard to the rights and duties of any other State and shall act in a manner compatible with international law.

**Boundary lines of the exclusive economic zone**

**35.(1)** The Minister responsible for Foreign Affairs shall cause the boundary lines of the exclusive economic zone to be marked on a scaled map or chart.

- (2) The Minister responsible for Foreign Affairs shall, by notice,
- (a) make provision for the safe custody of the map or chart referred to in subsection (1); and
  - (b) specify the place where any person may inspect that map or chart or purchase a certified copy thereof.

**Freedom of navigation, overflight and laying of cables etc.**

**36.** Subject to this Act, vessels, aircraft and spacecraft of all States are not, in or over the EEZ, as the case may be, restricted in, or prohibited from, the enjoyment of the freedom of navigation, overflight, the laying of cables and pipelines and the other lawful use of the sea related to navigation and communication recognised by international law.

**Application of certain enactments to EEZ**

**37.(1)** The President of Barbados may, by order, with such exceptions and modifications as may be specified in the order, extend the application of any enactment to the EEZ or any part thereof, and an enactment so extended shall have effect in relation to the EEZ as if it had been enacted by this Act.

- (2) An order made under this section is subject to affirmative resolution, and shall be judicially noticed.

**Jurisdiction of courts**

**38.(1)** The jurisdiction and powers of the courts extend to the EEZ for the purpose of giving effect to the provisions of this Act and any other enactment extended to the EEZ as if the EEZ were a part of the territory of Barbados.

(2) The jurisdiction and power conferred on the courts under this Act do not affect any jurisdiction or powers conferred on, or exercisable by, those courts under any other law.

### **Locus of offence in EEZ**

**39.(1)** In any proceedings in a court in relation to the EEZ, the averment that an offence was committed or that an act was done within the limits of the EEZ shall, until the contrary is proved, be deemed to be *prima facie* evidence that the *locus in quo* was within the EEZ.

(2) An incident shall, for the purposes of any law conferring jurisdiction on a court in Barbados, be deemed to have occurred in Barbados if

- (a) that incident occurs in, on, under, above or in relation to, any vessel, structure or device or any waters within 500 yards of that vessel, structure or device, in the EEZ; or
- (b) that incident, if having occurred in Barbados, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.

### *Continental shelf*

### **Rights and jurisdiction over the continental shelf**

**40.(1)** There is vested in Barbados over the continental shelf

- (a) in accordance with Article 77 of the UNCLOS, all rights in, and jurisdiction over, the continental shelf in relation to the following:
  - (i) the exploration, utilization, conservation, protection and management of its natural resources;
  - (ii) the authorization and regulation of the construction, operation, maintenance and use of offshore islands, offshore terminals, installations and structures and devices necessary for the exploration and utilization of the resources of the continental shelf, shipping or any other economic purpose;

- (iii) the authorization and regulation of drilling for any purpose;
  - (iv) the authorization, regulation and control of marine scientific research;
  - (v) the protection and preservation of the marine environment;
  - (vi) the prevention and control of marine pollution from activities on the shelf; and
  - (vii) all other activities relating to the economic exploration and utilization of the continental shelf; and
- (b) all other rights in, and jurisdiction over, the continental shelf recognized by international law.
- (2) Barbados shall have sovereign rights and jurisdiction over the continental shelf there is extended to the continental shelf, to the extent recognized by international law.
- (3) The laws of Barbados shall apply to offshore islands, installations and structures in the continental shelf as if they were in the territorial sea and in accordance with Article 80 of the UNCLOS.
- (4) Barbados shall have exclusive jurisdiction over its offshore islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations in accordance with Article 80 of the UNCLOS.
- (5) The rights enjoyed by Barbados over the continental shelf shall be exercised in accordance with the UNCLOS, international law and the laws of Barbados.
- (6) In exercising rights and performing its duties in the continental shelf, Barbados shall have due regard to the rights and duties of any other State and shall act in a manner compatible with international law.

**Limits of the inner continental shelf**

**41.** The inner continental shelf of Barbados is established in accordance with Article 76(1) of the UNCLOS.

**Limits of the extended continental shelf**

**42.(1)** The extended continental shelf of Barbados is established in accordance with Articles 76(5), (6) and (7) of the UNCLOS.

(2) The limits of Barbados' extended continental shelf comprises the seabed and subsoil of submarine areas that extend beyond 200 nautical miles upwards to the limits contained in the Final Recommendations issued to Barbados on April 13, 2012 by the United Nations Commission on the Limits of the Continental Shelf.

(3) The establishment of the final outer limits of the continental shelf of Barbados beyond 200 nautical miles is subject to delimitation agreements with other States.

**Submarine cables and pipelines**

**43.** Subject to any measures that may be necessary for protecting the interests of Barbados, Barbados shall not impede the laying or maintenance of any submarine cables or pipelines on the continental shelf by other States, except that the consent of the Minister responsible for Foreign Affairs shall be necessary for the delineation of the course for laying of the cables or pipelines.

**Shared maritime areas agreement**

**44.(1)** Where Barbados has overlapping claims in its outer continental shelf area, a shared maritime areas agreement with the relevant State with which Barbados has overlapping claims may be concluded.

- (2) A shared maritime areas agreement referred to in subsection (1) may include the following:
- (a) any agreement for continental shelf resources;
  - (b) any joint development agreements; and
  - (c) any other written agreements.

**Transboundary continental shelf resources**

**45.(1)** Resources within Barbados' continental shelf that straddle Barbados and one or more other States or extend beyond the delimitation line of Barbados into one or more States shall be managed in

- (a) the context of an agreement;
  - (b) the interest of responsible and sustainable management and utilization of such resources; and
  - (c) the interests of maintaining harmony, peace and good relations.
- (2) Barbados has exclusive jurisdiction over resources in its continental shelf and may prospect for, explore, recover and harvest such resources in accordance with international law and any agreements in force.
- (3) Where it is determined that activities directed at continental shelf resources in Barbados may have transboundary impacts, Barbados shall notify the foreign State concerned with a view to entering into an agreement.
- (4) Where it is determined that activities directed at continental shelf resources in one or more foreign States may have transboundary impacts for Barbados, the foreign State concerned shall notify Barbados with a view to entering into an agreement.
- (5) Where Barbados and the foreign State concerned are unable achieve a fair agreement, appropriate dispute resolution mechanisms may be sought.

*High seas***Freedom of the high seas**

**46.(1)** The freedom of the high seas accorded under Article 87 of the UNCLOS shall vest in Barbados

- (a) freedom of navigation;
- (b) freedom of overflight;
- (c) freedom to lay submarine cables and pipelines;
- (d) freedom to construct offshore islands and other installations permitted under international law;
- (e) freedom of fishing, subject to the interests of other States in the exercise of their freedom to fish on the high seas; and
- (f) freedom of scientific research.

(2) The freedoms referred to in subsection (1) shall be exercised by Barbados with due regard for the

- (a) interests of other States in their exercise of the freedom of the high seas; and
- (b) rights under the UNCLOS with respect to activities in the Area.

**Barbados vessels operating on the high seas**

**47.(1)** The Administration shall ensure the following in relation to vessels flying the Barbados flag and operating on the high seas:

- (a) there is a register of vessels containing the names and particulars of vessels flying the Barbados flag, except those which are excluded from generally accepted international regulations;
- (b) the flag State jurisdiction is exercised in accordance with the laws of Barbados over each vessel flying the Barbados flag, masters, officers

and crew in relation to administrative, technical and social matters concerning the vessel;

- (c) safety at sea measures including
  - (i) seaworthiness of vessels and equipment;
  - (ii) the manning of vessels, labour conditions and the training of crews, taking into account the applicable international instruments of the International Maritime Organization, International Labour Organization and Food and Agriculture Organization or any relevant organization or agency, as the case may be; and
  - (iii) the use of signals, the maintenance of communications and the prevention of collisions;
- (d) qualified and approved surveyors or Recognized Organizations to survey vessels entitled to fly the Barbados flag in accordance with relevant enactments and international standards;
- (e) Barbados vessels are compliant with international maritime laws on safety, security, protection of the marine environment and maritime labour welfare;
- (f) Barbados vessels in the charge of a master and officers possess appropriate qualifications, in particular in seamanship, navigation, communications, marine engineering;
- (g) crews of Barbados vessels are appropriate in qualification and numbers for the type, size, machinery and equipment of the vessel;
- (h) charts and nautical publications are up-to-date and are on board Barbados vessels;
- (i) navigational and communication equipment and instruments for the safe navigation of Barbados vessels are appropriate for the vessel size and type;

- (j) that the master, officers, the crew of Barbados vessels comply with national and international laws concerning safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, maritime labour welfare and the maintenance of communications by radio or other appropriate means; and
- (k) that inquiries are held by or before a suitably qualified person into any marine casualties or incidents of navigation on the high seas involving a Barbados vessel which caused loss of life or serious injury to a person, serious damage to a vessel or installations and structures or to the marine environment.

(2) For the purposes of this section, a “Recognized Organization” means an organization recognized by the Administration in accordance with the International Maritime Organization Resolutions A.739(18) and A.789(19) or later versions of these Resolutions, to verify compliance by Barbados vessels with maritime safety, including maritime labour safety, security and marine pollution prevention standards.

### **Marine environmental protection obligations on the high seas**

**48.(1)** When on the high seas, no master of a Barbados vessel shall, engage in any activity, or do any act that may pollute, damage or otherwise destroy the marine environment.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine of \$7 000 000 or to imprisonment for 7 years or to both.

### *The Area*

### **Oversight**

**49.** The Authority shall collaborate with the Barbados Ocean Minerals Secretariat in performing oversight functions in relation to activities within

Barbados waters and activities by, on behalf of, or authorized by Barbados in the Area.

### **Activities in the Area**

**50.** Activities carried out by the State of Barbados in the Area shall be carried out in accordance with

- (a) Part XI of the UNCLOS;
- (b) the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS) 1982;
- (c) any rules, regulations and procedures of the International Seabed Authority;
- (d) any relevant enactments; and
- (e) international law.

## PART V

### MARITIME BOUNDARIES

#### *Nautical charts and geographical coordinates*

### **Nautical charts and geographical coordinates**

**51.** The Minister responsible for Foreign Affairs, in consultation with the relevant agencies, shall ensure the preparation of nautical charts of an adequate scale or a list of geographical coordinates of points specifying the geodetic datum in relation to Barbados' maritime zones for ascertaining the positions of the following, including

- (a) the baselines of the territorial sea;
- (b) the outer limits of the territorial sea, the continental shelf and the exclusive economic zone;

- (c) the lines of delimitation of the territorial sea, the continental shelf and the exclusive economic zone; and
- (d) sea lanes or traffic separation schemes.

### **Publication of charts and coordinates**

- 52.** The Minister responsible for Foreign Affairs shall
- (a) publish the nautical charts and list of geographical coordinates;
  - (b) periodically review and update nautical charts and lists of geographical coordinates in relation to Barbados' maritime zones to ensure maritime safety; and
  - (c) deposit with the Secretary-General of the United Nations official copies of each chart and list of geographical coordinates in relation to Barbados' maritime zones.

### *Maritime boundary delimitation*

### **Delimitation of boundaries**

- 53.(1)** Where the circumstances so warrant, the delimitation of
- (a) the boundaries of the territorial sea between Barbados and a foreign State; and
  - (b) the boundaries of the continental shelf and the exclusive economic zone between Barbados and a foreign State,
- shall be by agreement on the basis of international law.
- (2) Where there is no agreement made on the basis of international law, the outer boundary limit shall be the median line, unless another boundary limit is agreed to.
- (3) Where no agreement is reached, appropriate dispute resolution mechanisms may be sought.

**Restrictions on activities within the outer boundary limit**

**54.** Subject to another boundary limit being agreed to, no activities shall be conducted in the waters or seabed of Barbados' outer boundary limit of its continental shelf and exclusive economic zone without the relevant licences, permits or other written approvals or authorizations, as the case may be.

**Continental shelf boundary agreements for areas beyond 200 nautical miles**

**55.(1)** Continental shelf boundaries beyond 200 nautical miles shall be established in accordance with the terms of a continental shelf delimitation treaty or on the basis of international law.

(2) The following shall be taken into consideration when making agreements relating to delimiting continental shelf boundaries beyond 200 nautical miles:

- (a) the basis for determining maritime boundaries in such circumstances;
- (b) any potential oil, gas, minerals or other non-living resources;
- (c) the need for cooperation and periodic consultation between States concerned in protecting their respective interests in such circumstances;
- (d) enhancing the practice of good neighborliness and the benefits of strengthening friendly and cooperative relations between States concerned; and
- (e) any other relevant considerations.

(3) A continental shelf boundary established in accordance with subsection (1) shall not affect or prejudice in any manner the positions of Barbados or other State Party to the agreement with respect to the extent of Barbados waters, the high seas or sovereign rights or jurisdiction for any other purpose.

**Publication of maritime boundary agreements**

**56.** The Ministry responsible for Foreign Affairs shall publish all maritime boundary agreements of Barbados.

*Sea level rise impacts on maritime areas  
and the preservation of maritime areas*

**Declarations on sea level rise**

**57.(1)** Barbados

- (a) preserves its maritime zones in the face of climate change-related sea-level rise on the basis of continuity of its statehood, sovereignty, fairness, equality and self-determination, which cannot be challenged under any circumstances of climate change-related sea-level rise;
- (b) affirms that the UNCLOS imposes no affirmative obligation to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations;
- (c) affirms the position that maintaining its maritime zones established in accordance with the UNCLOS, and rights and entitlements that flow from its maritime zones, notwithstanding climate change-related sea-level rise is supported by both the UNCLOS and the legal principles underpinning it;
- (d) declares that once having, in accordance with the UNCLOS, established and notified its maritime zones to the Secretary-General of the United Nations, it intends to maintain these zones without reduction, notwithstanding climate change-related sea-level rise; and
- (e) proclaims that its maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the UNCLOS, and the rights and entitlements that flow from its maritime

zones, shall continue to apply without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

(2) The declarations made by Barbados in subsection (1) shall not be construed as limiting its options in relation to its maritime zones or as a restriction upon the exercise of its rights in relation to its maritime zones in future maritime boundary negotiations.

### **Sea level rise and existing maritime boundaries**

**58.(1)** In the case of existing maritime boundary agreements Barbados has with other States, except where coastal geography was central to the parties consent to, and finality of, the maritime boundary agreement, major shifts in the coastlines of Barbados as a result of sea level rise and consequently major shifts in the baselines from which Barbados' maritime zones are generated shall not be invoked as a fundamental change in circumstances to terminate current maritime boundary agreements, in accordance with Article 62 of the *Vienna Convention on the Law of Treaties, 1969*.

(2) Barbados maintains, in accordance with this Act and international law, its maritime zones established in accordance with the UNCLOS and the rights and entitlements that flow from them, notwithstanding climate change-related sea level rise.

(3) Barbados endorses the declarations set forth in

- (a) the Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise made on 6 August 2021; and
- (b) the Declaration on Sea-Level Rise and Statehood, adopted by the Heads of State and Government on the Alliance of Small Island States on 23 September 2024.

(4) The declarations endorsed by Barbados in subsection (3) shall not be construed as limiting its options in relation to its maritime zones or as a restriction upon the exercise of its rights in relation to its maritime zones, in future maritime boundary negotiations.

**Sea level rise and future maritime boundaries**

**59.(1)** Sea level rise and its potential impacts on future maritime boundaries of Barbados or a foreign State with which Barbados has overlapping claims, shall be addressed prior to concluding a boundary agreement between Barbados and such potentially affected States.

(2) An agreement referred to in subsection (1) may provide for the following:

- (a) a substantial shift in baselines caused by sea level rise resulting in a shift of the territorial sea limits, contiguous zone limits and EEZ limits consequentially affecting legislative, jurisdictional and enforcement powers in relation to the particular zones;
- (b) substantial landward shifts in the baselines caused by sea level rise resulting in areas that were originally part of the territorial sea becoming part of the EEZ with consequential loss of sovereignty over areas that were formerly territorial sea with those said areas now being subject to the limited sovereign rights of the EEZ regime;
- (c) significant reduction of the entire contiguous zone owing to a substantial baseline shift caused by sea level rise;
- (d) substantial baseline shifts due to sea level rise resulting in areas of EEZ becoming part of the high seas regime thereby rendering former EEZ-declared areas subject to the freedom of high seas regime and thus opened to all States;
- (e) implications of continental shelf areas that comprised the seabed of formerly EEZ-declared areas subsequently becoming part of the high seas;
- (f) substantial seaward baseline shifts due to sea level rise, resulting in the increase of Barbados' maritime area while encroaching on the maritime territory of another state or states;
- (g) any other considerations relating to sea level rise.

(3) Upon settlement by agreement on any future maritime boundaries in accordance with international law, Barbados may make all relevant declarations in accordance with this Act and international law.

### **Maritime boundary framework**

- 60.** The Ministry responsible for Foreign Affairs shall
- (a) assist the Authority in ensuring that Barbados' maritime boundary framework in relation to climate-change related sea level rise and its impacts on maritime boundaries remains consistent with prevailing international practice;
  - (b) keep abreast of the work of the International Law Commission, International Tribunal for the Law of the Sea and any other relevant bodies;
  - (c) work jointly with the Authority in developing appropriate instruments; and
  - (d) perform any other related functions.

### **Preservation of Barbados' maritime areas**

**61.** The Minister responsible for Foreign Affairs shall undertake any measures necessary to preserve Barbados' maritime areas.

### **Submerged areas**

**62.** All areas of the island of Barbados which may become submerged as a result of sea level rise shall remain vested in the State of Barbados.

### **Deterritorialization**

**63.(1)** Where the lands of Barbados have become submerged by severe sea level rise, the deterritorialized Barbados is entitled to

- (a) continued status as a legal entity, taking into account that sovereignty and nationhood exist independently of territory in international law;

- (b)* maintain sovereignty and sovereign rights over maritime zones, including all submerged lands in its territory;
  - (c)* protection from victimization or forced control by other States; and
  - (d)* continued recognition as a State to promote peaceful relations, certainty in ocean governance for the benefit of citizens of Barbados.
- (2) Barbados may seek to acquire new territory from a foreign State by way of the following, including
  - (a)* a written agreement or a cession treaty by which territory is transferred in accordance with international law to Barbados by another State with the written consent by both Barbados and that other State;
  - (b)* the formation of a federation; or
  - (c)* any other appropriate territory-acquisition agreement with another State.
- (3) For the purpose of this section,
  - (a)* “federation” means the formation by Barbados with a group of States, or the joining of Barbados with a group of States, to acquire new territory; and
  - (b)* “cession treaty” means a formal international agreement where one State or entity transfers sovereignty, territory or rights to Barbados.

### **Resettlement and climate-induced migration planning**

- 64.(1)** The Ministry responsible for Foreign Affairs, in collaboration with the Ministry responsible for Home Affairs, the Ministry responsible for Immigration and any relevant agencies, shall develop
- (a)* a resettlement plan in event of imminent deterritorialization of Barbados; and
  - (b)* a climate-induced migration program in event of territorial degradation due to sea level rise impacts.

(2) A resettlement plan referred to in subsection (1)(a) shall include the following:

- (a) mass evacuation procedures;
- (b) financial aspects of resettlement;
- (c) social aspects of resettlement;
- (d) legal aspects of resettlement;
- (e) political aspects of resettlement;
- (f) administrative arrangements with the State considered for resettlement; and
- (g) any other relevant considerations.

(3) A climate-induced migration program referred to in subsection (1)(b) shall outline arrangements for the following:

- (a) the local emigration of persons resident in coastal areas to interior areas as part of intentionally-depopulating coastal areas to reduce human settlement pressures on the marine environment;
- (b) the rehabilitation, restoration and resilience-building in intentionally-depopulated coastal areas;
- (c) emigration of Barbados citizens to a foreign State;
- (d) the immigration of persons from other States into Barbados;
- (e) balancing the human pressures on interior areas as a result of population redistribution from coastal areas; and
- (f) the sustainable re-population of rehabilitated or restored coastal areas.

PART VI

BIODIVERSITY IN AREAS BEYOND NATIONAL JURISDICTION

**Application of the Agreement**

- 65.** The BBNJ
- (a) shall be applied consistently with Articles 5(1) and (2) of the UNCLOS; and
  - (b) shall not be applied in a manner that undermines
    - (i) the IMO as the competent international organization for international shipping under the UNCLOS;
    - (ii) IMO instruments; or
    - (iii) harmony, coherence or coordination with IMO instruments and frameworks.

**Administration**

- 66.(1)** This Part shall be administered jointly by the Authority and the Ministry responsible Foreign Affairs.
- (2) The Authority shall
- (a) regulate, manage and enforce measures related to activities by persons under the jurisdiction and control of Barbados relating to marine biological diversity in areas beyond national jurisdiction to support Barbados in fulfilling its obligations under the BBNJ;
  - (b) lead on biodiversity beyond national jurisdiction;
  - (c) develop and implement the Program and Plan to support continued effective implementation of the BBNJ by Barbados;

- (d) provide technical and advisory support to persons seeking to engage in conservation activities or activities directed at marine biological diversity in areas beyond national jurisdiction;
  - (e) advise and make recommendations to the Ministry responsible for Foreign Affairs on matters relating to the BBNJ and in the interest of ensuring Barbados' continued fulfilment of its obligations under the BBNJ;
  - (f) coordinate with the Administration to ensure effective flag, port and coastal State control regulation of vessels engaged in activities directed at marine biological diversity in areas beyond national jurisdiction;
  - (g) supervise and regulate activities relating to marine biological diversity of areas beyond national jurisdiction;
  - (h) assist with policy formulation, implementation, compliance, enforcement and monitoring activities relating to the BBNJ;
  - (i) advise on any matters relating to biodiversity beyond national jurisdiction; and
  - (j) do such things as are necessary to effectively carry out the purposes of this Part.
- (3) The Authority may
- (a) issue, suspend, revoke, extend or vary licences, permits, certificates or any other documentation to facilitate and regulate activities relating to the conservation and utilization of marine biodiversity in the high seas and in the Area;
  - (b) specify fees relating to biological diversity in areas beyond national jurisdiction;
  - (c) develop regulations and procedures relating to biological diversity in areas beyond national jurisdiction; and

- (d) consult with governmental and non-governmental organizations or other agencies relating to the conservation and sustainable use of marine biodiversity in areas beyond Barbados' national jurisdiction.
- (4) A permit, licence, certificate or any other documentation referred to in subsection (3) may be subject to any relevant terms, conditions and restrictions.

### **BBNJ Inspectorate**

- 67.(1)** The Authority shall maintain an inspectorate and appoint inspectors to assist the Authority in monitoring and ensuring compliance with requirements relating to marine biological diversity in areas beyond national jurisdiction.
- (2) A person qualifies as an inspector where he has
    - (a) the minimum number of years experience in any of the related fields;
    - (b) acquired professional training and certification at a local, regional or international institution in that capacity; and
    - (c) produced evidence of qualifications in any of the related fields.
  - (3) A person may apply to the Authority to be an inspector.
  - (4) An application shall be
    - (a) in the form and manner prescribed; and
    - (b) accompanied by the following:
      - (i) the prescribed fee; and
      - (ii) any other information or documentation required by the Authority.
  - (5) Where the Authority is satisfied that a person has met the requirements of this Act, it shall appoint a person as an inspector.

**BBNJ Inspectors**

**68.(1)** An inspector shall

- (a) assist the Authority with its monitoring and compliance function under the Act and its statutory instruments;
- (b) board or obtain access to a licensed area or contract area and all parts of any premises, vessel or equipment used for, or in connection with activities directed at marine biological diversity in areas beyond national jurisdiction;
- (c) inspect or test any machinery or equipment that is being or is intended to be used in marine biological diversity activities;
- (d) remove any samples or assays of such samples from any vessel or equipment used for or in connection with activities directed at marine biological diversity in areas beyond national jurisdiction;
- (e) examine and take copies of books, accounts, documents or records of any kind required by the Authority or by statutory instrument, licence, permit, certificate or other written approval or authorization instrument to be kept under any law;
- (f) inspect any licence, permit, certificate or other written approval or authorization, as the case may be;
- (g) document any site visit or inspection activity by any means including video, audio, photograph or other form of recording;
- (h) subject to any order of the court,
  - (i) take possession of any components of marine biological diversity in areas beyond national jurisdiction, machinery, equipment, materials or installation; or
  - (ii) dismantle any machinery, equipment or installation;

- (i) upon written authorization from the Authority, perform any other functions of the Authority as its representative; and
  - (j) undertake or perform any actions as may be required to ensure compliance with this Act and its statutory instruments.
- (2) An inspector shall take all reasonable steps to avoid
  - (a) expending excessive time on a vessel or installation and structure used in relation to activities directed at marine biological diversity in areas beyond national jurisdiction;
  - (b) disruption of activities directed at marine biological diversity in areas beyond national jurisdiction;
  - (c) unnecessary removal of samples of components of marine biological diversity; or
  - (d) interference with the safe and normal operations on board the vessel or structure, as the case may be.

**Barbados Marine Biodiversity in Areas Beyond National Jurisdiction Program**

**69.(1)** There is established a Program to be known as the Barbados Program to Support Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

- (2) The Program shall
  - (a) outline the vision, mission, strategic direction and measures to be undertaken by Barbados to effectively implement the BBNJ;
  - (b) set standards for the formalities, documentary requirements and procedures for accessing, utilizing or undertaking any other activities in relation to marine biological diversity in areas beyond national jurisdiction;

- (c) coordinate national, regional and international partnerships to ensure a harmonized approach consistent with the BBNJ in relation to marine biological diversity in areas beyond national jurisdiction; and
- (d) provide a guiding framework for policies, legislation, initiatives, projects and other activities relating to marine biological diversity in areas beyond national jurisdiction.

### **Marine Biodiversity in Areas Beyond National Jurisdiction Plan**

**70.(1)** There is established a Plan to be known as the Barbados Plan of Action for Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

(2) The Plan shall implement the Barbados Program to Support Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction.

### **The Program and Plan**

**71.(1)** The Program and Plan

- (a) shall be developed and implemented by the Authority respectively within 2 and 5 years after the commencement of this Act;
- (b) may be reviewed, modified, withdrawn or replaced, as the case may be; and
- (c) shall be binding on all persons to whom applicable.

(2) Activities directed at marine biological diversity in areas beyond national jurisdiction shall be consistent with the Program and Plan.

### **Notifications and inspections**

**72.(1)** The Authority shall

- (a) maintain records in relation to Barbados' BBNJ notification and documentation obligations;

- (b) ensure applicants requesting approvals to engage in activities directed at marine biodiversity in areas beyond national jurisdiction sign a declaration attesting to the veracity of information submitted before and after collection of components of marine biodiversity in areas beyond national jurisdiction in accordance with the BBNJ; and
  - (c) maintain a system of inspections in relation to activities directed at marine biological diversity in areas beyond national jurisdiction.
- (2) The Authority shall notify the Ministry responsible for Foreign Affairs of all persons engaging in activities directed at marine biological diversity in areas beyond national jurisdiction under Barbados' jurisdiction or control.
- (3) The Ministry responsible for Foreign Affairs shall be responsible for communicating and liaising with the BBNJ Secretariat.
- (4) For the purpose of this section, "BBNJ Secretariat" means the Division for Ocean Affairs and Law of the Sea of the United Nations.

#### **Notices, guidelines and directives**

- 73.(1)** The Authority may issue any notices, guidelines and directives relating to access, conservation, utilization and all other activities concerning marine biodiversity beyond national jurisdiction.
- (2) Notices, guidelines and directives issued by the Authority shall be complied with.

#### **Marine biodiversity in areas beyond national jurisdiction investment schemes**

- 74.(1)** The Authority, may
- (a) facilitate investment activities for the purpose of promoting activities directed at marine biodiversity in areas beyond national jurisdiction; and

- (b) develop and manage schemes directed at investment in support of the Program and Plan in consultation with relevant stakeholders.
- (2) The Authority shall not enter or conclude a investment scheme where it would be
  - (a) disadvantageous to Barbados' maritime sector or otherwise detrimental to the economic, environmental, social or cultural interests of Barbados; or
  - (b) at variance with this Act, its statutory instruments or the BBNJ.
- (3) An investment scheme shall be
  - (a) subject to the approval of the Cabinet; and
  - (b) legally binding on all parties to the scheme where the terms, conditions, restrictions and other matters pertaining to the scheme have been agreed to in writing by the parties to the scheme.
- (4) Where after entering into a scheme its disadvantages become apparent, the scheme may be temporarily suspended or cancelled, as the case may be, subject to the approval of the Cabinet, to allow for the rectification of the matters causing the identified disadvantages or winding up of matters in the case of cancellation.

**Particulars of investment scheme**

- 75.** An investment scheme shall detail the following particulars:
- (a) the parties to the scheme;
  - (b) the duration of the scheme;
  - (c) the scope of activities to be undertaken under the scheme;
  - (d) the rights and responsibilities of parties to the scheme;
  - (e) the insurance or other form of equivalent financial security for the venture;

- (f) the nature of the investment;
- (g) any benefit-sharing arrangements;
- (h) any dispute settlement arrangements; and
- (i) any other relevant particulars as determined by parties to the scheme.

### **Compliance requirements**

**76.** A party to a scheme shall comply with the following:

- (a) the BBNJ;
- (b) the UNCLOS;
- (c) all relevant national maritime laws and policies;
- (d) any marine spatial planning requirements;
- (e) any relevant maritime boundary and jurisdictional requirements; and
- (f) any international best practices or standards relating to marine biological diversity.

### **Sustainable economic development strategies or initiatives**

**77.(1)** A person or group with an interest in the protection, management and sustainable utilization of marine biological diversity in areas beyond national jurisdiction may formulate and submit a sustainable economic development strategy or initiative to the Authority.

(2) A proposed strategy or initiative shall be economically viable, environmentally sustainable and beneficial in the context of conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

(3) Where the Authority determines that a strategy or initiative meets the requirements of subsection (2), it shall, after consultation with the relevant agencies and stakeholders, approve the implementation of the proposed strategy or initiative.

(4) The Authority may impose any regulatory measures to ensure the implementation and proper management of the strategy or initiative.

**Logistics and supply chain management**

**78.(1)** The Authority, in consultation with Barbados Port Inc., shall

- (a) coordinate the logistics of shipping and handling components of marine biological diversity obtained from areas beyond national jurisdiction for maritime transport and port delivery purposes; and
- (b) undertake measures to support responsible and sustainable supply chain management of resources and products deriving from marine biodiversity in areas beyond national jurisdiction.

(2) For the purposes of this section, “supply chain management” means the process of overseeing and coordinating all activities involved in producing and delivering a product derived from biological resources found in areas beyond national jurisdiction to the consumer.

**Vessels engaged in marine biodiversity activities in areas beyond national jurisdiction**

**79.** All vessels engaged in activities directed at marine biodiversity in areas beyond national jurisdiction shall comply with all maritime safety, maritime security, marine environmental protection and maritime labour welfare requirements and all relevant enactments.

**Management tools for biodiversity beyond national jurisdiction**

**80.(1)** The Authority may, individually or in cooperation with other BBNJ Parties propose, develop and implement area-based management tools in order to achieve the conservation and sustainable utilization objectives of the BBNJ.

- (2) The Administration may submit shipping-specific area-based management tools to the Authority relating to the following:
- (a) load line zones, areas and seasonal periods pursuant to the *IMO's International Convention on Load Lines, 1966*, as amended;
  - (b) special areas and particularly sensitive sea areas pursuant to the *International Convention for the Prevention of Pollution from Ships, 1973*, as amended;
  - (c) METAREAS for the provision of maritime meteorological information and services to shipping pursuant to the *International Convention for the Safety of Life at Sea, 1974*, as amended, and in accordance with World Meteorological Organization standards;
  - (d) NAVAREAS for the provision of maritime navigation information and services to shipping pursuant to the *International Convention for the Safety of Life at Sea, 1974*, as amended, and in accordance with World Meteorological Organization standards;
  - (e) places of refuge and safety pursuant to the IMO's Guidelines on Places of Refuge;
  - (f) ship pollution emergency planning and response;
  - (g) maritime quarantine pursuant to international health regulations;
  - (h) area specific reporting measures pursuant to the *International Convention for the Safety of Life at Sea, 1974*, as amended;
  - (i) routing measures pursuant to *UNCLOS, International Convention for the Safety of Life at Sea, 1974*, as amended and the *International Regulations for Preventing Collisions at Sea, 1972*, as amended;
  - (j) maritime search and rescue zones pursuant to the *International Convention on Maritime Search and Rescue, 1979*, as amended; and
  - (k) any other shipping-specific area-based management tool.

- (3) The Authority shall collaborate with the Administration in relation to shipping-specific area-based management tools.
- (4) The Authority may undertake urgent and temporary measures to establish area-based management tools in areas beyond national jurisdiction where a natural phenomenon or human-induced disaster has caused or is likely to cause serious or irreversible damage to marine biological diversity.
- (5) In establishing area-based management tools, the Authority and the Administration shall
  - (a) act with due regard to the rights and duties of other States;
  - (b) consult with relevant national, regional and international bodies; and
  - (c) ensure the compatibility of measures with existing instruments of the IMO, International Seabed Authority, regional fisheries management organizations and any other recognized regional and international regulatory bodies, consistent with the “not undermining” principle of the BBNJ.
- (6) For the purposes of this section,
  - (a) “area-based management tools” mean spatial measures used to achieve conservation and sustainable use objectives of the BBNJ;
  - (b) “shipping-specific area-based management tool” means geographically defined marine areas in the high seas and the Area where shipping activities are managed, regulated or restricted to achieve conservation and sustainable use objectives of the BBNJ; and
  - (c) “not undermining” principle means the principle enshrined in Article 5(2) of the BBNJ to interpret and apply the BBNJ in a manner that does not undermine existing legal instruments or international, regional or sectoral bodies.

## **Registers**

**81.** The Authority may establish and maintain registers including the following:

- (a) permits, licences, certificates or written approvals or authorizations; and
- (b) any other register as may be necessary.

## **PART VII**

### **SPACE-RELATED OCEAN ACTIVITIES**

#### **Application of Part VII**

**82.** This Part shall apply to the following:

- (a) activities conducted by, on behalf of, or authorized by, Barbados in relation to Earth's oceans, particularly, Barbados waters and areas beyond Barbados jurisdiction, in accordance with international law, principles, standards and best practices; and
- (b) activities conducted by, on behalf of, or authorized by Barbados in relation to extraterrestrial oceans including other cosmic water resources.

#### **Treaty on Principles Governing Activities of States in Outer Space, 1967**

**83.** All space-oriented ocean activities shall be carried out in accordance with the *Treaty on Principles Governing Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1967*, as may be modified from time to time.

**Barbados Space-related Ocean Program**

**84.(1)** There is established the Barbados Space-related Ocean Program for the

- (a) utilization of space capabilities and technologies to enhance governance, management and sustainable use of Earth's ocean and its resources;
- (b) promotion, advancement and development of Barbados at the space frontier through exploration and study of extraterrestrial oceans and other cosmic water resources; and
- (c) harnessing of benefits and optimization of opportunities provided by Earth's ocean, extraterrestrial oceans and other cosmic water resources.

(2) The Program shall in relation to Barbados waters, promote space-based technologies and services to support ocean governance and management activities including the following:

- (a) using satellite data to map and monitor coastal and marine areas, ocean-based activities, oil spills, coastal erosion;
- (b) identifying areas in the marine environment requiring protection, enhanced management measures or restoration;
- (c) improving ocean monitoring and enforcement capabilities;
- (d) increasing an understanding of the climate, the ocean and its ecosystems to strengthen decision-making and advance national ocean literacy;
- (e) detecting marine pollution;
- (f) tracking and identifying vessels;
- (g) measuring sea level rise;
- (h) monitoring the health of marine plant life;

- (i)* increasing the role of space services and solutions in supporting conservation and sustainable utilization of marine biological diversity within Barbados waters and in areas beyond national jurisdiction; and
  - (j)* facilitating all other activities to enhance ocean governance and marine resources management using space capabilities.
- (3) The Program shall in relation to extraterrestrial oceans and other cosmic water resources
  - (a)* support extraterrestrial ocean exploration and study, including other cosmic water resources;
  - (b)* create resource, scientific knowledge and other markets to tap into the benefits flowing from ecosystem goods and services provided by extraterrestrial oceans and other cosmic water resources;
  - (c)* facilitate trade and commerce in high-resolution data from extraterrestrial ocean exploration, including other cosmic water resources, for material science, pharmaceutical and other industries seeking environmental innovations;
  - (d)* create inroads into the astro-bioprospecting and astro-biotechnology sectors;
  - (e)* explore partnership, investment and sustainable financing opportunities in relation to extraterrestrial oceans and other cosmic water resources; and
  - (f)* participate in extraterrestrial conservation credit trading schemes;
  - (g)* generally, for the continuous research, development and access to the extraterrestrial ocean world.

#### **Administration of the Program**

**85.(1)** The Space-related Ocean Program shall be administered by the Authority in collaboration with the Ministry responsible for Space Affairs.

- (2) The Authority, in collaboration with the Ministry responsible for Space Affairs, shall
- (a) develop regulations and other guidance in relation to licences, permits, approvals and other activities relating to ocean-specific space exploration and research activities;
  - (b) adopt or develop policies, sub-programs, projects, initiatives, strategies, plans of action to advance development at the intersections of the ocean and space;
  - (c) contribute to the protection and management of space including the undertaking of measures to prevent, reduce and control pollution; and
  - (d) carry out any other necessary action in furtherance of space-enabled ocean governance.

**Registration of spacecraft, space objects, satellite stations and other facilities**

**86.(1)** All spacecraft, space objects, satellite stations and other facilities to be used in ocean-specific space exploration and research activities shall be registered with the Ministry responsible for Space Affairs and in accordance with the *Convention on Registration of Objects Launched into Outer Space, 1975*, as amended.

(2) No licence, permit, certificate or written approval or authorization, as the case may be, shall be issued under this Part unless such spacecraft, space object, satellite station or other facility to be used in ocean-specific space exploration and research activities is registered.

**Requirements for space exploration and research**

**87.(1)** No person shall conduct or engage in any ocean-targeted space activities without the relevant licence, permit, certificate or written approval or authorization, as the case may be.

- (2) A person may apply to the Ministry responsible for Space Affairs for the relevant licence, permit or written approval or authorization.
- (3) An application for a licence, permit, certificate or written approval or authorization shall be accompanied by the following:
- (a) the specified fee;
  - (b) a policy of insurance or an equivalent form of financial security;
  - (c) a document detailing the intended ocean-targeted activities to be undertaken from space;
  - (d) a space debris mitigation and remediation plan which shall be consistent with the following:
    - (i) the Space Debris Mitigation Guidelines of the United Nations Committee on the Peaceful Uses of Outer Space; and
    - (ii) the Inter-Agency Space Debris Coordination Committee;
  - (e) a biological contamination prevention and management plan which shall be consistent with the Committee on Space Research Policy on Planetary Protection;
  - (f) an endorsement by the Authority or Administration, as the case may be, for the intended ocean-targeted space activities; and
  - (g) any other information or documentation required by the Ministry responsible for Space Affairs.
- (4) Where a person has complied with the requirements and paid the specified fee, the Ministry responsible for Space Affairs, shall issue the relevant licence, permit, certificate or written approval or authorization, as the case may be.
- (5) A person who contravenes subsection (1) commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or imprisonment for 15 years or to both and, in addition, the court may order the forfeiture of any spacecraft, space object, satellite station, facility, equipment, device or thing in connection with which the offence was committed.

**Terms, conditions, restrictions**

**88.(1)** A licence, permit, certificate or written approval or authorization, as the case may be, may be subject to such terms, conditions and restrictions.

(2) A person who breaches a term, condition or restriction imposed under a licence, permit, certificate or written approval or authorization, granted in relation to activities under this Part commits an offence and liable on conviction on indictment, to a fine of \$7 000 000 or imprisonment for 7 years or to both and, in addition, the court may order the forfeiture of any spacecraft, space object, satellite stations, facilities, equipment, device or thing in connection with which the offence was committed.

**Waste management**

**89.(1)** The *London Dumping Convention and Protocol 1972*, as amended, shall apply to wastes from space flight and other space operation activities whether or not carried on under the jurisdiction or authority of Barbados.

(2) Waste management measures relating to spacecraft, space objects, satellite stations or other space-based facilities shall be consistent with guidance, best practices and requirements issued by the following:

- (a) the International Maritime Organization;
- (b) the Secretariat of the *Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter* and its 1996 Protocol; and
- (c) the United Nations Office for Outer Space Affairs.

(3) A person who intentionally disposes waste from any spacecraft, space object, satellite station or other space-based facility into Barbados or Barbados waters commits an offence and liable on conviction on indictment to a fine of \$10 000 000 or imprisonment for 15 years or to both.

PART VIII

MISCELLANEOUS

**Publication or disclosure of information**

**90.(1)** No person shall, without the consent in writing given by or on behalf of the Authority, the Administration, any Ministry or agency specified in this Act, publish or disclose to any person, other than in the course of his duties or when lawfully required to do so by any court or under any law, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under the Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 5 years or to both.

**Confidentiality**

**91.(1)** No employee or agent of the Authority, the Administration, any Ministry or agency specified in this Act, shall

- (a) use, either directly or indirectly, any confidential information obtained as a result of his employment for his own benefit or advantage; or
- (b) disclose confidential information obtained as a result of his employment to any person other than to an authorized official or a duly authorized representative of the government of a foreign state in connection with the enforcement of this Act or its statutory instruments.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 5 years or to both.

**Administrative penalties**

**92.(1)** The Authority, the Administration or agency specified in this Act, shall have the power to impose administrative penalties, in an amount not exceeding \$100 000, in relation to contraventions of a directive, a licence, permit, certificate, written approval or authorization or any requirement contained in any other instrument.

(2) An administrative penalty notice shall be in the form approved by the Authority, Administration or agency specified in this Act.

(3) A person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention, may instead of paying the amount of the administrative penalty, appeal to a Judge in Chambers.

(4) The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

**General penalty**

**93.(1)** A person who commits an offence under the Act or under its statutory instruments for which no other penalty is provided is liable on summary conviction to a fine of \$150 000 and on indictment to a fine of \$10 000 000.

(2) Where an offence under the Act or its statutory instruments is a continuing one, and no other penalty is provided in relation to its continuance, a person who commits the offence is liable on summary conviction, in addition to any other penalty, to a fine of \$500 dollars for every day or part of a day during which the offence continues after the conviction.

**Environmental clean-up and restoration**

**94.** In the case of marine environmental damage or loss, notwithstanding any administrative penalty, fine or term of imprisonment imposed under this Act or its statutory instruments, an offender may be required to engage in

environmental clean-up and restoration or liable to cover the costs associated with any environmental clean-up and restoration, as the case may be.

**Barbados Port Inc.**

**95.(1)** The Barbados Port Inc. may, by order, prescribe the following in the interest of navigational safety:

- (a) designate sea lanes in accordance with IMO standards;
- (b) traffic separation schemes for the regulation of the passage of vessels through the internal waters and territorial sea in accordance with IMO standards; and
- (c) generally for the purpose of giving effect to this Act.

(2) The Barbados Port Inc. may issue notices, guidelines, and directives to regulate access by vessels to any port or place designated as a port within Barbados waters, including access to port areas.

(3) The Barbados Port Inc. shall have the power to regulate and enforce any measures related to navigational safety by vessels in any port or place designated as a port within Barbados waters including access to port areas.

**Orders in the interest of peace, good order or security of Barbados**

**96.(1)** The Minister responsible for National Security, in consultation with the Minister responsible for Foreign Affairs and the Minister responsible for Shipping, may make orders in relation to Barbados waters in the interest of peace, good order or security.

(2) The Minister responsible for National Security, in consultation with the Minister responsible for Foreign Affairs and the Minister responsible for Shipping, may take any measures including the suspension, whether absolutely or subject to any exceptions and qualifications as he thinks fit, of the right of innocent passage of all or any class of foreign vessels through any area of Barbados' territorial sea.

**Marine environmental risks**

**97.** Where on the basis of a risk management plan or an independent assessment, any activity poses significant irreversible risks to the marine environment, no ministry, entity or agency shall issue a licence, permit, certificate or grant approval or authorization of any kind for such activities to be conducted or performed in Barbados waters or under the authorization of Barbados in areas beyond national jurisdiction.

**Transfer of functions**

**98.(1)** Where it considers it justifiable, the Ministry responsible for Maritime Affairs may

- (a) transfer any or all of its functions to any relevant entity; or
- (b) authorize a person or an entity outside of Barbados to perform its functions.

(2) A transfer made in relation to subsection (1)(b) shall be effected by way of transfer agreement.

**Regulations by Minister responsible for Foreign Affairs**

**99.** The Minister responsible for Foreign Affairs may make regulations prescribing the following:

- (a) maritime zones;
- (b) maritime boundary delimitations; and
- (c) generally for the purpose of giving effect to this Act.

**Regulations by Minister responsible for Maritime Affairs**

**100.** The Minister responsible for Maritime Affairs may make regulations prescribing the following:

- (a) the protection and preservation of the marine environment;

- (b) the protection, conservation, management and sustainable utilization of marine living and non-living resources;
- (c) activities and regulation and of activities directed at marine biological diversity in areas beyond national jurisdiction;
- (d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for the Authority; and
- (e) generally for the purpose of giving effect to this Act.

### **Regulations by Minister responsible for Shipping**

**101.** The Minister responsible for Shipping may make regulations prescribing the following:

- (a) vessel passage;
- (b) sea lanes and traffic separation schemes;
- (c) coastal State controls in relation to Barbados vessels and foreign vessels in Barbados waters;
- (d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Shipping; and
- (e) generally for the purpose of giving effect to this Act.

### **Regulations by Minister responsible for National Security**

**102.** The Minister responsible for National Security may make regulations prescribing the following:

- (a) entry by warships, submarines and other submersible vessels in Barbados waters;
- (b) maritime security and marine environmental security in relation to Barbados waters including the seabed and subsoil thereof; and

- (c) generally for the purpose of giving effect to this Act.

#### **Regulations by Minister responsible for Telecommunications**

**103.** The Minister responsible for the Telecommunications may make regulations prescribing the following:

- (a) maritime telecommunication and radio communication services;
- (b) submarine cable protection and management;
- (c) safety and security of telecommunications and radio communication infrastructure, equipment and facilities;
- (d) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Telecommunications; and
- (e) generally for the purpose of giving effect to this Act.

#### **Regulations by Minister responsible for the Environment**

**104.** The Minister responsible for the Environment may make regulations prescribing the following:

- (a) to effectively implement PART XII of the UNCLOS; and
- (b) generally for the purpose of giving effect to this Act.

#### **Regulations by Minister responsible for Space Affairs**

**105.** The Minister responsible for Space Affairs may make regulations prescribing the following:

- (a) space-related ocean activities;
- (b) Barbados Space-related Ocean Program;
- (c) licences, permits, certificates or written approvals or authorization in relation to maritime activities falling within the purview of the Ministry responsible for Space Affairs; and

(d) generally for the purpose of giving effect to this Act.

**Repeal**

**106.** The following are repealed:

- (a) *Barbados Territorial Waters Act*, Cap. 386; and
- (b) *Marine Boundaries and Jurisdiction Act*, Cap. 387.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2026.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2026.

**President**

CRIMINAL GANGS (PREVENTION AND CONTROL) ACT, 2026

**OBJECTS AND REASONS**

This Bill would provide for the prevention and control of criminal gangs and gang-related activities.



CRIMINAL GANGS (PREVENTION AND CONTROL) ACT, 2026

*Arrangement of Sections*

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Meaning of “gang” etc.
4. Evidence in relation to a gang

PART II

OFFENCES

5. Gang membership
6. Recruiting to a gang
7. Coercing or encouraging gang membership
8. Counselling a gang leader or member
9. Preventing gang leader or gang member from leaving gang etc.
10. Possession of bullet-proof vest, firearm, ammunition, prohibited weapon or police paraphernalia for gang-related activity

11. Harboursing a gang member
12. Concealing a gang leader or gang member etc.
13. Causing or permitting use of premises or motor vehicle etc.
14. Tipping-off
15. Retaliatory action
16. Instructing a person who participates in an unlawful gang to commit an offence

PART III

POWERS OF POLICE OFFICERS

17. Police powers of entry, search and arrest

PART IV

MISCELLANEOUS

18. Detention of suspects
19. Amendment of *Second Schedule*
20. Regulations

FIRST SCHEDULE

*Gang-related Activity Offences*

SECOND SCHEDULE

*Application for Detention Order*

## **BARBADOS**

A Bill entitled

An Act to provide for the prevention and control of criminal gangs and gang-related activities.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Criminal Gangs (Prevention and Control) Act, 2026*.

**Interpretation**

2. In this Act

“aircraft” has the meaning assigned to it by section 2 of the *Civil Aviation Act, 2022* (Act 2022-19);

“ammunition” has the meaning assigned to it by section 2 of the *Firearms Act, Cap. 179*;

“benefit” includes any money or other property, service or advantage;

“bullet proof vest” means a vest or article of personal armour that is capable of providing protection, or intended to provide protection, from the penetration of bullets or similar projectiles or shrapnel from explosions;

“child” means a person under the age of 18 years;

“controlled drug” has the meaning assigned to it by section 2(1) of the *Drug Abuse (Prevention and Control) Act, Cap. 131*;

“court” means a Magistrate’s court or the High Court;

“firearm” has the meaning assigned to it by section 2 of the *Firearms Act, Cap. 179*;

“gang leader” means a person who knowingly initiates, establishes, organizes, plans, finances, directs, guides, manages or supervises a gang;

“gang member” means a person who belongs to a gang, or associates himself with a gang-related activity;

“gang-related activity” means any offence listed in the *First Schedule* which a gang leader or a gang member acquiesces in, consents or agrees to, plans, directs, orders, authorises, requests or ratifies, and includes an activity that amounts to

- (a) the committing of the offence;
- (b) an attempt to commit the offence;
- (c) aiding, abetting, counselling or procuring the offence; or
- (d) conspiracy to commit the offence;

“harbour”, in relation to a person, means to

- (a) give shelter or refuge to the person; and
- (b) encourage or support the person, whether implicitly or explicitly, in committing gang-related activity;

“intelligence officer” means an officer of the Financial Intelligence Unit, or any other intelligence or law enforcement unit;

“law enforcement officer” includes

- (a) a member of
  - (i) the Barbados Police Service;
  - (ii) the Barbados Special Constabulary;
  - (iii) the Barbados Defence Force; and
  - (iv) the Barbados Prison Service;
- (b) a customs officer within the meaning of section 2 of the *Customs Act, 2021* (Act 2021-34);
- (c) an immigration officer within the meaning of section 2 of the *Immigration Act, Cap. 190*; and

(d) an officer of any other agency of the State in which investigative powers, similar to those exercisable by a member of the Police Service, are lawfully vested;

“motor vehicle” has the meaning assigned to it by section 2 of the *Road Traffic Act*, Cap. 295;

“property” has the meaning assigned to it by section 2 of the *Proceeds and Instrumentalities of Crime Act, 2019* (Act 2019-17);

“prohibited weapon” or “prohibited ammunition” has the meaning assigned to it by section 2(1) of the *Firearms Act*, Cap. 179;

“public place” has the meaning assigned to it by section 2(1) of the *Firearms Act*, Cap. 179;

“publish” includes sharing on digital or social media platforms;

“recruit” includes procure, lure, solicit, incite and induce;

“school” includes any institution which provides nursery, primary, secondary or tertiary education or professional, technical or vocational training;

“ship” has the meaning assigned to it by section 3 of the *Merchant Shipping Act, 2024* (Act 2024-28).

### **Meaning of “gang” etc.**

**3.(1)** In this Act, “gang” means any association, organisation, group, alliance, network, combination or other arrangement among 5 or more persons, whether formally or informally affiliated or organised, and whether or not operating through a body corporate or other association, that

(a) has as one of its purposes or activities the facilitation or commission of gang-related activities; or

- (b) through membership or participation in the association, organisation, group, alliance, network, combination or other arrangement, whether individually, jointly or collectively
  - (i) engages in gang-related activities; or
  - (ii) issues threats or engages in violent conduct to
    - (A) create fear, intimidate, exert power or gain influence in communities, or over other persons, in furtherance of gang-related activities; or
    - (B) obtain, directly or indirectly, a financial or other material benefit.
- (2) For the purpose of subsection (1), facilitation of a gang-related activity does not require that
  - (a) the person facilitating the gang-related activity has knowledge of a particular activity, the commission of which is being facilitated; or
  - (b) a gang-related activity is actually committed.
- (3) Subsection (1) does not apply to any association, organisation, group, alliance, network, combination or other arrangement among persons
  - (a) acting in contemplation or in the course of a trade dispute within the meaning of section 2 of the *Trade Unions Act*, Cap. 361; or
  - (b) that forms randomly for the immediate commission of a single offence.

**Evidence in relation to a gang**

4.(1) For the purpose of this Act, it shall not be necessary to show that a particular gang possesses, acknowledges or is known by a common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualification, initiation rites, geographical or territorial situs, boundary or location, or other unifying mark,

manner, protocol or method of expressing or indicating its membership where the gang's existence can be demonstrated by other admissible evidence, but evidence which reasonably shows or demonstrates the existence of, or membership in, a gang shall be admissible in proceedings brought under this Act including

- (a) whether a person has admitted that he is a gang leader or a gang member;
  - (b) evidence that the person is or has associated or been involved with a gang with the intent to facilitate the commission of a gang-related activity or to promote, further or assist in the gang-related activity;
  - (c) evidence of a gang-related activity by the person that indicates a link or involvement with a gang;
  - (d) evidence that the person knowingly assisted in or in any way facilitated the concealment, transportation or disposal of anything of evidentiary value relating to the commission of a gang-related activity by a gang;
  - (e) evidence that the person knowingly concealed or shared in the proceeds of a gang-related activity committed by a gang;
  - (f) any statement made or information given, distributed or communicated by the person on behalf of, or in the name of, a gang; and
  - (g) any statement made by, or on behalf of the person, whether orally or in writing, and published or otherwise distributed by him or on his behalf, indicating his involvement in the commission of a gang-related activity by a gang.
- (2) Notwithstanding subsection (1), the community in which a person resides shall not be a factor in determining whether the person is a member of a gang.

PART II

OFFENCES

**Gang membership**

- 5.(1) A person who
- (a) is a gang leader;
  - (b) is a gang member;
  - (c) performs an act as a condition for membership in a gang; or
  - (d) professes to be a gang leader or a gang member, or to be acting on behalf of, or on the instruction of, a gang leader, gang member or gang, or implies that he is a gang leader or a gang member, or is acting on behalf of, or on the instruction of, a gang leader, gang member or gang, in order to
    - (i) gain a benefit for himself or another person;
    - (ii) intimidate another person; or
    - (iii) promote a gang,
- commits an offence.
- (2) A person who commits an offence under subsection (1)(a) is liable on conviction on indictment to imprisonment for 25 years.
- (3) A person who commits an offence under subsection (1)(b), (c) or (d) is liable on
- (a) summary conviction to imprisonment for 10 years; or
  - (b) conviction on indictment to imprisonment for 20 years.
- (4) A law enforcement officer or an intelligence officer who commits an offence under this section is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(5) A gang leader or other gang member who, with intent

(a) wounds or causes grievous bodily harm to; or

(b) to do grievous bodily harm, shoots at,

a law enforcement officer or an intelligence officer, commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 30 years.

(6) The court may impose a lesser sentence than specified in subsections (2) and (3) where

(a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;

(b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;

(c) public safety and public order will not be prejudiced; or

(d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.

(7) The court may impose a lesser sentence than specified in subsections (4) and (5) where the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.

### **Recruiting to a gang**

**6.(1)** A person who recruits a child to a gang commits an offence and is liable on indictment to imprisonment for not less than 10 years and not more than 25 years.

(2) Notwithstanding subsection (1), a person who

(a) on the premises of a school or a place of worship; or

(b) within 500 metres of a school or a place of worship,

recruits a child to a gang commits an offence and is liable on conviction on indictment to imprisonment for not less than 10 years and not more than 25 years.

(3) A person who recruits another person, other than a child, to a gang commits an offence and is liable on indictment to imprisonment for not less than 10 years and not more than 20 years.

(4) The court may impose a lesser sentence than specified in this subsections (1), (2) and (3) where

- (a) the person who committed the offence was under the age of 18 years at the time of the commission of the offence;
- (b) the person who committed the offence has not been previously convicted of an indictable offence of a violent nature;
- (c) public safety and public order will not be prejudiced; or
- (d) the court is of the opinion that there are exceptional circumstances relating to the offence or the person convicted of the offence which justify its not doing so.

### **Coercing or encouraging gang membership**

7. A person who coerces, encourages, entices, aids or abets another person to be a gang leader or gang member commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

### **Counselling a gang leader or member**

8. A person who knowingly
- (a) counsels;
  - (b) gives instruction or guidance to;
  - (c) finances in any manner; or
  - (d) otherwise provides support to,

a gang leader, gang member or gang in furtherance of its participation in, involvement in or commission of a gang-related activity commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

**Preventing gang leader or gang member from leaving gang etc.**

**9.(1)** A person who prevents or deters a gang leader or gang member from leaving a gang or obstructs a gang leader or gang member in leaving a gang commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

(2) A person who prevents or deters another person or obstructs the other person in ceasing to provide a benefit to a gang leader, gang member or gang commits an offence and is liable on conviction on indictment to imprisonment for 25 years.

**Possession of bullet-proof vest, firearm, ammunition, prohibited weapon or police paraphernalia for gang-related activity**

**10.(1)** A person who

(a) uses a bullet-proof vest, firearm, ammunition, or prohibited weapon;  
or

(b) has in his possession a bullet-proof vest, firearm, ammunition, or prohibited weapon which he knows or ought reasonably to know would be used

in the commission of a gang-related activity, commits an offence and is liable on conviction on indictment to imprisonment for 15 years.

(2) It is a defence for a person charged with an offence under subsection (1) (b) if he proves that he did not know or could not reasonably have known that the bullet-proof vest, firearm, ammunition, or prohibited weapon in his possession would be used in the commission of a gang-related activity.

(3) A person who uses or has in his possession police paraphernalia in the commission of a gang-related activity, commits an offence and is liable on conviction on indictment to imprisonment for 20 years

(4) For the purposes of subsection (3), “police paraphernalia” means equipment, gear, weapons and items associated with, used by, or designed for a law enforcement officer in the execution of his duties.

**Harbouring a gang member**

**11.(1)** A person who knowingly harbours a gang leader or a gang member commits an offence and is liable on

- (a) summary conviction to imprisonment for 10 years; or
- (b) conviction on indictment to imprisonment for 20 years.

(2) For the purposes of subsection (1), where

- (a) the gang leader or gang member is a child; and
- (b) the person convicted is the parent or is acting in *loco parentis* of the child,

the Court, in sentencing the person convicted, shall take into consideration mitigating factors such as efforts made by the person convicted to reform or rehabilitate the child.

**Concealing a gang leader or gang member etc.**

**12.** A person who knowingly conceals a gang leader, a gang member or a gang-related activity commits an offence and is liable on

- (a) summary conviction to imprisonment for 15 years; or
- (b) conviction on indictment to imprisonment for 25 years.

**Causing or permitting use of premises or motor vehicle etc.**

**13.** An owner, occupier or any other person responsible for the management or control of any premises, motor vehicle, aircraft or ship, who, knowingly causes or permits the premises, motor vehicle, aircraft or ship to be used for any purpose or activity which constitutes an offence under this Act, commits an offence and is liable on

- (a) summary conviction to imprisonment for 10 years; or
- (b) conviction on indictment to imprisonment for 20 years.

**Tipping-off**

**14.(1)** A person who

- (a) knows or suspects that a police officer or any other officer of a law enforcement authority is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence under this Act; and
- (b) discloses to any other person information or any other matter with a view to prejudice or intending to prejudice that investigation, or proposed investigation,

commits an offence and is liable on conviction on indictment to a fine of \$100 000 and to imprisonment for 20 years.

(2) Nothing in subsection (1) makes it an offence for an attorney at law to disclose any information or other matter

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
- (b) to any person
  - (i) in contemplation of, or in connection with, legal proceedings; and
  - (ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

**Retaliatory action**

**15.(1)** A person shall not intentionally take retaliatory action against another person or a relative, friend, associate or property of that other person, on account of that other person

- (a) refusing to become a gang leader or gang member;
- (b) ceasing to be a gang leader or gang member;
- (c) refusing to render assistance in harbouring, concealing or counselling a gang member or in concealing a gang-related activity;
- (d) refusing to comply with an order of a gang leader or gang member;
- (e) refusing to provide funding or other resources to a gang leader, gang member or gang.
- (f) refusing to participate in retaliatory action against a third person or a relative, friend, associate or property of that third person;
- (g) giving information to a law enforcement officer or an intelligence officer in relation to a gang, gang leader, gang member or gang-related activity;
- (h) assisting in the investigation of a gang, gang leader, gang member or gang-related activity;
- (i) giving evidence in the prosecution of a gang leader or gang member or another person for an offence under this Act;
- (j) prosecuting a gang leader or a gang member or another person for an offence under this Act; or
- (k) presiding over a matter in a court that involves a gang leader or a gang member or another person for an offence under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 30 years.

(3) For the purposes of this section,

“relative”, in relation to a person, means the person’s

- (a) parent, step-parent or guardian;
- (b) fiancé or spouse;
- (c) child, step-child or other dependant;
- (d) brother, sister, step-brother or step-sister;
- (e) grandparent;
- (f) father-in-law, mother-in-law, brother-in-law or sister-in-law, and any other person responsible for the person’s care and support;

“spouse”, in relation a person, includes

- (a) the other party to the union other than marriage within the meaning of section 39 of the *Family Law Act*, Cap. 214, where the person is in such a union;
- (b) another party with whom the person is in a relationship similar to marriage or to a union other than marriage.

**Instructing a person who participates in an unlawful gang to commit an offence**

**16.(1)** Any person who knowingly instructs, directly or indirectly, a person who participates in or actively contributes to gang related activity to commit an offence, commits an offence, and is liable to

- (a) a term of imprisonment of one year where the term of imprisonment imposed for the offence committed is 5 years or less;
- (b) a term of imprisonment of 3 years where the term of imprisonment imposed for the offence committed is 5 years or more; or

- (c) the payment of a fine of \$10 000 where a fine is imposed for the offence.
- (2) In the prosecution of the offence referred to in subsection (1), it shall not be necessary to prove that
  - (a) an offence other than the offence under subsection (1) was actually committed;
  - (b) the accused instructed a particular person to commit an offence; or
  - (c) the accused knew the identity of all or some of the members of the gang.

### PART III

#### POWERS OF POLICE OFFICERS

##### **Police powers of entry, search and arrest**

**17.(1)** A police officer may arrest without a warrant a person whom he has reasonable cause to believe is a gang leader or gang member or who he has reasonable cause to believe has committed an offence under this Act.

(2) A magistrate may issue a warrant to a police officer authorizing the police officer to enter and search a dwelling house where the magistrate is satisfied by evidence on oath that there is reasonable ground for believing that there may be found in the dwelling house a gang leader, gang member or a person whom the magistrate has reasonable cause to believe has committed an offence under this Act.

(3) A police officer may with consent enter and search a place or premises not used as a dwelling house including a building, ship, vessel, carriage, box or receptacle, if he has reasonable cause to believe that a gang leader, gang member or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

(4) Where a person refuses to give consent under subsection (3), a police officer may apply for a warrant to search a place or premises not used as a dwelling house if he has reasonable cause to believe that a gang leader, gang member, or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

(5) A magistrate may issue a warrant to a police officer authorizing the police officer to enter and search a place or premises not used as a dwelling house if he has reasonable cause to believe that a gang leader, gang member, or a person whom he has reasonable cause to believe has committed an offence under this Act may be found in that place or premises.

## PART IV

### MISCELLANEOUS

#### **Detention of suspects**

**18.(1)** A police officer may detain, without a warrant, for a period not exceeding 72 hours a person whom he reasonably suspects

(a) has committed, is committing or is about to commit; or

(b) has interfered, is interfering or is about to interfere with an investigation of,

an offence under this Act without charging him for the offence.

(2) The period of detention shall be effective from the time at which the person is arrested and detained.

(3) Where a person is detained pursuant to subsection (1), the police officer who made the detention shall without delay

(a) inform the person of the grounds for his detention;

- (b) cause to be maintained a custody record that relates to the detained person; and
  - (c) record the grounds for detention in the custody record.
- (4) Where additional grounds arise for continuing to detain a person within the 72 hour period in accordance with subsection (1), a police officer shall record the additional grounds in the custody record of the person.
- (5) A police officer shall, upon the request of the detained person or the attorney-at-law of the detained person, provide a copy of the custody record to the person or the attorney-at-law.
- (6) Where a person is detained without a charge under subsection (1), the Divisional Officer responsible for the police station at which the person is detained shall, within 48 hours of the time that the person was arrested and detained, review the grounds for detention of the person.
- (7) Subject to subsection (6), where the Divisional Officer is satisfied that the detention of the person
  - (a) is not reasonably required having regard to the stage of the investigation of the suspected offence, the Divisional Officer shall order that the person be released immediately.
  - (b) is reasonably required
    - (i) having regard to the stage of the investigation of the suspected offence;
    - (ii) to prevent interference with an investigation of an offence under this Act;
    - (iii) to prevent the commission of an offence; or
    - (iv) to obtain, secure or preserve evidence relating to an offence under this Act;,

the Divisional Officer may permit a police officer to apply *ex parte* to a Judge in Chambers, in the form set out in the *Second Schedule*, for a

detention order in relation to the person; and the application shall be supported by evidence on oath.

(8) A Judge may grant a detention order under subsection (7) for the further detention of the person named in the application where he is satisfied that there are reasonable grounds to believe that

(a) the further detention of the person to whom the application relates is justified; and

(b) the investigation is being conducted diligently and expeditiously.

(9) The period for which a detention order may be granted under subsection (8) shall be such period as the Judge thinks fit, having regard to the evidence before him, but the period shall end not later than 7 days after the time of the arrest and detention.

(10) A person detained in accordance with subsection (8) may apply to a Judge showing cause why the detention order should be discharged.

#### ***Amendment of Second Schedule***

**19.** The Minister may by Order subject to negative resolution amend the *Second Schedule*.

#### **Regulations**

**20.(1)** The Minister may make Regulations generally for giving effect to this Act.

(2) Regulations made under subsection (1), shall be subject to affirmative resolution.

(3) A person who contravenes Regulations made under this section commits an offence and is liable on summary conviction to a fine of \$250 000 and to imprisonment for 7 years.

(4) The Minister may by Order amend the fine set out in subsection (3).

**FIRST SCHEDULE**

*(Section 2)*

*Gang-related Activity Offences*

1. Murder
2. Shooting at a law enforcement officer with intent to cause him serious bodily harm
3. Unlawfully or maliciously causing serious bodily harm to a law enforcement officer
4. Kidnapping
5. Possession or use of a firearm or ammunition without a licence or permit
6. Possession or use of prohibited weapons or prohibited ammunition
7. Possession of a firearm or an imitation firearm in pursuance of or with the intent to commit an offence
8. Arson
9. Theft
10. Larceny of a motor vehicle
11. Handling or dealing in stolen goods
12. Damage or destruction of property
13. Threats to damage or destroy property
14. Threats of violence
15. Assault
16. Offences under the *Sexual Offences Act*, Cap. 154
17. Inflicting serious bodily harm
19. Unlawful wounding or malicious wounding
20. Unlawful or malicious wounding of a law enforcement officer
21. Possession of an offensive weapon in a public place without lawful authority or reasonable excuse

22. Sale of or offering for sale an offensive weapon in a public place without lawful authority
23. Use of a firearm that endangers the life of a person
24. Manufacturing or dealing in firearms or ammunition without a licence
25. Trafficking in controlled drugs or being in possession of controlled drugs for the purposes of trafficking the controlled drugs
26. Trafficking in persons or children
27. Being a gang leader
28. Being a gang member
29. Participating in or engaging in gang-related activities
30. Recruiting a gang leader or gang member, encouraging, facilitating, coercing, aiding or abetting gang leadership, gang membership or gang-related activities
31. Counselling, encouraging, facilitating, coercing, aiding or abetting gang leadership, gang membership or gang-related activities
32. Preventing or deterring a gang leader or gang member from leaving a gang
33. Harboring a gang leader or gang member
34. Concealing a gang leader or gang member or a gang-related activity
35. Participating in criminal activity in association with a gang
36. Possession of bullet proof vests, firearms, ammunition, prohibited ammunition, prohibited weapons or police paraphernalia for the benefit of a gang
37. Possessing, using, obtaining or sharing proceeds of gang-related activities
38. Concealing proceeds of gang-related activities
39. Providing material benefits to a gang

**SECOND SCHEDULE**

*(Section 18(7))*



*Criminal Gangs (Prevention and Control) Act, 2026*  
(Act 2026- )

*APPLICATION FOR DETENTION ORDER*

I, \_\_\_\_\_, \_\_\_\_\_  
*(Name of applicant) (office of applicant)*

hereby apply under section 17(7) of the *Criminal Gangs (Prevention and Control) Act, 2026*

(Act 2026- ) for a Detention Order against \_\_\_\_\_  
*(Name of person detained)*

a person detained in police custody since \_\_\_\_\_,  
*(Date and time of detention)*

in connection with \_\_\_\_\_

\_\_\_\_\_  
*(details of person's alleged conduct)*

\_\_\_\_\_

*Second Schedule - (Concl'd)*

The grounds of the application are

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Certificate of truth

I swear to the best of my knowledge, information and belief that the contents of this application are true.

Signed: \_\_\_\_\_  
*(Name of applicant)*

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2026.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2026.

**President**

## SEAFARERS ACT, 2026

### **OBJECTS AND REASONS**

This Bill would make provision for

- (a) the implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended;
- (b) the implementation of the Maritime Labour Convention 2006, as amended;
- (c) a framework to support continued improvement and development of Barbados' seafaring sector; and
- (d) ensuring the highest possible standards of protection for seafarers.



SEAFARERS ACT, 2026

*Arrangement of Sections*

PART I

PRELIMINARY

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4. Objectives
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7. Application in relation to ships and yachts
8. List of Barbadian seafarers working on board foreign-registered ships
9. Application in respect of non-MLC states
10. Human Element in Shipping Care Inspectorate
11. Act binds the State

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STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING

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15. Equivalentents
16. Certificates of competency
17. Certificates
18. Transitional
19. Other candidates
20. Powers of Director
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22. Report to Secretary-General
23. Certificate-related inspections
24. Notice of offence
25. Promotion of technical co-operation
26. Certification of seafarers
27. Certificate of competency and certificate of proficiency

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- 29. Administration may vary requirements as to certificates
- 30. Certificates granted by competent foreign authorities
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- 33. Vessels under 200 GT
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- 35. Fundamental rights and principles
- 36. Employment and social rights
- 37. Exercise of jurisdiction over ships flying the Barbados flag
- 38. Maritime labour certificate and declaration of maritime labour
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- 40. Ships not carrying required certificates
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63. Public Maritime Training Providers
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69. Prohibition on number of cadets to be engaged
70. Obligations of all seafarer recruitment and placement agencies
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73. Supervision of seafarer recruitment and placement agencies
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**BARBADOS**

A Bill entitled

An Act to provide for international maritime standards for seafarers;

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Seafarers Act, 2026*.

**Interpretation**

- 2.(1) In this Act,

“Administration” means the Barbados Maritime Transport Administration, established under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“apprentice” means a person, including a minor, bound by a formal agreement or otherwise to a ship master or shipping company to learn a specific trade, craft or profession, over a defined period, typically involving on-the-job-training and formal instruction for which compensation and maintenance is received;

“authorized officer” in respect of a port, means a person undertaking duties connected with the navigation, processing and clearance of vessels, and other technical, operational and administrative matters in respect of vessels, in the port or within areas under the authority of the port, and includes

- (a) a port official, customs official, immigration official and any other person authorized by the Director, the chief executive officer of the port, the Comptroller of Customs, the Chief Immigration Officer or the Chief Environmental Health Officer to act in such a capacity; and
- (b) a port state control officer, as defined in Chapter 1.7 of the International Maritime Organization’s Resolution A.1119 (30), designated by the Administration;

“Barbados-registered ship” means a ship registered under the Barbados flag;

“Barbados waters” has the same meaning as in the *Maritime and Underwater Heritage Act, 2025* (Act 2025-2);

“Caribbean trading area” has the same meaning as in the International Maritime Organization’s Code of Safety for Small Commercial Vessels Operating in the Caribbean;

“certificate of competency” means

- (a) a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with Chapter II, III, IV or VII of the Annex to the STCW Convention; or
- (b) a port operation certificate, not issued under a convention, that entitles the holder to serve in the capacity of, and perform the functions involved at, the level of responsibility specified in it;

“declaration of maritime labour compliance” means the declaration described in section 222(5);

“degree one maritime autonomous surface ship” means a ship with automated processes and decision support, with seafarers on board to operate and control shipboard systems and functions;

“degree two maritime autonomous surface ship” means a remotely controlled ship, controlled and operated from another location, with seafarers available on board to take control and operate the shipboard systems and functions;

“degree three maritime autonomous surface ship” means a ship that is remotely controlled from another location with no seafarers physically on board;

“degree four maritime autonomous surface ship” means a fully autonomous ship, with an operating system capable of making decisions and determining actions by itself;

“Director” means the Director of Ocean Affairs;

- “Director General” means the Director General of the International Labour Organization;
- “dollar” means the Barbados dollar;
- “domestic trading area” means the area within Barbados’ territorial sea, contiguous zone and exclusive economic zone;
- “FAL Convention” means the Convention on Facilitation of International Maritime Traffic, 1965, as amended, given force of law under the *Facilitation of International Maritime Traffic Act, 2024 (Act 2024-2)*;
- “fishing vessel” means a vessel above 150 GT, operating outside of the domestic trading area or the Caribbean trading area, that is used for catching fish, whales, seals, walrus or other living resources of the sea;
- “foreign-registered ship” means a ship or vessel registered in a country other than Barbados;
- “GT” means a ship’s gross tonnage, and refers to a ship’s overall internal volume, not its weight;
- “human element” means an issue that affects maritime safety, security and marine environmental protection, involving the entire spectrum of human activities performed by ships’ crews, remote vessel management, regulatory bodies, recognized organizations, shipyards, legislators and other relevant parties;
- “International Labour Organization” means the organization of that name established in 1919 as part of the Treaty of Versailles that became a specialized agency of the United Nations in 1946;
- “International Maritime Organization” means the organization established under the Convention on the International Maritime Organization that was adopted on March 6<sup>th</sup>, 1948 and entered into force on March 17<sup>th</sup>, 1958;
- “key worker status” means the designation of seafarers as essential personnel who are critical to the continued functioning of global trade and supply chains, especially during times of crisis, including health crisis;

- “local” means located in Barbados;
- “marine notice” includes a maritime labour notice, marine labour guidance note and marine information note made under this Act;
- “maritime autonomous surface ship” means a ship that to varying degrees, can operate independently of human interaction;
- “maritime autonomous vessel” means any seaborne surface or submersible vessel fitted with automatic processes or systems capable of providing decision support or taking over all or part of the control and steering of the vessel, irrespective of whether the exercise of control or steering takes place from the vessel, from another location at sea or from land;
- “Maritime Labour Convention” means the Maritime Labour Convention adopted by the International Labour Organization in 2006, as amended;
- “maritime labour notice” means a notice described as such containing information and requirements relating to maritime labour affairs;
- “maritime law enforcement” means the Barbados Coast Guard or the Marine Police Unit of the Barbados Police Service;
- “maritime law enforcement officer” means officers and enlisted members of the
- (a) Barbados Defence Force; or
  - (b) the Marine Police Unit of the Barbados Police Service;
- “master” includes any person, other than a pilot, having command or charge of a ship;
- “Minister” means the Minister with responsibility for Shipping and Seafaring Affairs;
- “MLC Member State” means State Party to the Maritime Labour Convention 2006, as amended;
- “non-national seafarer” means a seafarer other than a seafarer who is a citizen or permanent resident of Barbados;

“passenger” means a person carried on a ship, other than

- (a) a person employed or engaged in any capacity on board the ship in the business of the ship;
- (b) a person on board the ship by reason of the obligation of the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner could have prevented or forestalled; or
- (c) a child less than one year of age;

“passenger ship” means a ship that carries more than 12 passengers;

“Principal Registrar” means person responsible for administration of Barbados’ International Ships Registry Program;

“private maritime training provider” means

- (a) a private individual or private entity providing training to
  - (i) persons intending to be seafarers;
  - (ii) seafarers;
  - (iii) small vessel operators registered under the *Shipping (Domestic Vessels) Act, 2024 (Act 2024-22)*; and
- (b) includes private maritime training schools or institutions registered under the *Shipping (Domestic Vessels) Act, 2024*;

“proper officer” in relation to a function or activity, means an officer appointed to perform that function or activity, and includes a consular officer;

“public maritime training provider” means

- (a) a government entity providing training to
  - (i) persons intending to be seafarers;
  - (ii) seafarers;

(iii) small vessel operators registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22); and

(b) includes public maritime training schools or institutions providing training registered under the *Shipping (Domestic Vessels) Act, 2024*;

“reasonable time” means a period that is fair, proper or moderate, depending on the circumstances of the case;

“regulations” include any kind of instrument designed to regulate seafaring affairs, and includes Maritime Labour Notices guidelines;

“remote control centre” means a physical area reserved solely for maritime vessel operations that is detached from the vessel and that is controlled onshore or on board another vessel;

“remote ship operator” means a person who

(a) holds qualifications to a level equivalent to, or higher than, the master of a conventionally manned ship;

(b) manages, operates and monitors the navigation of one or more autonomous ships or vessels without being physically on board the vessel;

(c) was a seafarer serving on a conventionally-manned ship or vessel, but transitioned to employment in the autonomous shipping industry; and

(d) is entitled to represent the vessel to the authorities;

“riverine transport vessel” includes any vessel specifically designed to navigate rivers and inland waterways;

“seafarer” means

(a) a person who is employed, engaged or works in any capacity on board a ship;

(b) a person who is employed, engaged or works in any capacity in respect of a maritime autonomous surface ship;

- (c) a person who is employed, engaged or works in any capacity on board
  - (i) an oil rig; or
  - (ii) any other kind of vessel, offshore unit, facility or structure engaged in activities related to oil, gas, minerals and other non-living marine resources;
- (d) a person who is employed, engaged or works in any capacity on board a riverine transport vessel;
- (e) self-employed contract personnel serving on a vessel,  
but does not include an apprentice, a person not belonging to the ship's crew who has the conduct of the ship as a pilot or person temporarily employed on a ship in port;

“seafarers’ organization” means an organization formally established for the purposes of collective seafaring interests and for promoting the interests of seafarers in matters of shipping policy and ship operations;

“seafaring industry (fee) notice” means a notice described as such, and issued pursuant to this Act and its regulations;

“Secretary-General” means the Secretary-General of the International Maritime Organization;

“ship” means a ship howsoever propelled, other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply, and a reference to a ship in this Act or its statutory instruments includes a reference to a vessel;

“shipowner” means

- (a) the owner of a ship;
- (b) another organization or person, such as a manager, agent or charterer, who has assumed the responsibility for the operation of the ship from the owner and who has agreed to take over the duties and responsibilities imposed on shipowners under this Act, the

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended, the Maritime Labour Convention 2006, as amended, regardless of whether any other organization or person fulfils certain of the duties or responsibilities on behalf of the owner;

“shipowners’ and seafarers’ organizations” means the organizations set out in the *First Schedule*;

“shipowners’ organization” means a body or organization formally established for purposes of collective shipping interests and for promoting the interests of shipowners and ship operators in matters of shipping policy and shipping business;

“special purpose ship” means a ship constructed in compliance with the International Maritime Organization Code of Safety for Special Purpose Ships, 1983;

“spouse” has the same meaning as in section 2 of the *Succession Act*, Cap. 249;

“STCW Code” means the Seafarers, Training, Certification and Watchkeeping Code, as amended, adopted by the International Maritime Organization in 1995;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, of the International Maritime Organization; and

“vessel” includes any craft or structure capable of navigation on which seafarers serve, or in relation to which seafarers provide services, and a reference to a vessel is also a reference to a ship on which seafarers serve, or in relation to which seafarers provide services.

(2) Except where expressly provided otherwise in this Act or the statutory instruments made thereunder, a reference in this Act or the statutory instruments made thereunder to a ship includes a ship or other vessel that is

(a) Barbados-registered;

- (b) foreign-registered on which Barbadian seafarers are serving; or
- (c) foreign-registered and in Barbados waters.

### **Ambulatory references**

**3.(1)** In this Act and the statutory instruments made thereunder, a reference to an international convention, code, protocol, resolution, guideline or other international maritime instrument given the force of law under this Act or implemented in the statutory instruments is to be construed

- (a) as a reference to that convention, code, protocol, resolution, guidelines or international maritime instrument as modified from time to time; and
- (b) if the convention, code, protocol, resolution or other international maritime instrument is replaced by another instrument, as a reference to that instrument.

(2) For the purpose of subsection (1), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 is to be considered to be modified if

- (a) an omission, addition or other alteration to the text takes effect in accordance with Article XII of the Convention; or
- (b) a supplementary provision made under Article XII of the Convention takes effect.

(3) A modification to, or a replacement of, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 has effect at the time the modification or replacement comes into force in accordance with Article XII of the Convention.

(4) The Maritime Labour Convention is to be considered to be amended if

- (a) an omission, addition or other alteration to the text takes effect in accordance with Article XV of the Convention; or

- (b) a supplementary provision made under article XV of the Convention takes effect.
- (5) A modification to, or a replacement of, the Maritime Labour Convention has effect at the time the modification or replacement comes into force in accordance with Article XV of the Convention.

### **Objectives**

- 4.(1) The objectives of this Act are to
- (a) implement the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;
  - (b) implement the Maritime Labour Convention (MLC) 2006, as amended;
  - (c) provide a framework to support continued improvement and development of Barbados' seafaring sector; and
  - (d) ensure the highest possible standards of protection for seafarers.
- (2) The Administration and the Ministry responsible for Labour shall jointly collaborate in the administration of this Act and any statutory instrument made thereunder, in fulfillment of the objectives specified at subsection (1).
- (3) The Administration and the Ministry responsible for Labour may undertake any action or perform any function necessary in furtherance of the objectives of this Act and any statutory instruments made thereunder.

### **Application**

- 5.(1) Except where otherwise provided, this Act and any statutory instruments thereunder, applies to the following categories of ships:
- (a) all conventionally manned ships, with master and crew on board, whether publicly or privately owned, that are ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits;

- (b) ships of traditional build, such as dhows and junks;
- (c) degree one maritime autonomous surface ships;
- (d) degree two maritime autonomous surface ships;
- (e) degree three maritime autonomous surface ships; and
- (f) riverine transport vessels.

(2) Except where otherwise provided, this Act and its statutory instruments does not apply to

- (a) warships or naval auxiliary ships;
- (b) Barbados-registered ships that are less than 200 GT;
- (c) ships that are not engaged in international voyages; or
- (d) degree four maritime autonomous surface ships.

(3) Except where otherwise provided, this Act and its statutory instruments does not apply to

- (a) seafarers of any nationality serving on Barbados-registered ships;
- (b) seafarers who are nationals of Barbados serving on foreign-registered ships, wherever such ships may be operating;
- (c) seafarers, irrespective of nationality, serving on board oil platforms and other deep-sea mining work vessels stationed in Barbados waters;
- (d) seafarers who are nationals of Barbados, serving on board
  - (i) oil platforms and other deep-sea mining work vessels;
  - (ii) riverine transport vessels; and
- (e) all seafarers who are in national seaports, including seafarers of foreign origin working on board Barbadian-registered ships, seafarers of national origin working on foreign-registered ships, and seafarers of foreign origin working on board foreign-registered ships.

(4) Subsection (3) does not prejudice the law of a flag state that applies to a ship on which a Barbadian seafarer is employed, to the extent that the law of the flag state is consistent with the Maritime Labour Convention, as amended, and is being effectively enforced by the state.

(5) Notwithstanding subsection (4), where the law of a foreign flag is

- (a) inconsistent with the STCW Convention;
- (b) inconsistent with the Maritime Labour Convention; or
- (c) not being effectively enforced,

the deficiencies shall be addressed in accordance with this Act and the regulations, so as to ensure that Barbadian seafarers working on board foreign-registered ships are properly protected, in accordance with the Maritime Labour Convention.

#### **Prohibition on registration of MLC non-compliant ships**

6.(1) Ships that do not comply with the

- (a) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers; and
- (b) Maritime Labour Convention,

shall not be registered under the Barbados flag.

(2) Prior to registering a ship under the Barbados flag the Principal Registrar shall verify that that ship meets the requirements of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers and the Maritime Labour Convention.

(3) For the purpose of subsection (2), the Principal Registrar shall commission such ship surveys as may be necessary in the circumstances of the case.

**Application in relation to ships and yachts**

7.(1) For greater certainty, sections 5(3) to (5) apply to seafarers working on board publicly and privately owned ships, including commercial and private yachts.

(2) After consultation with the yachting industry, the Minister shall specify, in a maritime labour notice, accommodation requirements for seafarers working on commercial and private yachts, to ensure the production of substantially equivalent Maritime Labour Convention accommodation standards for seafarers working on board those yachts, having regard to the yachting industry's needs to maintain an adequate volume of guest areas on yachts.

**List of Barbadian seafarers working on board foreign-registered ships**

8. The Chief Maritime Social Services Officer shall, as far as practicable to do so, maintain a list of all Barbadian seafarers working on board foreign-registered ships.

**Application in respect of non-MLC states**

9.(1) This Act applies to ships that fly the flag of any state, including a state that has not ratified or acceded to the Maritime Labour Convention.

(2) A ship that flies the flag of a state that has not ratified or acceded to the Maritime Labour Convention is not to receive more favourable treatment under this Act than ships that fly the flag of a state that has ratified that Convention.

**Human Element in Shipping Care Inspectorate**

10.(1) The Human Element in Shipping Care Inspectorate is hereby established as a division under the Ministry responsible for Shipping and Seafaring Affairs.

(2) The Human Element in Shipping Care Inspectorate shall be jointly managed by the Administration and the Ministry responsible for Labour, in accordance with formal administrative arrangements.

- (3) Notwithstanding anything in this Act or its statutory instruments, the Administration may in accordance with a transfer agreement, wholly or partly transfer the Maritime Labour Convention related affairs to the Ministry responsible for Labour.
- (4) The mandate of the Human Element in Shipping Care Inspectorate is to
- (a) promote at the national level the International Maritime Organization's and International Labour Organization's human-element-in-shipping mandate, having due regard to local circumstances, including the representation of national seafaring interests at International Maritime Organization's Sub-Committee on Human Element, Training and Watchkeeping meetings;
  - (b) act as the inspectorate-general for all maritime-industry workers, ensuring that decent labour and social conditions are being afforded to persons working in the maritime industry;
  - (c) provide public seafarer training, recruitment and placement services;
  - (d) provide shore-based welfare facilities and services to seafarers, including the establishment of seafarer welfare boards;
  - (e) provide travelling welfare services for seafarers working abroad on Barbados-registered ships;
  - (f) commission maritime-industry-worker funds;
  - (g) commission the setting up of maritime workers' financial services systems;
  - (h) commission the establishment of a mariner's church, as a special mission to travelling maritime workers;
  - (i) act as the focal point for the dissemination of information to seafarers and other maritime-industry workers;
  - (j) act as the intermediary between consuls and other foreign organizations, in relation to the handling of matters for seafarers who

are nationals of Barbados, or non-nationals working on board Barbados-registered ships, in foreign ports;

- (k) handle seafarer complaints;
  - (l) handle all welfare and social care matters for maritime-industry workers, including seafarers, remote ship operators, fisherfolk and port workers;
  - (m) regulate and supervise the recruitment of Barbadian seafarers by shipping companies and their agents;
  - (n) secure the best possible terms of employment contracts for Barbadian seafarers and ensure compliance with them;
  - (o) provide free placement services for Barbadian seafarers;
  - (p) promote the employment of Barbadian seafarers in the international maritime industry;
  - (q) perform administrative functions, as directed by the Chief Maritime Social Service Officer, in relation to the National Seafarers Register;
  - (r) develop foreign employment programs for Barbadian seafarers to work on international ocean-going ships or foreign-based energy platforms, or in overseas remote control centres;
  - (s) ensure the deployment of skilled and competent Barbadian seafarers for international employment, in accordance with the STCW Convention; and
  - (t) develop policies and programs for seafarers in support of the Maritime Labour Convention and the STCW Convention.
- (5) The Human Element in Shipping Care Inspectorate shall be headed by the Chief Maritime Social Services Officer, whose responsibilities shall include
- (a) executing the mandate of the Human Element in Shipping Care Inspectorate set out in subsection (2);

- (b) assisting the Director in the implementation of international human element instruments to which Barbados is party, including
  - (i) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978;
  - (ii) the Maritime Labour Convention; and
  - (iii) the International Safety Management Code;
- (c) managing affairs related to
  - (i) crew resource management in respect of Barbados-registered vessels;
  - (ii) the human element and safety, including accident causation, human error prevention and mitigation and human-computer interaction;
  - (iii) human factors, including manning, personnel issues, training, cultural and national differences, fatigue and company culture, habitability such as noise, light and vibration, workability and occupational health and safety;
  - (iv) maritime organizational ergonomics, including
    - (A) implementation of International Maritime Organization and International Labour Organization Guidelines on Ergonomic Criteria for ships and ports;
    - (B) liaising with technical experts on user-centered design concepts for port and ship working environments; and
    - (C) optimization of organizational structures, policies and processes;
  - (v) maritime cognitive ergonomics, including mental workload and psychological health and safety at sea, and health and safety in shore-based maritime work environments;

- (vi) maritime occupational health and safety climate and culture;
  - (vii) human resource management, including health, well-being and working conditions; and
  - (viii) human resource mobilization for the maritime sector, including training, recruitment and selection for conventional seafaring and virtual seafaring jobs;
- (d) developing
- (i) social care policies for the maritime sector, including tailoring specific social care regimes for seafarers, remote ship operators and fisherfolk; and
  - (ii) social and labour programs for the maritime sector, both in respect of the local marine sector and the national foreign-going merchant fleet;
- (e) developing maritime career social awareness and preparedness programs for seafarers, remote ship operators, fisherfolk and other shore-based maritime workers;
- (f) preparing national-level maritime-based employment and social status reports;
- (g) advising on national-level responses to matters of international concern raised by the Sub-Committee on Human Element, Training and Watchkeeping of the International Maritime Organization; and
- (h) perform all other functions pertaining to the human element in shipping matters, including the development of policies and legislation for humans engaged in work on conventionally manned merchant ships or with maritime autonomous surface ships.

**Act binds the State**

- 11.** This Act shall bind the State.

## PART II

## STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING

**STCW convention and code to have force of law**

**12.(1)** Subject to section 13, the STCW Convention and the STCW Code have the force of law and apply, except where otherwise provided, to

- (a) seafarers referred to in section 5(3); and
- (b) seafarers working on board vessels of a kind specified in a maritime labour notice.

(2) The Administration shall develop and maintain an STCW Quality Management System, in consultation with relevant agencies.

**Exceptions**

**13.(1)** The STCW Convention does not apply to seafarers serving on board

- (a) warships, naval auxiliary ships or other ships owned or operated by a state and engaged only on governmental non-commercial service;
- (b) fishing vessels below 150 GT operating within the domestic trading area or the Caribbean trading area;
- (c) pleasure yachts not engaged in trade or pleasure vessels operating in the domestic trading area or the Caribbean trading area; or
- (d) wooden ships of primitive build.

(2) The Minister shall ensure the adoption of measures that do not impair the operations or operational capabilities of ships owned or operated by Barbados to ensure that persons serving on board such ships meet the requirements and obtain the benefits of the STCW Convention.

### **Communication of information**

**14.(1)** The Director shall communicate, as soon as practicable, to the Secretary-General

- (a) the text of laws, decrees, orders, regulations and instruments promulgated on matters within the scope of the STCW Convention; and
- (b) where appropriate, the content and duration of study courses, together with national examination and other requirements, for each certificate issued in compliance with the STCW Convention.

(2) National institutions that provide seafarer training and educational programs shall advise the Director of the content and duration of study of those courses, together with national examination and other requirements, at least 3 months prior to the commencement of courses, to allow the Director to review the courses and verify that they comply with STCW Convention requirements and standards.

(3) No institution providing seafarer training and education shall issue a certificate in respect of a course that does not comply with STCW Convention requirements and standards.

(4) The Director shall not issue an endorsed Certificate of Service to a seafarer who has not received training or been certified in accordance with the STCW Convention.

(5) Seafarers who have completed training at an institution providing seafarer education and training shall produce their qualifications to the Administration in order to receive an endorsed Certificate of Service.

### **Equivalents**

**15.(1)** The Director may, in consultation with the Minister, retain or adopt other educational and training arrangements, including those involving sea-going service and shipboard organization, especially adapted to technical developments

and to special types of ships and trades, if the level of sea-going service, knowledge and efficiency as regards navigational and technical matters pertaining to ships and cargo ensures a degree of safety at sea and prevents pollution to a degree at least equivalent to the requirements of the STCW Convention.

(2) The Director shall report the details of any such arrangements to the Secretary-General as soon as practicable.

### **Certificates of competency**

**16.(1)** Where the laws of another country provide for the examination for, and grant of, certificates to persons intending to act as master, officers and engineers on board ships and

- (a) the Director is satisfied that all examinations conducted are as effective as the examinations for the same purpose in Barbados under this Act; and
- (b) the certificates are granted on principles that show the same qualifications and competency as those granted under this Act,

the Director may order that they be accepted as certificates in Barbados.

(2) The Director shall notify the Minister as to the countries whose laws provide for the examination and grant of certificates to persons intending to act as master, officers, and engineers on board ships that satisfy the requirements of subsection (1).

(3) Where a person holding a certificate referred to in subsection (1) desires to serve as a master, officer or engineer on a Barbados-registered ship, the Director may direct

- (a) if the person is a citizen of Barbados, that he be granted a certificate of equivalent grade under this Act; or
- (b) if the person is not a citizen of Barbados, that he be issued with an endorsement authorising him to go to sea in a Barbados-registered ship

in the same rank or station as if his certificate had been granted under this Act.

- (4) An endorsement issued under subsection (3)
  - (a) has during its currency the same force as a certificate of competency granted under this Act and may be cancelled or suspended in the same manner; and
  - (b) is valid for a period of up to 5 years from the date it was issued and may be renewed on payment of the fee specified in a shipping (fee) notice.

### **Certificates**

**17.(1)** The Administration shall issue certificates for masters, officers or ratings to those candidates who, to the satisfaction of the Administration, meet the requirements for service, age, medical fitness, training, qualification and examinations in accordance with the Annex to the STCW Convention.

(2) Certificates for masters and officers that are issued in compliance with Article VI of the STCW Convention shall be endorsed by the Administration in the form prescribed in Regulation I/2 of the Annex to that Convention.

### **Transitional**

**18.(1)** A certificate of competency or of service in a capacity for which the STCW Convention requires a certificate that was issued, before entry into force of this Act, in accordance with the laws of Barbados shall be recognized as valid for service after the coming into force of this Act.

(2) For a period not exceeding 5 years after the coming into force of this Act, the Director may continue to issue certificates of competency in accordance with the previous national practice.

**Other candidates**

**19.** Candidates for certification other than those referred to in section 17 shall be examined and certificated in accordance with the STCW Convention.

**Powers of Director**

**20.** The Director may, within 2 years after the commencement of this Act, issue a Certificate of Service to a seafarer who holds neither an appropriate certificate under the STCW Convention nor a certificate of competency issued under the laws of Barbados before the commencement of this Act, if the seafarer has

- (a) served in the capacity for which he seeks a Certificate of Service for not less than 3 years at sea within the last 7 years prior to the commencement of the Act;
- (b) produced evidence that he has performed that service satisfactorily; and
- (c) satisfied the Administration as to his medical fitness, including eyesight and hearing, taking into account his age at the time of application.

**Dispensation**

**21.(1)** Subject to subsections (2) to (4), the Director, in consultation with the Minister, may issue a dispensation permitting a specified seafarer to serve on a specified ship, for a specified period not exceeding 6 months, in a capacity other than that of the radio officer or radiotelephone operator for which he does not hold the appropriate certificate, if in the Director's opinion the seafarer is adequately qualified to fill the vacant post in a manner that will not cause danger to persons, property or the environment.

- (2) A dispensation shall not be granted permit a seafarer to serve as a master or chief engineer officer other than in circumstances of *force majeure* and then only for the shortest possible period.
- (3) A dispensation granted for a post shall be granted only to a person who is properly certificated to fill the post immediately below.
- (4) Where certification of the post below is not required by the STCW Convention, a dispensation may be issued to a person whose qualifications and experience are, in the opinion of the Director, in consultation with the Minister, clearly equivalent to the requirements of the post to be filled.
- (5) Where a person referred to in subsection (4) does not hold an appropriate certificate
- (a) he shall be required to pass a test accepted by the Director as demonstrating that such a dispensation may safely be issued; and
  - (b) the Director shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

### **Report to Secretary-General**

**22.** The Director shall, within one month after the 1<sup>st</sup> of January each year, send a report to the Secretary-General setting out the total number of dispensations in respect of each capacity that have been issued during the year to sea-going ships, together with information as to the number of those ships above 1,600 GT.

### **Certificate-related inspections**

- 23.(1)** Every ship shall be inspected by an authorized officer to verify that all seafarers serving on board who are required to be certificated hold such certificates or hold an appropriate dispensation.
- (2) A certificate shall be accepted unless there are clear grounds for believing that the certificate has been fraudulently obtained or that the holder of a certificate is not the person to whom the certificate was issued.

(3) A person who holds a fraudulently obtained certificate commits an offence and is liable on summary conviction to a fine of \$10 000.

(4) A person who holds a certificate that was issued to another person commits an offence and is liable on summary conviction to a fine of \$10 000.

### **Notice of offence**

**24.(1)** Where an authorized officer determines that an offence was committed under subsection (3) or (4) or that the procedures specified in Regulation 1/4 of the STCW Convention were not followed, the officer shall without delay inform, in writing, the master of the ship and the consul or, in his absence, the nearest diplomatic representative or the maritime authority, of the state whose flag the ship is entitled to fly.

(2) A notice under subsection (1) shall specify the details of the deficiencies found and the grounds on which the officer determines that these deficiencies pose a danger to persons, property or the environment.

(3) In the circumstances referred to in subsection (1) if, having regard to the size and type of the ship and the length and nature of the voyage, the deficiencies referred to in paragraph (3) of Regulation 1/4 of the STCW Convention are not corrected and it is determined that this poses a danger to persons, property or the environment, the authorized officer shall, in consultation with the Director, take steps to ensure that the ship will not sail until the danger has been removed.

(4) Any actions taken under subsection (3) shall be reported promptly to the Secretary-General.

(5) When exercising control under this section, all possible efforts shall be made to avoid a ship being unduly detained or delayed.

(6) When a ship is unduly detained or delayed, the shipowner may bring an action in a court of competent jurisdiction for compensation for any resulting loss or damage.

(7) Subsection (3) shall be applied in a manner that ensures that a ship that flies the flag of a state that has not ratified or acceded to the STCW Convention

does receive more favourable treatment than ships that fly the flag of a state that has ratified that Convention.

### **Promotion of technical co-operation**

**25.** The Minister shall promote technical co-operation with the parties to the STCW Convention.

### **Certification of seafarers**

**26.(1)** No seafarer is to be rated as an able seafarer unless he holds a certificate of competency as an able seafarer.

(2) The Minister may make regulations respecting the grant of certificates of competency as an able seafarer, including regulations directing that no certificate is to be granted to a person unless that person

- (a) is not less than 18 years of age;
- (b) has performed at least 3 years of qualifying service at sea; and
- (c) has passed any examinations prescribed by the regulations.

(3) The regulations may authorise the grant of a certificate to a person who has not passed the prescribed examinations, if he can show that he was serving as an able seafarer or equivalent seafarer rating immediately before the 12<sup>th</sup> May, 1994.

### **Certificate of competency and certificate of proficiency**

**27.(1)** No person shall go to sea

- (a) as a master or officer of a ship, unless he is the holder of a valid certificate of competency; or
- (b) as a rating of a ship, unless he is the holder of a valid certificate of proficiency.

(2) A certificate referred to in subsection (1)(a) shall be of a grade appropriate to the ship in which the master or officer is employed and to his station in the ship, or of a higher grade.

(3) Any question that arises as whether a certificate is of a higher grade than another certificate shall be determined by the Administration in accordance with the regulations.

#### **Production of certificate or other document**

**28.(1)** A person engaged to serve in a ship who holds a certificate or other document that is evidence that he is qualified for the purposes of section 27 shall, on demand, produce the certificate or other document to the Administration, a surveyor of ships or a proper officer and, if he is not the master, to the master of the ship.

(2) The master of a ship shall produce to the official from whom he requests a clearance for the ship, the certificates of competency and proficiency that the master, officers and other persons on board the ship are required to hold under section 27.

#### **Administration may vary requirements as to certificates**

**29.(1)** Notwithstanding section 27, the Administration may, in for such periods and under such conditions as it may specify, permit a Barbados-registered ship to go to sea from a port or any other ship to go to sea from a port in Barbados without the prescribed number of certificated officers or other persons, if it is satisfied that no suitable holder of a certificate of the grade required under section 27 is available.

(2) While a permission under subsection (1) remains in force, a person who acts in accordance with it shall not be considered to have contravened section 27.

#### **Certificates granted by competent foreign authorities**

**30.(1)** A master or ship's officer who holds a valid certificate of competency granted by a competent authority in another country shall not be engaged as such

on a Barbados-registered ship, except as authorised under subsection (2) or as specified in a maritime labour notice.

(2) If the Administration is satisfied that a certificate referred to in subsection (1) corresponds in value to a certificate of competency granted under this Act, the Administration may, with or without conditions, permit the engagement on a Barbados-registered ship of a person who holds the certificate and who has knowledge of a language sufficient to enable him to communicate effectively in the performance of his duties.

(3) While such a permission remains in force, if any conditions under which it was granted are complied with, the person engaged shall be considered duly certificated under this Act in respect of the ship, if the certificate is of a grade appropriate to his station in the ship, or of a higher grade.

(4) If an agreement has been entered into between the Administration and a foreign authority recognising that a certificate referred to in subsection (2) that was issued by the foreign authority is of corresponding value to a certificate of competency granted under this Act, the Administration shall, with or without conditions, permit the engagement on a Barbados-registered ship of a person who is the holder of the certificate, and who possesses knowledge of a language sufficient to enable him to communicate effectively in the performance of his or her duties.

(5) Subsections (1) to (3) do not apply to a coastal ship engaged only in coastal traffic.

#### **Certificates held by seafarers with criminal matters**

**31.(1)** Seafarers with criminal records shall be treated fairly and with respect to their rights, and in accordance with the *Guidelines on Fair Treatment of Seafarers Detained on Suspicion of Committing Crimes*, jointly created by the International Maritime Organization and International Labour Organization.

(2) The Administration shall support, to the extent practicable

(a) a Barbadian seafarer serving on any ship; and

(b) a non-national seafarer serving on board a Barbados-registered ship, during a criminal matter by not suspending or cancelling a certificate of competency or proficiency held by the seafarer, to enable him to continue to earn an income throughout the criminal matter.

(3) A certificate of competency or proficiency held by a seafarer may be suspended or cancelled only for the reasons specified under section 337.

(4) Where a seafarer is convicted for a reason other than those specified in section 337, the seafarer's certificate of competency or proficiency shall be sustained, unless justifiable reasons for its suspension or cancellation, supported by relevant documentation, are provided to the Administration in respect of the seafarer.

(5) An owner of a Barbados-registered ship who is aware of a conviction, finding or circumstance referred to in subsection (1) shall report it to the Administration together with any available evidence.

### PART III

#### GENERAL MARITIME LABOUR CONVENTION PROVISIONS

##### **MLC to have force of law**

**32.** Except as otherwise provided by this Act, the Maritime Labour Convention and the Maritime Labour Code have the force of law.

##### **Vessels under 200 GT**

**33.(1)** Notwithstanding section 5(2)(b), the owner of a vessel under 200 GT shall ensure its operator holds STCW Basic Safety certifications and undergoes 5 year periodic refresher training, in the interest of safety of life at sea.

(2) The Minister may make regulations providing for minimum maritime labour requirements for service on board vessels under 200 GT.

## **Definitions**

**34.(1)** In this Part,

“managing director” in relation to a remote control centre, includes a person, who is not an agent, in whom the authority for the general management of the remote control centre has been vested;

“maritime autonomous surface ship” means a ship that, to varying degrees, can operate independently of human interaction;

“maritime autonomous vessel” means a seaborne surface or submersible vessel fitted with automatic processes or systems capable of providing decision support or taking over all or part the control and steering of the vessel, irrespective of whether the exercise and control or control of steering takes place from the vessel, from an other location at sea or from land;

“maritime labour certificate” means a certificate issued under section 222(3);

“operations manager” in relation to a remote control centre, means a person in charge of the overall operational activities of the remote control centre;

“recognized organization” means an organization recognized by the Administration, in accordance with International Maritime Organization Resolutions A.739(18) and A.789(19), to verify compliance by Barbados vessels with International Maritime Organization and International Labour Organization maritime labour safety standards; and

“seafarer recruitment and placement agency” means a person, company, institution, agency or other organization, that is engaged in recruiting seafarers on behalf of shipowners or remote control centres or placing seafarers with shipowners or remote control centres.

(2) Where there is doubt as to whether a person working or engaged on a ship is a seafarer, the Minister shall determine the person’s status having regard to the advice and guidance provided by the International Labour Organization.

**Fundamental rights and principles**

- 35.(1)** Every seafarer has the right to
- (a) freedom of association and the effective recognition of the right to collective bargaining;
  - (b) the elimination of all forms of forced or compulsory labour;
  - (c) refuse to work on a ship that employs child labour; and
  - (d) the elimination of discrimination in respect of employment and occupation.
- (2) Shipowners shall respect seafarers' rights as stated in subsection (1).
- (3) If any seafarer alleges that any of the rights under subsection (1) has been, is being or is likely to be contravened in relation to him (or, in the case of a seafarer who is detained, if any other person alleges such a contravention in relation to the detained seafarer), then, without prejudice to any other action with respect to the same matter which is lawfully available, that seafarer (or that other person) may apply to the High Court for redress.
- (4) The High Court shall have original jurisdiction
- (a) to hear and determine any application made by any seafarer or by any person on behalf of a seafarer in pursuance of subsection (3);
  - (b) to make and issue such orders and give such directions, as it may consider appropriate for the purpose of enforcing or securing enforcement of subsection (1).

**Employment and social rights**

- 36.(1)** Every seafarer has the right to
- (a) a safe and secure workplace that complies with safety standards;
  - (b) fair terms of employment; and

- (c) health protection, medical care, welfare measures and other forms of social protection.
- (2) Shipowners shall respect seafarers' rights as stated in subsection (1).
- (3) If any seafarer alleges that any of the rights under subsection (1) has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter which is lawfully available, that seafarer may apply to the High Court for redress.
- (4) The High Court shall have original jurisdiction
  - (a) to hear and determine any application made by any seafarer or by any person on behalf of a seafarer pursuant to subsection (3);
  - (b) to make and issue such orders and give such directions, as it may consider appropriate for the purpose of enforcing or securing enforcement of subsection (1).

#### **Exercise of jurisdiction over ships flying the Barbados flag**

**37.(1)** Every Barbados-registered ship and foreign-registered ship in Barbados waters shall be inspected in accordance with the regulations and international rules and procedures relating to the conduct of Maritime Labour Convention inspections.

(2) A report on an inspection under subsection (1) shall be provided to the Director.

(3) The Director shall establish a monitoring system to ensure compliance with the requirements of the Maritime Labour Convention set out in this Act.

#### **Maritime labour certificate and declaration of maritime labour**

**38.(1)** Every Barbadian-registered vessel, and every foreign-registered ship calling at a Barbados seaport, shall carry on board a maritime labour certificate and a declaration of maritime labour compliance.

(2) A shipowner who has more than one Barbados-registered ship shall obtain a maritime labour certificate, declaration of maritime labour compliance and any other certificates or documentation specified under this Act or the regulations for each ship.

#### **Port state inspections in respect of MLC certificates and documentation**

**39.** Authorized personnel of a seaport, when conducting inspections of ships, shall also check for a maritime labour certificate and declaration of maritime labour compliance as part of their port state control measures.

#### **Ships not carrying required certificates**

**40.** The owner of a ship that is not carrying a valid maritime labour certificate and declaration of maritime labour compliance required under this Act commits an offence and is liable on summary conviction to a fine of \$20 000.

#### **Notification requirements for foreign ports**

**41.** Where a port authority of a foreign jurisdiction determines that a Barbados-registered ship has not complied with the Maritime Labour Convention, the authority shall immediately report the breach to the Director, in the customary reporting form of the foreign port's state.

### **PART IV**

#### **MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP**

##### **Minimum age**

**42.** Subject to section 43, no person shall employ, or engage to work on board a ship, a person under 18 years of age.

**Employment of young Barbadians on ships**

**43.(1)** No person shall employ a Barbadian person under 18 years of age to work on board a ship, unless

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

(2) No person shall employ a Barbadian person under 18 years of age in any capacity on a ship unless there is delivered to the master of the ship a certificate, granted by a duly qualified medical practitioner, certifying that that person is fit to be employed in that capacity.

(3) A medical certificate referred to in subsection (2) is valid for one year from the date of its issuance, unless it is revoked earlier.

(4) A medical certificate referred to in subsection (2) may be revoked at any time by a duly qualified medical practitioner, if he is satisfied that the individual to whom it refers is no longer fit for work on board a ship.

(5) No Barbadian person under 18 years of age shall be employed to work in the engine-room of a ship unless he is an apprentice working under supervision.

(6) This section and section 42 shall not apply to a ship in which only members of one family are employed.

**Night work prohibitions for seafarers under 21**

**44.(1)** Subject to sections 45 and 46, no person shall employ or engage a person under 21 years of age to work at night on board a ship.

(2) In this section, “night” means the period after sunset and before sunrise of at least 9 hours, starting no later than midnight and ending no earlier than 5 a.m.

#### **Exceptions to night work restriction**

**45.(1)** Section 44 does not apply if

- (a) the effective training of the seafarer concerned, in accordance with established programs and schedules, would be impaired; or
- (b) the nature of the duty or a recognized training program requires that the seafarer perform duties at night and the Director has determined under subsection (2), on an application by a shipowners’ or seafarers’ organization, that the work will not be detrimental to the health or well-being of the seafarer.

(2) A seafarers’ organization or shipowners’ organization that wishes to have seafarers under 21 years of age how is recruited by it or working onboard its ships permitted to work at night shall apply for permission to do so from the Director.

#### **Health and safety of seafarers under 21**

**46.** No person shall employ or engage a Barbadian seafarer, or engage or employ a seafarer of any nationality aboard a Barbados registered ship, to perform work of a type set out in the *Second Schedule*, if the seafarer is under 21 years of age.

#### **Medical certificate**

**47.(1)** No seafarer shall work on board a ship unless he holds a valid medical certificate, obtained in accordance with subsections (2) and (3), attesting that he is medically fit to perform the duties he is to carry out at sea.

(2) A medical examination for the purpose of subsection (1) shall be conducted by a duly qualified general medical practitioner and provide the information set out in the *First Schedule*.

- (3) The medical examination for a seafarer shall include the following:
- (a) measurement of height and weight;
  - (b) a standard eye test;
  - (c) a colour blindness test;
  - (d) a hearing test;
  - (e) an evaluation of the ears and throat;
  - (f) an inspection of the teeth and gums;
  - (g) a medical history, including drinking and smoking habits;
  - (h) a urine sample to test kidney functionality and blood sugar;
  - (i) reflex testing;
  - (j) listening for abnormalities in the heart and lungs;
  - (k) recording of blood pressure and heart rate; and
  - (l) testing for a herniations.

**Timing of medical examination**

**48.** A medical examination of a seafarer shall be undertaken prior to the prospective seafarer going to sea.

**Nature of medical certificate**

**49.** A medical certificate issued after the medical examination of a seafarer shall be in the form set out in the *Eleventh Schedule* and indicate that the seafarer is

- (a) fit without restrictions, indicating that the individual can work in any capacity on board ship;
- (b) fit with restrictions, indicating that the individual can work on ship, but limited in respect of time, field of work on board ship or trading area;

- (c) temporarily unfit, indicating that the seafarer's career prospects will be temporarily curtailed until a subsequent medical examination indicates that he is fit without restrictions or fit with restrictions; or
- (d) permanently unfit, indicating that the individual should never be allowed to work on a ship.

#### **Other particulars on medical certificate**

**50.** A seafarer's medical certificate shall indicate that

- (a) the hearing and sight of the seafarer and the seafarer's colour vision is satisfactory, if he is seafarer to be employed in a capacity where fitness for the work to be performed is liable to be affected by defective colour vision; and
- (b) the seafarer is not suffering from any medical condition
  - (i) likely to be aggravated by service at sea;
  - (ii) likely to render the seafarer unfit for such service; or
  - (iii) likely to endanger the health of other persons on board.

#### **Additional STCW requirements**

**51.** In addition to the requirements of sections 49 and 50, a seafarers' medical certificate shall also conform with the requirements of the STCW Convention.

#### **Language requirements for medical certificates**

**52.** A medical certificate for seafarers working on ships ordinarily engaged on international voyages shall be provided in English.

**Medical certificate issued in accordance with STCW Convention**

**53.** A medical certificate issued to a seafarer in accordance with the STCW Convention shall be accepted whether or not the seafarer is covered by the STCW Convention.

**Seafarers who have been refused a medical certificate**

**54.** A seafarer who has been refused a medical certificate or who has had limitations imposed on his ability to work, or as to time, field of work or trading area, may undergo a further examination by another independent medical practitioner.

**Duration of medical certificate**

**55.** Unless a shorter period is required by reason of the specific duties to be performed by a seafarer or is required under the STCW Convention

- (a) a medical certificate is valid for a period of 2 years, for a seafarer over 18 years of age;
- (b) a medical certificate is valid for a period of one year, for a seafarer under 18 years of age; and
- (c) a certification of colour vision is valid for a period of 6 years, for any seafarer.

**Urgent cases and absence of valid medical certificate**

**56.** In an urgent case, the Director may permit a seafarer who is in possession of an expired medical certificate of recent date to work without a valid medical certificate until the earlier of

- (a) the seafarer's arrival at the next port of call where the seafarer can obtain a medical certificate from a duly qualified medical practitioner; and
- (b) 3 months.

**Period of validity of certificate expiring during voyage**

**57.(1)** A seafarer's medical certificate that expires during the course of a voyage shall continue in force until the next port of call, or for a period of 3 months, whichever is the shorter.

(2) A seafarer whose medical certificate has expired shall obtain a new medical certificate from a duly qualified medical practitioner before engaging on a sea voyage.

**Training and qualifications**

**58.** A seafarer shall not work on a ship unless

- (a) he is trained or certified as competent, or is otherwise qualified to perform his duties;
- (b) he has successfully completed training for personal safety on board ship; and
- (c) has been issued with a seafarers' identity document.

**IMO requirements for seafarer training programs**

**59.** The curriculum of every seafarer training program shall meet the International Maritime Organization requirements and standards for such a program.

**Training and certification in accordance with mandatory IMO instruments**

**60.** Training and certification done in accordance with the mandatory instruments adopted by the International Maritime Organization shall be considered to meet the requirements of paragraphs 1 and 2 of Regulation 1.3 of the Maritime Labour Convention.

### **Accreditations by the Administration for Maritime Training**

**61.(1)** Notwithstanding any provision in any other enactment, the Administration shall be the competent authority for issuing accreditations for

- (a) training of persons to serve on board international seagoing vessels;
- (b) training of persons to serve on board vessels engaged on domestic voyages, including vessels registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22); and
- (c) any other form of maritime training within the purview of regulatory activities of the Administration, as specified in regulations.

(2) The Minister after consultation with the Director, shall specify in regulations which training programs only require accreditations by the Administration and which training programs require accreditations by the Administration and/or the Barbados Accreditation Council.

### **Private Maritime Training Providers**

**62.(1)** The following categories of private entities may be registered as STCW instructor or STCW training institution in the Approved Private Maritime Training and Examining Bodies Register established under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22):

- (a) private maritime training providers;
- (b) private maritime training schools or institutions, including those registered in relation to training activities under the *Shipping (Domestic Vessels) Act, 2024*;
- (c) locally operating private seafarer recruitment agencies that wish to provide seafarer training and education.

(2) The application requirements under section 151 of the *Shipping (Domestic Vessels) Act, 2024* apply *mutatis mutandis* to a private maritime

training provider in relation to registration in the Approved Private Maritime Training and Examining Bodies Register.

(3) Where the private maritime training provider has satisfied documentary and any other requirements relating to subsection (2), and paid the specified registration fees, the Administration shall register the private maritime training provider under either of the STCW designations specified under subsection (1).

(4) A private maritime training provider shall pay to the Administration the following fees specified in a Seafaring Industry (Fee) Notice:

- (a) the initial registration fee; and
- (b) the annual registration fee.

(5) A private maritime training provider providing STCW training shall comply with

- (a) STCW syllabus requirements as provided in the STCW Code and IMO STCW training manuals;
- (b) the curriculum, assessment and certification requirements specified in any statutory instruments made under this Act; and
- (c) any other training and certification and training requirements, as may be specified from time to time for seafarers, to ensure their competencies continually evolve with industry changes.

(6) A person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a fine of \$20 000 and is subject to have its name removed from the Approved Private Maritime Training and Examining Bodies Register.

(7) Prior to registering a private maritime training provider, the Administration shall verify that the training provider is competent to provide STCW training and has the capacity to deliver such training in accordance with the STCW Convention and Code.

(8) Subject to a verification conducted by the Administration in relation to subsection (7), the Administration shall issue a Certificate of Accreditation in the form set out in the *Twelfth Schedule*.

(9) The Administration or any person approved by the Administration shall audit the STCW training programs offered by a private maritime training provider every 5 years. Where circumstances warrant, the Administration may conduct an earlier audit.

(10) A private maritime training provider shall pay the costs associated with the audit, as specified in a Seafaring Industry (Fee Notice).

(11) The Administration shall issue an audit report on completion of the audit process.

(12) A private maritime training provider shall rectify any deficiency stated in an audit report in order to ensure compliance with the requirements at subsection (5).

(13) Where, following an audit report, a private maritime training provider fails or refuses to rectify any deficiency stated in an audit report within the period specified by the Administration, the Administration shall

- (a) remove the private maritime training provider from the Approved Private Maritime Training and Examining Bodies Register;
- (b) suspend or revoke a Certificate of Accreditation issued under subsection (8);

until such time that the deficiency is rectified.

(14) Nothing in this Act shall be construed as restricting a private maritime training provider from providing training in other maritime fields of study.

(15) The provider has a duty to provide training in accordance with applicable standards specific to those fields of study.

**Public Maritime Training Providers**

**63.(1)** The Administration shall maintain a register of public educational or training institutions providing STCW training.

(2) A public educational or training institution intending to provide STCW training and certification services shall be registered as an STCW training institution with the Administration.

(3) Prior to registering a public maritime training provider as an STCW training institution, the Administration shall verify that the training provider is competent to provide STCW training and has the capacity to deliver such training in accordance with the STCW Convention and Code.

(4) Subject to a verification conducted by the Administration in relation to subsection (3), the Administration shall issue a Certificate of Accreditation in the form set out in the *Thirteenth Schedule*.

(5) A public maritime training provider providing STCW training shall comply with

- (a) STCW syllabus requirements as provided in the STCW Code and IMO STCW training manuals;
- (b) with the curriculum, assessment and certification requirements specified in any statutory instruments made under this Act; and
- (c) any other training and certification and training requirements, as may be specified from time to time for seafarers, to ensure their competencies continually evolve with industry changes.

(6) The Administration shall audit at 5-year intervals, the STCW programs of training provided by public educational and training institutions, or conduct earlier audits, where circumstances so warrant.

(7) The Administration shall issue an audit report on completion of the audit process.

(8) A public educational or training institution shall rectify any deficiency stated in an audit report in order to ensure compliance with the STCW training, assessment and certification requirements.

(9) Where, following an audit report, a public educational or training institution fails or refuses to rectify any deficiency stated in an audit report within the period specified by the Administration, the Administration shall

- (a) remove the private maritime training provider from the Approved Private Maritime Training and Examining Bodies Register;
- (b) suspend or revoke a Certificate of Accreditation issued under subsection (4)

until such time that the deficiency is rectified.

(10) Nothing in this Act shall be construed as restricting a public maritime training provider from providing training in other maritime fields of study. The provider has a duty to provide training in accordance with applicable standards specific to those fields of study.

### **Seafarers' identity documents**

**64.(1)** A seafarers' identity document shall not be issued to a seafarer unless the seafarer presents proof of National Insurance and Social Security Scheme registration.

(2) A seafarers' identity document shall not be renewed unless the seafarer proof of continuing contributions to

- (a) the National Insurance and Social Security Scheme; or
- (b) a private insurance scheme entered into by the seafarer for his benefit.

### **Recruitment and placement**

**65.(1)** Persons shall be recruited for seafaring jobs through

- (a) a public recruitment and placement agency; or

- (b) a private seafarer recruitment agency operating locally, and officially recognized on a list of Maritime Labour Convention-compliant seafarer recruitment services approved by the Administration.
- (2) Notwithstanding subsection (1), where a person obtains a seafaring job directly from a ship or shipping company, that person shall ensure that the recruitment process is Maritime Labour Convention-compliant, and may contact the Human Element in Shipping Care Inspectorate for assistance in this regard.

#### **Non-Convention state seafarer recruitment and placement agencies**

**66.** The owner of a Barbados-registered ship who uses a seafarer recruitment and placement agency that is based in a country or territory in which the Maritime Labour Convention does not apply shall ensure that the agency complies with the requirements of section 67.

#### **Recruitment and placement agencies operating in Barbados**

**67.(1)** Every seafarer recruitment and placement agency operating in Barbados shall

- (a) ensure that the service is operated in an orderly manner that protects and promotes seafarers' employment rights under this Act;
- (b) operate in Barbados only if it is certified for that purpose by the Administration;
- (c) maintain an up-to-date register of all seafarers recruited and placed through it and make it available for inspection by the Director;
- (d) maintain the confidentiality of information regarding the medical examinations, seafarers' identity documents and any other information required for a seafarer to gain employment;
- (e) maintain complete records of the seafarers covered by its recruitment and placement system, including the seafarers'
  - (i) qualifications;

- (ii) record of employment;
  - (iii) personal data relevant to employment; and
  - (iv) medical data relevant to employment;
- (f) inform seafarers of their rights and duties under their employment agreements prior to or in the process of engagement, give seafarers the opportunity to examine their employment agreements before and after they are signed and provide them with a copy of the agreements;
- (g) advise each seafarer of any particular conditions applicable for the job for which he is to be engaged and of the shipowner's policies relating to employment;
- (h) verify that every seafarer recruited or placed by the agency is qualified and holds the documents necessary for the job concerned;
- (i) verify that every seafarer's employment agreement is in accordance with applicable laws and its statutory instruments and any collective bargaining agreement that forms part of the employment agreement;
- (j) have procedures in place
- (i) to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified;
  - (ii) to verify that labour conditions on each ship where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between the shipowner and a representative seafarers' organization, or are otherwise in conformity with this Act or the Maritime Labour Convention; and
  - (iii) to supply seafarers only to shipowners who offer conditions of employment that comply with this Act and its statutory

instruments, the Maritime Labour Convention and any applicable collective agreements;

- (k) ensure, as far as practicable, that every shipowner has the means to protect seafarers from being stranded in a foreign port;
  - (l) maintain up-to-date lists of ships for which it provides seafarers and ensure that there is a means by which the agency can be contacted in an emergency at all hours;
  - (m) have procedures in place to ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly and sympathetically at no cost;
  - (n) examine and respond to any complaint concerning their activities and advise the Director of any unresolved complaint;
  - (o) have procedures in place that accord with the principles of natural justice for dealing with cases of incompetence or indiscipline, consistent with national laws and practice and any applicable collective agreements;
  - (p) establish a system of protection, by way of insurance or an equivalent measure, to compensate seafarers for any monetary loss that they may incur as a result of the failure of the agency or the shipowner to meet its obligations to them under the seafarers' employment agreements; and
  - (q) ensure that every seafarer recruited by it is registered with the National Insurance and Social Security Scheme or is otherwise an insurance policyholder in relation to seafarers' benefits.
- (2) The Administration jointly with the Ministry responsible for Labour, and in consultation with insurance and other stakeholders, shall establish a system of protection by way of insurance or an equivalent form of financial security, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them, and ensure

seafarers are informed, prior to the process of the engagement, of their rights under that system.

### **Cadets**

**68.(1)** No person shall be engaged as a cadet on board a Barbados-registered ship, or a seafarer's employment agreement signed for that purpose, unless he

- (a) is a Barbados citizen or a citizen of
  - (i) a treaty country with which Barbados has a bilateral cadetship development agreement; or
  - (ii) another country with which Barbados has a bilateral agreement on cadet development and training that has been approved by the Minister;
- (b) is at least 18 years of age;
- (c) has passed the prescribed colour and form vision tests;
- (d) has been certified physically fit for the sea service by a medical practitioner approved by the Administration; and
- (e) has obtained an undertaking from the master of the ship to train him in
  - (i) navigation and as a seafarer; or
  - (ii) engineering and the duties of a ship's officer.

(2) The Minister may make regulations prescribing training and certification requirements pertaining to cadets.

### **Prohibition on number of cadets to be engaged**

**69.** No person shall engage or permit cadets to serve on board a Barbados-registered ship in excess of the number specified in a marine notice by the Barbados Coast Guard and notified to the Administration.

**Obligations of all seafarer recruitment and placement agencies**

**70.(1)** A public or private seafarer recruitment agency shall not use any means that are intended to prevent or deter seafarers from gaining employment for which they are qualified.

(2) No seafarer recruitment agency shall impose, either directly or indirectly, a fee or other charge on a seafarer for recruitment or placement, or for providing employment, other than the cost of the seafarer obtaining

- (a) a national statutory medical certificate;
- (b) a national seafarers' identity document; or
- (c) a passport or other travel document other than a visa.

(3) The cost of any visa required by a seafarer shall be borne by the shipowner.

(4) Every seafarer recruitment and placement agency shall

- (a) adopt measures to prevent opportunities for exploitation of seafarers arising from the issuance of joining advances, or other financial transactions between shipowners and seafarers, that are handled by the agency; and
- (b) clearly publicize any costs that the seafarer will be expected to bear in the recruitment process.

**Public seafarer recruitment and placement agencies**

**71.** Every public seafarer recruitment and placement agency shall

- (a) take the measures necessary to promote effective cooperation among seafarer recruitment and placement services, whether public or private;
- (b) take into account the needs of the maritime industry, at both the national and international levels, when developing training programs for seafarers that form the part of a ship's crew responsible for the ship's

- safe navigation and pollution prevention operations, with the participation of shipowners, seafarers and training institutions;
- (c) arrange for the cooperation of any representative shipowners' and seafarers' organizations in the organization and operation of the public seafarer recruitment and placement services;
  - (d) determine, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by seafarer recruitment and placement services, including the collection, storage and combination of such data and its communication to third parties;
  - (e) collect and analyse all relevant information on the maritime labour market, including the current and prospective supply of seafarers, classified by age, sex, rank and qualifications and the industry's requirements, and ensure that the collection of data on age or sex is admissible only for statistical purposes or in the framework of a program to prevent discrimination based on age or sex;
  - (f) ensure that the staff responsible for the supervision of public and private seafarer recruitment and placement services for ship's crew responsible for the ship's safe navigation and pollution prevention operations have had adequate training, including approved sea-service experience, and have relevant knowledge of the maritime industry and relevant maritime international instruments on training, certification and labour standards; and
  - (g) adhere to international standards, best practices, codes of conduct and ethical practices promoted by the International Labour Organization for seafarer recruitment and placement services.

### **Obligations of shipowners**

**72.(1)** A certificate issued by the Administration for the operation of a private recruitment and placement agency in Barbados is valid for a period of 3 years.

(2) A shipowner using a private recruitment and placement agency for seafarers in a country that has ratified the Maritime Labour Convention or International Labour Organization Convention No. 179 on the Recruitment and Placement of Seafarers (1969) shall

- (a) ensure that the agency holds a valid certificate or license documenting that it is operating in accordance with the requirements of that Convention; or
- (b) if the country does not issue such a certificate or licence, procure another form of official confirmation that the agency is operated in accordance with the requirements of either of those Conventions.

(3) A shipowner using a private recruitment and placement agency for seafarers in a country that has not ratified the Maritime Labour Convention or International Labour Organization Convention No. 179 shall document that the agency meets the requirements for recruitment and placement agencies stipulated in those Conventions.

#### **Supervision of seafarer recruitment and placement agencies**

**73.** The Administration shall effectively monitor all seafarer recruitment and placement agencies operating in Barbados, including verifying that any licences, certificates or similar authorizations for the operation of each private agency in Barbados are granted or renewed only after verification that the agency meets the requirements of national laws and regulations.

#### **Complaints concerning seafarer recruitment and placement agencies**

**74.(1)** A seafarer referred to in subsection (3) may make a complaint relating to any matter that is alleged to constitute a breach of the recruitment and placement requirements of this section.

(2) A seafarer recruitment and placement agency operating in Barbados shall advise each seafarer of the complaints procedure in this section, at the time of placement of that seafarer.

- (3) This section applies to
- (a) seafarers recruited and placed by recruitment and placement agencies operating in Barbados for employment on board Barbados-registered and foreign-registered ships; and
  - (b) seafarers recruited and placed by foreign-based recruitment and placement agencies for employment on board Barbadian-registered ships.
- (4) A recruitment and placement agency referred to in subsection (3) shall provide each seafarer with a copy of the complaint procedures set out in this section and a copy of his seafarer employment agreement.
- (5) Subject to subsection (5), a seafarer who wishes to make a complaint referred to in subsection (1) shall initially make the complaint to the recruitment and placement agency concerned and attempt to resolve the complaint with that agency.
- (6) If a seafarer considers that he may be victimized by presenting a complaint, he may contact the Director or submit the complaint directly to the Director within 7 days from the date of discovery of the alleged occurrence of the labour grievance.
- (7) Any investigation of a complaint concerning the activities of a seafarer recruitment and placement agency shall involve appropriate representatives of the shipowner and seafarer.

### **Labour supply responsibilities**

**75.** The Director shall establish an effective system for enforcing the requirements of this Act applicable to the operation and practice of seafarer recruitment and placement services established on its territory, through inspection and monitoring and legal proceedings for breaches of licensing and other operational requirements provided for under this Part.

**Offences**

**76.(1)** A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of \$300 000.

(2) A person referred to in subsection (1) shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

**Specification of standards of competence by the Administration**

**77.(1)** Subject to the regulations, the Administration may specify standards of competence to be attained and other conditions to be satisfied by officers and other seafarers in order to be qualified for the purposes of this Act.

(2) Conditions specified under subsection (1) may include conditions as to nationality and provide, or enable the Director to provide, for

- (a) the manner in which the attainment of a standard or the satisfaction of any other condition is to be evidenced;
- (b) the conduct of examinations, the conditions for admission to them and the appointment and remuneration of examiners; and
- (c) the issuance, form and recording of certificates and other documents.

(3) Conditions specified under subsection (1) may differ for different circumstances.

**Administration regulations respecting standards of competence**

**78.** The Administration may make regulations in relation to standards of competence relating to ships or their operation and to establish standards and conditions referred to in section 77(2).

## PART V

## CONDITIONS OF EMPLOYMENT

**Employment agreements**

**79.(1)** The master of every Barbados-registered ship shall enter into a written agreement, in accordance with the regulations, with every seafarer whom he engages and carries to sea as one of his crew.

(2) The master, agent or representative of every foreign-registered ship engaging a Barbadian seafarer shall enter into a written agreement, in accordance with the regulations, with every Barbadian seafarer whom he engages in Barbados or carries to sea from Barbados as part of his crew.

**Replacement of seafarer employment agreement**

**80.** Any existing employment contract entered into prior to the entry into force of this Act is null and void, and shall be replaced by a standard seafarers' employment agreement under the Maritime Labour Convention.

**Conditions for seafarers' employment agreements**

**81.** A seafarer's employment agreement shall be agreed to by the seafarer under conditions that ensure that the seafarer has an opportunity to review and seek advice on the terms of the agreement and freely accepts them before signing.

**Continuation of seafarers' employment agreements**

**82.** A seafarer's employment agreement shall continue to have effect during any period that the seafarer is held captive on or off the ship as a result of piracy or armed robbery against ship, regardless of any termination date in the agreement.

**Incorporation of collective bargaining agreements**

**83.** Seafarers' employment agreements are to be read to incorporate any applicable collective bargaining agreements, to the extent they are compatible with national employment law and practice.

**Collective bargaining agreement to be kept on board**

**84.** A Barbados-registered ship shall keep on board and make available any collective bargaining agreement that forms all or part of the employment agreement of seafarers working on the ship.

**Language of collective bargaining and employment agreements**

**85.** Where the language of a seafarer's employment agreement and any applicable collective agreement is not in English, a Barbados-registered ship engaged only in international voyages shall keep and make available in English on board the ship

- (a) a copy of those agreements;
- (b) a copy of a standard form of the seafarer's employment agreement; and
- (c) the portions of the collective bargaining agreement that are subject to a port state inspection under section 237.

**Flag state duties and seafarers' employment agreements**

**86.(1)** Every seafarer working on a Barbados-registered ship shall have

- (a) a seafarers' employment agreement, signed both by the seafarer and the shipowner or his representative, providing the seafarer with the working and living conditions on board the ship required by this Act; or
- (b) where the seafarer is not an employee, evidence of a similar contractual arrangement.

- (2) A seafarer signing a seafarers' employment agreement shall be given an opportunity to examine and seek advice on the agreement before signing, and access to any other facilities necessary to ensure that he has freely entered into the agreement with a sufficient understanding of his rights and responsibilities.
- (3) The shipowner shall keep a signed original of the seafarers' employment agreement.
- (4) The shipowner shall ensure that clear information on the conditions of employment can be easily obtained on board by seafarers, including the ships' master, and that such information and a copy of each seafarer's employment agreement is also accessible for review by the Director or the administration in ports to be visited.
- (5) The shipowner shall provide each seafarer with a document containing a record of his employment on board the ship
- (a) when the seafarers work on the ship ends; or
  - (b) at the seafarer's request.
- (6) A record of employment referred to in subsection (5) shall not contain any statement as to the quality of the seafarer's work or the seafarer's wages.
- (7) No person shall enter into a record of employment referred to in subsection (5) or a seafarers' identity document any indication that the seafarer is blacklisted, any marking in red or any other indication that would affect the seafarer's chances of acquiring future employment on board another ship.

#### **Matters to be included in seafarers' employment agreements**

**87.** Every seafarers' employment agreement shall contain the following particulars:

- (a) the seafarer's full name, date of birth or age and birthplace;
- (b) the shipowner's name and address;
- (c) the place where, and date when, the agreement was entered into;

- (d) the capacity in which the seafarer is to be employed;
- (e) the amount of the seafarer's wages or the formula used for calculating it;
- (f) the amount of paid annual leave or the formula used for calculating it;
- (g) conditions of termination of the agreement, including
  - (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it and a required notice period, of not less than 7 days, that is not less for the shipowner than for the seafarer;
  - (ii) if the agreement has been made for a definite period, the date fixed for its expiry; or
  - (iii) if the agreement has been made for a voyage, the port of destination and the minimum period after arrival before which the seafarer may not be discharged;
- (h) the health and social security protection benefits to be provided to the seafarer by the shipowner;
- (i) the seafarer's entitlement to repatriation;
- (j) reference to any applicable collective bargaining agreement;
- (k) any other particulars required under Barbados laws on employment contracts;
- (l) the nature, and, as far as is practicable, the duration of the intended voyage or engagement;
- (m) the maximum period of the voyage or engagement, not exceeding 12 months, and the port at which it is intended to discharge the crew;
- (n) any places or parts of the world to which the voyage or engagement is not to extend;
- (o) the number and description of the crew;

- (p) if possible, the place and date at which the seafarer is to be on board or to begin work;
- (q) the prescribed scale of food and provisions that is to be furnished to the seafarer; and
- (r) the amount of shore leave to be provided to the seafarer between voyages.

### **List of young persons**

**88.** Every shipowner shall maintain a list of any persons taken on who are under 18 years of age and their dates of birth.

### **Wages**

**89.(1)** All non-national seafarers working on Barbados-registered ships and nationals of Barbados working on Barbados-registered ships or foreign-registered ships shall be paid for their work at intervals not greater than one month or less than bi-weekly, and in accordance with their employment agreements and any applicable collective agreements.

(2) Wages and other entitlements of seafarers held captive as a result of piracy or armed robbery shall continue to be paid until the seafarer is released and duly repatriated or his date of death is determined.

### **Timing of wages**

**90.(1)** The master, owner or operator of a Barbados-registered ship shall pay to each seafarer working on that ship the wages of the seafarer, if demanded, within 2 days after arrival of the ship at the port where the crew is to be discharged, or upon the seafarer's discharge, whichever happens first.

(2) The master, owner or operator of a Barbadian-registered ship and the master, owner or operator of a foreign-registered ship upon which a Barbadian is employed shall, not less than 24 hours before paying off or discharging any

seafarer, deliver a full account of the seafarer's wages and of all deductions to be made from them.

(3) No deduction from the wages of a seafarer may be made unless the deduction is included in the account delivered in accordance with subsection (2), except in respect of a matter that occurs after the delivery of the account.

(4) The master, owner or operator of a ship shall, during each voyage

(a) enter in a book kept for the purpose any matters in respect of which deductions from a seafarer's wages are made, as they occur, and the amount of the deductions; and

(b) if required, produce the book at the time of payment of the wages, or at a hearing before any competent authority of any complaint or question relating to that payment.

#### **Certificate of discharge**

**91.(1)** Subject to section 92, on discharge or payment of wages, the master shall sign and give to a seafarer a certificate of discharge in a form specified by the Administration in a marine labour guidance note, 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 seafarer.

(3) On the discharge of a certificated officer whose certificate of competency has been delivered to and retained by the master, the master shall return the certificate to the officer.

#### **Withholding certificate of discharge**

**92.(1)** Where it is shown to the satisfaction of a competent authority outside Barbados that a seafarer lawfully engaged on a Barbados-registered ship has wilfully or through misconduct failed to join his ship, the competent authority shall report the matter to the Principal Registrar.

(2) The Principal Registrar may direct that the certificate of discharge of a seafarer referred to in subsection (1) be withheld for such a period as he thinks fit.

(3) While a seafarer's certificate of discharge is withheld under subsection (2), a competent authority or other person having custody of the documents may refuse to furnish copies of any of the seafarer's certificates of discharge or certified extracts of particulars of his service or character.

### **Character report**

**93.(1)** When a seafarer is discharged from a Barbados-registered ship, its master shall make and sign a report, in which the master shall

- (a) report on the conduct, character and qualification of the seafarer being discharged; or
- (b) state that he declines to give such a report.

(2) The master before whom the discharge of a seafarer is being made shall, subject to section 92, at the request of the seafarer, give the seafarer a copy of the character report.

(3) A person commits an offence where he

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

### **Settlement of wages**

**94.(1)** When a seafarer is discharged from a Barbados-registered ship and the settlement of his wages is completed, he shall sign a release, in the form set

out in the *Fifteenth Schedule*, of all claims in respect of the past voyage or engagement.

- (2) The release shall be signed also by the master or owner of the ship.
- (3) A signed and attested release operates as a mutual discharge and settlement of all demands between the parties to it in respect of the past voyage or engagement.
- (4) The release shall be delivered to the owner of the ship, and it shall be retained by him for a period of 7 years after the after the date of the release.
- (5) The release shall be produced by the owner at the demand by a competent authority or other proper officer.

#### **Registrar's decision on wages**

**95.(1)** Where any question between a master or owner of a Barbados-registered ship and a member of its crew is raised before a competent authority and both parties have agreed in writing to submit the question to the competent authority, the competent authority shall hear and decide the question whether the nature of the question or the amount in dispute might otherwise be beyond the jurisdiction of the competent authority.

- (2) An award made by a competent authority pursuant to a submission under subsection (1) is conclusive as to the rights of the parties.
- (3) A document purporting to be a submission or award made under this section is admissible in evidence.

#### **Ship's papers**

**96.(1)** In any proceedings under this Act before a competent authority relating to wages, claims or the discharge of a seafarer, a competent authority

- (a) may require the owner, the master, a mate or any other member of the crew to produce any logbooks, papers or other documents in his

possession or power relating to the matter in question in the proceedings; and

(b) may require the attendance of, and examine on the matter, any of those persons who are at or near the place of the proceeding.

(2) In any proceedings under this Act before a competent authority relating to the wages, claim, dispute or discharge of a seafarer, all travelling and other expenses incurred by the competent authority shall be paid by the owner or master of the ship in question.

(3) For the purposes of subsection (1), a competent authority may administer oaths.

### **Rate of exchange**

**97.** Where a seafarer has agreed with the master of a Barbadian-registered ship, or where a Barbadian seafarer working on board a foreign-registered ship has agreed with the master of that ship, for payment of his wages in a specific currency, any payment of or on account of his wages made in a currency other than that stated in the agreement shall, notwithstanding the agreement, be made at the rate of exchange current at the place where the payment is made.

### **Conditional agreements**

**98.(1)** A seafarer's employment agreement may contain a stipulation for payment to, or on behalf of, the seafarer of a sum not exceeding 2 weeks' wages that is conditional on his going to sea.

(2) Any other agreement by the employer of a seafarer for the payment of money to, or on behalf of, a seafarer that is conditional on his going to sea is void.

(3) Any money paid in respect of a void agreement described in subsection (2) shall not be deducted from the seafarer's wages, and a person purporting to conclude a void agreement with a seafarer has no right of action or set-off against the seafarer or his assignee in respect of that money.

**Allotment note**

**99.(1)** A stipulation made by a seafarer at the commencement of a voyage for the allotment of a part of his wages during his absence may be inserted in the seafarer's employment agreement, and shall state the amounts and times of the payments to be made.

(2) Where a seafarer's employment agreement is required to be made in a prescribed form, the seafarer may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note of one half or less of the seafarer's wages, in favour either of a near relative or of a bank account in the seafarer's name.

(3) When a seafarer is engaged under this Act, the master shall, after the seafarer has signed the seafarer's employment agreement, ask the seafarer whether he requires a stipulation for the allotment of his wages by means of an allotment note and, if the seafarer requires such a stipulation, the master shall insert the stipulation in the seafarer's employment agreement.

(4) A stipulation inserted under subsection (3) is to be considered to have been agreed to by the master.

(5) An allotment note shall be in a form specified in a marine labour guidance note.

(6) For the purposes of this section and section 100, "near relative" means a spouse, father, mother, grandfather, grandmother, child, grandchild, brother or sister.

**Facilities for remitting wages**

**100.(1)** Where the balance of wages due to a seafarer is more than \$150 and the seafarer expresses to the master of the ship his desire to remit all or part of the balance to an account in a bank or to a near relative, the master shall provide the seafarer with all necessary facilities for doing so.

- (2) While his ship is in port, the master is under no obligation
- (a) to provide the facilities described in subsection (1) if the balance becomes payable before the ship leaves port; or
  - (b) to provide the facilities otherwise than conditionally upon the seafarer going to sea in the ship.

### **Recovery of allotted sums**

**101.(1)** A person in whose favour an allotment note is made may recover the sums allotted as they are made, payable with costs, from

- (a) the owner of the ship with respect to which the engagement was made; or
- (b) an agent of the owner who has authorised the allotment,

in the same court and manner in which wages of seafarers are recoverable under this Act, unless the seafarer is shown in a manner specified in this Act to have forfeited, or ceased to be entitled to, the wages out of which the allotment is to be paid.

(2) In any proceedings under subsection (1), it is sufficient for the claimant to prove that

- (a) he is the person mentioned in the note; and
- (b) the note was given by the ship's owner or master or by an authorised agent.

(3) In any proceedings under subsection (1), the seafarer is presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court

- (a) by an official statement of the change in the crew caused by his absence, made and signed by the master as required by this Act;
- (b) by a certified copy of an entry in the official logbook to that effect; or

- (c) by such other evidence as the court considers sufficient to show that the seafarer has ceased to be entitled to the wages out of which the allotment is to be paid.

*Rights of Seafarer in respect of Wages*

**Right to wages, time of**

- 102.** A seafarer's right to wages and provisions begins at the earlier of
- (a) the time at which he commences work; and
  - (b) the time specified in the seafarer's employment agreement for his commencement of work or presence on board.

**Wages and salvage**

- 103.(1)** A seafarer cannot by an agreement
- (a) forfeit his lien on a ship;
  - (b) be deprived of a remedy for the recovery of his wages to which, in the absence of the agreement, he would be entitled;
  - (c) abandon his right to wages in case of the loss of the ship; or
  - (d) abandon any right that he may have or obtain in the nature of salvage.
- (2) A stipulation in any agreement inconsistent with subsection (1) or any other provision of this Act is void.
- (3) Subsection (1)(d) does not apply to a stipulation in an agreement made in respect of the remuneration to be paid for salvage services to another vessel to seafarers who belong to the vessel that is to be employed on salvage service under the agreement.

**Wages and freight**

- 104.(1)** Subject to subsection (4), a right to wages does not depend on the earning of freight.

(2) Every seafarer who would be entitled to demand and recover wages if the vessel in which he has served had earned freight is, subject to all other applicable rules of law, entitled to demand and recover his wages, notwithstanding that freight has not been earned.

(3) In a case of the wreck or loss of the vessel, proof that a seafarer has not exerted himself to the utmost to save the vessel, cargo and stores bars his claim for wages.

(4) Where a seafarer who would, but for his death, be entitled under this section to demand and recover any wages dies before the wages are paid, the wages shall be paid and applied by the same person and in the same way as in the case of a seafarer who dies during a voyage.

#### **Wages when service ends**

**105.(1)** Where the service of a seafarer terminates before the date contemplated in his seafarers' employment agreement by reason of his being left on shore at a place abroad under a certificate of his unfitness or inability to proceed on the voyage, the seafarer is entitled to wages for the time served prior to that termination, but not for any further period.

(2) Where the service of a seafarer terminates before the date contemplated in his seafarers' employment agreement by reason of the loss or foundering of the vessel on which he is employed, he is entitled to receive wages in respect of each day on which he is unemployed during a period of 2 months from the date of termination of the service, at the rate to which he was entitled at that date, unless he obtains other suitable employment.

#### **Refusal to work**

**106.** A seafarer is not entitled to wages

- (a) for any time during which he refuses or neglects to work when required, whether before or after the time fixed by the seafarer's employment agreement for him to begin work; or

- (b) for any period during which he is lawfully imprisoned for an offence committed by him, unless a court otherwise directs.

### **Illness by default**

**107.(1)** Where a seafarer is by reason of sickness incapable of performing his duty and it is proved that his sickness was caused by his own wilful act or default, or is a sickness or infirmity that he wilfully concealed at the time of engagement, he is not entitled to wages for the time during which he is, by reason of the sickness, incapable of performing his duty.

(2) Subsection (1) does not remove the right of a seafarer to any payment or other benefits to which he is entitled under a law providing for compensation to injured or sick workers.

### **Costs of procuring conviction**

**108.** When in any proceedings relating to seafarer's wages it is shown that a seafarer has, in the course of the voyage, been convicted of an offence by a competent authority and punished for that offence by imprisonment or otherwise, the court may direct that a part of the wages due to the seafarer, 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**

**109.(1)** Where a seafarer who has signed a seafarers' employment 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 on his part justifying the discharge and without his consent, he is entitled to receive from the master or owner, in addition to any wages he might have earned, compensation for the damage caused to him by the discharge, not exceeding one month's wages.

(2) A seafarer may recover compensation under subsection (1) as if it were wages duly earned.

### **Protection of wages**

**110.**(1) Wages due or accruing to a seafarer are not subject to attachment by a court.

(2) An assignment or sale of wages before they are due does not bind the person making the assignment or sale.

(3) A power of attorney or authority for the receipt of wages is revocable.

(4) A payment of wages to a seafarer is valid in law notwithstanding that the wages have been sold, assigned, attached or encumbered.

(5) Nothing in subsections (1) to (4) affects the provisions of this Act with respect to allotment notes.

### *Annual Leave and Public Holidays*

### **Leave and holidays**

**111.**(1) Every seafarer is entitled after 12 months of continuous service on a Barbados-registered ship, or for the same employer, to an annual leave with pay, the duration of which shall be

(a) in the case of the master and other officers, not less than 18 working days; and

(b) in the case of other members of the crew, not less than 12 working days.

(2) Where the length of continuous service under a seafarer's employment agreement is less than 12 months, the annual paid leave to which the seafarer is entitled under subsection (1) shall be pro rated.

- (3) For the purpose of calculating when a leave is due
  - (a) service of articles shall be included in the determination of continuous service;
  - (b) a short interruption of service not due to the act or fault of the employee and not exceeding a total of 6 weeks in any 12 months does not break the continuity of the periods of service that precede and follow it; and
  - (c) continuity of service is not interrupted by a change in the management or ownership of the ship in which the person has served.
- (4) The following shall not be included in an annual leave with pay:
  - (a) interruptions of service due to sickness or injury; and
  - (b) public holidays.
- (5) In addition to the entitlement under subsection (1) or (2), every member of the crew of a Barbados-registered ship is entitled to 11 days annual leave *in lieu* of public holidays.

#### *Mode of Recovering Wages*

#### **Suit for wages**

- 112.(1)** A seafarer, or a person duly authorised on his behalf, may, when any wages due to him become payable, sue for them in a court of competent jurisdiction in Barbados.
- (2) Notwithstanding any other law, an order made by a court in an action under subsection (1) is final and not subject to appeal.
  - (3) For the purposes of proceedings under this section, a court, upon complaint on oath made to it, may summon the master, shipowner or any other person to appear before it to answer the complaint.
  - (4) Upon the appearance of the master, shipowner or other person, the court may examine on oath the parties and their respective witnesses regarding the

complaint and the amount of wages due, and may make an order for the payment of any wages found to be due.

(5) 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 an order for the payment of any wages found to be due.

(6) Where an order under this section for the payment of the wages is not obeyed within 24 hours after it is made, the court 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.

(7) Where sufficient distress cannot be found, the court may, subject to subsection (8), 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 its tackle and apparel, if the ship is within the jurisdiction of the court.

(8) If the ship is not within the jurisdiction of the court, 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 3 months.

### **Limited jurisdiction of Supreme Court**

**113.** The Supreme Court does not have jurisdiction to hear or determine an action, suit or proceeding instituted by or on behalf of a seafarer for the recovery of wages, except where

- (a) the owner of the ship is insolvent;
- (b) the ship is under arrest or is sold by the authority of the Supreme Court;  
or
- (c) a magistrate's court refers the claim to the Supreme Court.

**Master's remedy for wages**

**114.(1)** The master of a Barbados-registered ship has the same rights, liens and remedies for the recovery of his wages as a seafarer has under this Act or by any other law or custom.

(2) The master of a Barbados-registered ship, and every person lawfully acting as master of a Barbados-registered ship by reason of the deceased or incapacity from illness of the master of the ship, 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 the disbursements or liabilities referred to in subsection (2), a right or set-off or counter-claim is claimed, the court may enter into, and adjudicate upon, all questions and settle all accounts outstanding and unsettled between the parties to the proceedings, and may direct payment of any balance found to be due.

*Power of Court to Rescind Contracts*

**Power to rescind contracts**

**115.(1)** Where proceedings are instituted in a court in relation to a dispute between an owner or master of a Barbados-registered ship and a seafarer, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court may rescind any contract between the owner or master and the seafarer, or any contract or indentures of apprenticeship, upon such terms as the court thinks just.

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

*Property of Deceased Seafarer***Definitions**

**116.** For the purposes of sections 117, 118 and 119 “property”, in relation to a deceased seafarer, means the money and effects belonging the seafarer that are on board the ship on which the seafarer was engaged and the balance of wages due to the seafarer.

**Property of deceased seafarer**

**117.(1)** If a seafarer belonging to a Barbados-registered ship, or a Barbadian seafarer working on a foreign-registered ship, dies during a voyage, the master of the ship shall take charge of the property of the seafarer.

- (2) The master shall enter in the official log-book
  - (a) a statement of the amount of the money and of the effects of the seafarer; and
  - (b) a statement of the wages due to the seafarer, the amount of any deductions 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 other member of the crew.
- (4) The master may cause any effects of a deceased seafarer to be sold.
- (5) The master of the ship shall without delay provide a statement of the property of the deceased seafarer
  - (a) where the seafarer belongs to a Barbados-registered ship, to the Principle Registrar; and
  - (b) where the seafarer belongs to a foreign-registered ship, to the Director.

### **Delivery of the property**

**118.(1)** Subject to subsection (2), the property of a deceased seafarer shall be delivered by the master of the ship by the most practicable means to the personal representative of the deceased or, if there is no personal representative, the master shall dispose of the property

- (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 proceeds of the sale of the property of a deceased seafarer expenses properly incurred in complying with subsection (1).

(3) After complying with subsection (1), the master shall render a statement of account to a registrar the Principal Registrar respecting the property of the deceased seafarer.

### **Forgery of document**

**119.** A person commits an offence where he, for the purpose of obtaining the property of a deceased seafarer

- (a) forges or fraudulently alters a document purporting to show or assist in showing a right to that property;
- (b) makes use of such a document;
- (c) gives, assists in giving or procures to be given false evidence, knowing it to be false;
- (d) makes a false representation, knowing it to be false; or
- (e) assists in procuring false evidence or a false representation to be made, knowing it to be false.

### **Monthly account of payments due**

**120.** A monthly account shall be given to seafarers of payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to in the seafarer's employment agreement.

### **Transmissions of seafarers earnings**

**121.** The owner of a Barbados-registered ship, or of a foreign-registered ship engaged in international voyages, shall provide a Barbadian seafarer with a means to transmit all or part of his earnings to his family, dependants or legal beneficiaries, including a system for enabling the seafarer, at the time of his entering employment or during it, to allot a proportion of his wages for remittance at regular intervals directly to such persons by a bank transfer or similar means, in a timely manner.

### **Charges for transmission services**

**122.(1)** Any charge for a transmission service referred to in section 121 shall be an amount that the Principal Registrar considers to be reasonable.

(2) The rate of currency exchange on amounts transmitted under section 121 shall be, unless otherwise provided in accordance with national laws, at the prevailing market rate or the official published rate, whichever is lower.

### **Hours of work and rest**

**123.(1)** In this section

- (a) "hours of work" means the time during which seafarers are required to do work on account of the ship; and
- (b) "hours of rest" means the time outside hours of work, other than short breaks.

- (2) The maximum hours of work for seafarers working on conventionally manned ships shall not exceed
- (a) 14 hours in any 24 hour period; and
  - (b) 72 hours in any 7 day period.
- (3) The minimum hours of rest for seafarers working on conventionally manned ships shall not be less than
- (a) 10 hours in any 24 hour period; and
  - (b) 77 hours in any 7 day period.
- (4) Hours of rest may be divided into no more than 2 periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

**Musters, fire-fighting and lifeboat drills**

**124.** Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and by international instruments, shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

**Compensatory rest period**

**125.** Seafarers shall be provided a compensatory rest period with the prescribed regulations.

**Inadequate rest**

**126.** Where no collective agreement or arbitration award exists, or if the Director determines that the provisions in a collective agreement or arbitration award in respect of paragraphs 7 and 8 of the Maritime Labour Convention Code A2.3 of Regulation 2.3 are inadequate, the Director, in consultation with the Ministry responsible for Labour shall assess the circumstances of the case, to ensure the seafarers concerned have sufficient rest.

### **Posting of shipboard working arrangements**

**127.** The master of a ship shall post, in an easily accessible place, a table with the shipboard working arrangements, setting out for every position

- (a) the schedule of service at sea and service in port; and
- (b) the maximum hours of work or the minimum hours of rest required by section 123 or applicable collective agreements.

### **Format of shipboard working arrangements**

**128.** The master of a ship shall establish shipboard working arrangements in a standardized format in the working language or languages of the ship and in English.

### **Records of seafarers' daily hours of work or rest**

**129.(1)** The master of a ship shall maintain records of seafarers' daily hours of work or of their daily hours of rest, for monitoring and compliance purposes, in the working language or languages of the ship and in English.

(2) Each seafarer shall be given a copy of the records pertaining to him, endorsed by the master or a person authorized by the master and by the seafarer.

### **Hours of work and rest for young seafarers**

**130.** For a seafarer under 21 years of age, while at sea and in port

- (a) his working hours shall not exceed 8 hours in any 24 hour period and 40 hours per week;
- (b) overtime shall be worked only where unavoidable for safety reasons;
- (c) sufficient time shall be allowed for all meals, including a break of at least one hour for the main meal of the day; and
- (d) a 15 minute rest period shall be provided as soon as possible following each 2 hours of continuous work.

**Exceptions**

**131.(1)** Section 130 does not apply if

- (a) it is impracticable for a seafarer in the deck, engine room or catering department assigned to watchkeeping duties or working on a rostered shift-work system; or
- (b) the effective training of the seafarer in accordance with established programs and schedules would be impaired.

(2) Where section 130 is not applied, the master shall keep and sign a record of the reasons.

**Hours of work necessary for immediate safety reasons**

**132.(1)** Notwithstanding sections 123, 126 and 130, a ship's master may require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board the ship or its cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

(2) In the circumstances referred to in subsection (1), the master may suspend the schedule of hours of work or rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

(3) As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work during a scheduled rest period are provided with an adequate period of rest.

**Personal protective equipment**

**133.** Every shipowner shall provide seafarers with appropriately sized personal protective equipment.

**Entitlement to leave**

**134.(1)** Barbadian seafarers employed on foreign-registered ships are entitled to paid annual leave consistent with the Maritime Labour Convention and section 111.

(2) The master of a ship shall grant shore leave to seafarers to benefit their health and well-being, consistent with the operational requirements of their positions.

**Calculation of annual leave pay**

**135.(1)** The pay for a seafarer on annual leave shall be calculated in accordance with the Maritime Labour Convention standards and specified by the Administration in a maritime labour notice, after consultation with the Ministry responsible for Labour.

(2) The following shall not be counted as part of annual leave with pay:

- (a) public and customary holidays, whether or not they fall during the annual leave with pay;
- (b) periods of incapacity for work resulting from illness or injury or from maternity or paternity;
- (c) temporary shore leave granted to a seafarer under an employment agreement;
- (d) compensatory leave of any kind;
- (e) time spent awaiting repatriation and repatriation travel time; or
- (f) justified absences from work.

**Level of pay during annual leave**

**136.(1)** The level of pay during annual leave shall be at the seafarer's normal level of remuneration provided in the seafarer's employment agreement.

(2) For seafarers employed for periods shorter than one year or in the event of the termination of the employment agreement, entitlement to leave shall be calculated on a pro-rata basis.

**Timing of annual leave**

**137.** The time at which annual leave is to be taken shall, unless otherwise fixed by regulation, collective agreement, arbitration award or other means, be determined by the shipowner after consultation and, as far as possible, in agreement with the seafarers concerned or their representatives.

**Place of annual leave**

**138.(1)** Subject to subsection (2), a seafarer shall not be required, without his consent, to take annual leave due to him in a place other than a place to which he has a substantial connection, unless otherwise provided in the seafarer's employment agreement.

(2) For the purpose of subsection (1), a place to which a seafarer has a substantial connection includes the place to which he is entitled to be repatriated.

(3) If a seafarer is required to take annual leave from a place other than a place referred to in subsection (1)

- (a) the seafarer is entitled to free transportation to the place where he was engaged or the place where he was recruited, whichever is nearer to his home;
- (b) the subsistence and other costs that are directly involved shall be paid the shipowner; and
- (c) the travel time shall not be deducted from the annual leave with pay due to the seafarer.

**No agreement to forego minimum annual leave with pay**

**139.** Any agreement to forego the minimum annual leave with pay provided for in this Act is invalid.

**Recall of seafarer taking annual leave**

**140.** A seafarer taking annual leave shall be recalled only in an emergency and with the seafarer's consent.

**Accumulation of annual leave**

**141.** Annual leave due in respect of one year may be added to a subsequent period of leave.

**Uninterrupted period of leave**

**142.** Unless otherwise provided in a seafarer's employment agreement, a seafarer's annual leave with pay shall consist of an uninterrupted period.

**Seafarers under 21 years of age**

**143.** A seafarer under 21 years of age who has served without leave for 6 months, or any shorter period of time provided for in a collective agreement or seafarers' employment agreement, on a foreign-going ship that has not returned to his country of residence during that time and will not return in the next 3 months of the voyage shall be repatriated, at no expense to the seafarer, to his country of residence for the purpose of taking any leave earned during the voyage.

*Retirement*

**Retirement age**

**144.** A seafarer may retire at 55 years of age, but may continue service until 65 years of age based on

- (a) his medical fitness;
- (b) the nature of seafaring work engaged in; and
- (c) other relevant considerations.

**Length of seafaring service**

**145.** The length of service of a seafarer shall be calculated on the following basis:

- (a) an absence from work to attend an approved maritime vocational training course, by reason of illness or injury or for maternity or paternity shall be counted as part of the period of employment; and
- (b) service other than under the seafarer's employment agreement shall be counted as part of the period of employment.

*Repatriation***Repatriation**

**146.(1)** Every seafarer shall be repatriated to his home country at no cost to himself, and with payment of all wages and remuneration due to the seafarer without undue delay

- (a) if the seafarers' employment agreement expires when abroad;
- (b) if the seafarers' employment agreement is terminated by the shipowner, or terminated or interrupted in accordance with an industrial award or collective agreement, or for another similar reason;
- (c) when the seafarers' employment agreement is terminated by the seafarer for justified reasons;
- (d) when the seafarer is no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances, including an illness, injury, death or other medical condition that renders the seafarer unfit or unable to travel;
- (e) if the ship is shipwrecked;
- (f) if the shipowner is unable to continue to fulfill his legal or contractual obligations as employer of the seafarer by reason of insolvency, the

sale of the ship, a change of ship's registration or another similar reason;

- (g) if the ship is bound for a war zone to which the seafarer does not consent to go; or
- (h) for other compassionate or emergency reasons.

(2) The Human Element in Shipping Care Inspectorate shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned within the meaning of Standard A2.5.2, paragraph 2 of the Maritime Labour Convention 2006, as amended.

(3) The Human Element in Shipping Care Inspectorate shall cooperate with port States, flag States and labour-supplying States to ensure that seafarers engaged on a ship to replace

- (a) seafarers who have been abandoned in Barbados;
- (b) Barbadian seafarers who have been abandoned in a foreign port; or
- (c) seafarers irrespective of nationality, on a ship flying the flag of Barbados,

are accorded their rights and entitlements under the Maritime Labour Convention 2006, as amended.

(4) For the purposes of this section, a seafarer's home country is

- (a) the place at which the seafarer entered the seafarer's employment agreement;
- (b) the place stipulated in any applicable collective agreement;
- (c) the seafarer's country of residence; or
- (d) any other place as mutually agreed at the time of engagement.

(5) In the case of a dispute, the shipowner shall provide evidence that the seafarer was afforded options for the place of repatriation.

**No advance payment by seafarers**

- 147.** A shipowner shall not
- (a) require a seafarer to make an advance payment towards the cost of repatriation at the beginning of his employment; or
  - (b) recover the cost of repatriation from the seafarer's wages or other entitlements, except where the seafarer has been found, in accordance with this Act, the regulations, other measures or an applicable collective bargaining agreement to be in serious default of the seafarer's employment obligations.

**Financial security for repatriation**

**148.** Every Barbados-registered ship, and every foreign-registered ship engaged in international voyages that employs a Barbadian seafarer, shall provide financial security to ensure that seafarers are duly repatriated in accordance with this Act and provide evidence of that security to the Director.

**Claims brought by seafarer**

**149.** Notwithstanding anything in this Act, in respect of any claim brought by a seafarer, a seafarer is entitled to seek compensation, and a shipowner is entitled to limit liability, in accordance with the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30).

**Financial obligations on abandonment**

**150.(1)** In the event of the abandonment of a ship, the shipowner remains responsible for maintaining financial security to ensure that seafarers belonging to the ship are repatriated in accordance with this Act and the regulations.

(2) A seafarer shall be deemed to have been abandoned if the shipowner violates the requirements of this Act, the regulations or the seafarer's employment agreement and

- (a) fails to cover the cost of the seafarer's repatriation;
- (b) has left the seafarer without the necessary maintenance and support; or
- (c) has otherwise unilaterally severed ties with the seafarer, including a failure to pay contractual wages for a period of 2 months or more.

(3) For the purposes of subsection (2), necessary maintenance and support includes the provision of adequate food, accommodation, drinking water supplies, fuel essential for survival on board the ship and necessary medical care.

(4) Where a seafarer nominates a person to represent him in the event of abandonment, the nomination shall be in writing.

#### **Financial security for abandonment**

**151.(1)** A shipowner shall provide financial security sufficient to provide direct access, sufficient coverage and expedited financial assistance to any abandoned seafarer.

(2) Any amount payable by from the financial security may be offset against amounts received by the seafarer from other sources following their abandonment.

(3) Financial security for abandonment shall cover

- (a) outstanding wages and other entitlements due from the shipowner to the seafarer under the seafarer's employment agreement, a collective bargaining agreement or the national law of Barbados, an amount equal to up to 4 months of any such outstanding wages and entitlements;
- (b) all expenses reasonably incurred by the seafarer, including the cost of repatriation; and

- (c) the needs of the seafarer until the seafarer's arrival at home, including adequate food, clothing, accommodation, drinking water supplies, fuel for survival on board, medical care and other reasonable costs due to the abandonment.
- (4) For the purposes of subsection (3)(b), the cost of repatriation includes travel by appropriate and expeditious means, including travel by air, the cost of food and accommodation from the time of leaving the ship until arrival at the seafarer's home, necessary medical care and the transport of personal effects.
- (5) The financial security provider shall notify the Administration 30 days in advance, if the financial security is to cease before the end of the period of validity.

### *Shipowners' Liability for Contractual Claims*

#### **Definitions**

**152.** For the purposes of sections 153 to 158, "contractual claim" means a claim that relates to death or long-term disability of a seafarer due to an occupational injury, illness or hazard as per the seafarer's employment contract or another contractual agreement.

#### **Financial security**

**153.(1)** A shipowner shall provide financial security for the payment of all contractual claims that arise during the validity period seafarers' employment contracts.

- (2) Compensation for a contractual claim shall be paid in full and without delay.
- (3) No person shall pressure a claimant to accept a payment that is less than the contractual amount.
- (4) Where the nature of a long-term disability of a seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled, an interim

payment or payments shall be made to the seafarer so as to avoid undue hardship.

(5) The seafarer shall receive payment for a contractual claim without prejudice to other legal rights, but the payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident.

(6) A claim for contractual compensation may be brought directly by a seafarer, his next of kin, or a representative or designated beneficiary of the seafarer.

(7) A shipowner shall notify any affected seafarers at least 30 days in advance if a financial security is to be cancelled or terminated.

(8) A financial security provider shall notify the Administration at least 30 days in advance of the date on which a financial security will cease to be valid.

(9) Where payment is made in relation to a contractual claim, the parties to the payment shall use the Model Receipt and Release Form, set out in the *Fifteenth Schedule*, as the basis for the agreement.

(10) A shipowner shall ensure that any contractual claims relating to compensation are addressed expeditiously in an impartial and fair manner.

#### **Financial security certificate documentary evidence**

**154.(1)** When applying for a Part I declaration of maritime labour compliance, the shipowner shall provide the Administration with documentary evidence of the required financial security.

(2) The Administration shall accept financial security in the form of insurance or another similar financial security arrangement.

(3) The Administration may accept evidence of financial security in an electronic format, if all seafarers have access to the electronic system on which the information is maintained.

**Conditions of coverage**

**155.(1)** The Administration shall annually review the conditions of coverage provided for financial security in an application under section 154 to determine if the requirements of the Maritime Labour Convention, 2006 Standard A.2.5.2 and Standard A.4.2.1 are satisfied.

(2) In conducting such a review, the Administration shall take into consideration the International Labour Organization and International Maritime Organization Resolutions A. 930(22) and A. 931(22) guidelines on financial security provision and the International Maritime Organization Legal Committee's guidelines for accepting documentation from insurance companies, financial security providers and protection and indemnity clubs.

(3) The Administration shall review the submitted financial security information for compliance with the Maritime Labour Convention, 2006 and issue a Statement of Verification if the financial security complies with that Convention.

(4) A shipowner shall maintain a Statement of Verification with the declaration of maritime labour compliance and maritime labour certificate.

**Change of financial security provider**

**156.** Where there is a change of the financial security provider or financial security system after a maritime labour certificate and declaration of maritime labour compliance has been issued, the shipowner shall notify the Administration in writing and, where the maritime labour certificate was not issued by the Administration, the body that issued the maritime labour certificate.

**Documentary evidence**

**157.** Subsequent to the issuance of a Part I declaration of maritime labour compliance, and on an annual basis thereafter, the shipowner shall provide the Administration with documentary evidence of valid financial security.

**Posting of declaration**

**158.(1)** If a financial security provider and financial security is accepted by the Administration, the certificate or other documentary evidence of the financial security shall be posted in a conspicuous place on board the ship that is available to the seafarers.

(2) If more than one provider provides financial security, the documents provided by each provider shall be carried on board.

(3) The certificate or other documentary evidence shall include the following information:

- (a) the name of the ship;
- (b) the port of registry of the ship;
- (c) the call sign of the ship;
- (d) the International Maritime Organization number of the ship;
- (e) the name and address of the provider of the financial security;
- (f) the contact details of the person or entity responsible for handling seafarers requests for relief or seafarer contractual claims;
- (g) the name of the shipowner on whose behalf financial security has been provided;
- (h) the period of validity of the financial security; and
- (i) an attestation from the financial security provider that the financial security meets the requirements of the Maritime Labour Convention, 2006 Standard A 2.5.2 or A 4.2.1, as applicable.

**Seafarer compensation for the ship's loss or foundering**

**159.** A shipowner shall pay each seafarer employed on board an indemnity against unemployment resulting from the ship's loss or foundering, to a maximum of 2 months' wages, for the days during which the seafarer remains

unemployed, at the same rate as the wages payable under the seafarer's employment agreement.

**No prejudice to other rights**

**160.** A payment under section 159 does not prejudice any other rights a seafarer may have for losses or injuries arising from a ship's loss or foundering.

*General*

**Manning levels**

**161.(1)** A ship entitled to fly the Barbados flag shall have a sufficient number of seafarers on board to ensure that ship can be operated safely, efficiently and with due regard to security.

(2) Every Barbados-registered ship shall be manned by a crew with adequate qualifications to

- (a) ensure the safety and security of the ship and its personnel under all operating conditions, in accordance with the safe manning document issued by the Administration under section 162; and
- (b) comply with the standards provided for in this Act and the regulations.

**Determining manning levels**

**162.** The Director shall determine or approve the manning level for each Barbados-registered ship, having regard to the need to avoid or minimize excessive hours of work, to ensure sufficient rest and to limit fatigue.

**Coastal ships**

**163.** The owner and the master of every ship engaged in coastal traffic shall ensure that, in addition to the requirements in section 161, the seafarers employed on board that ship are Barbadian nationals.

### **Prohibition against going to sea uncrewed**

**164.(1)** The owner or master of a ship that does not comply with section 161 shall not permit the ship to go to sea, or attempt to go to sea.

(2) Subsection (1) does not apply to the owner or master of a maritime autonomous surface ship.

### **Complaints concerning manning levels**

**165.(1)** The Director shall conduct an investigation of any complaint concerning the manning level of a Barbados-registered ship.

(2) The Director shall establish a process for the investigation and settlement of such complaints and arrange for representatives of shipowners' and seafarers' organizations to participate, with or without other persons or authorities, in that process.

### **Career and skill development and opportunities**

**166.(1)** In order to provide the maritime sector with a stable and competent workforce, the Administration shall develop national policies

- (a) to help seafarers strengthen their competencies, qualifications and employment opportunities;
- (b) to promote employment in the maritime sector; and
- (c) to encourage career and skill development and employment opportunities for seafarers domiciled in Barbados.

(2) Policies developed under subsection (1) shall

- (a) be guided by Regulation 2.8, Standard A2.8 and Guideline B2.8 of the Maritime Labour Convention; and
- (b) establish of clear objectives, after consultation by seafarer education and training providers with shipowners' and seafarers' organizations, for the vocational guidance, education and training of seafarers whose

duties on board ship relate primarily to safe operation and navigation of the ship.

(3) In fulfillment of Barbados' Maritime Labour Convention obligations outlined under subsections (1) and (2), the Minister in collaboration with the Minister responsible for Labour, Barbados Port Inc. and other stakeholders shall

- (a) work towards continued and effective implementation of section 35 of the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025-13); and
- (b) undertake any other actions necessary for maintaining the seafaring industry as a viable career option, in view of the reliance of the shipping industry on seafarers, and the need to ensure a consistent supply of competent persons for seafaring labour in its various forms.

### **Offences**

**167.(1)** A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of \$700 000.

(2) A person referred to in subsection (1) shall be subject, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

### **Regulations**

**168.** The Minister may make regulations regarding

- (a) the hours of rest required for seafarers;
- (b) the entitlement of seafarers to compensatory rest periods; and
- (c) the safe manning requirements for autonomous vessels.

PART VI

ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND  
CATERING

**Accommodation and recreational facilities**

- 169.** The Administration shall adopt measures to ensure that
- (a) Barbados-registered ships provide and maintain Maritime Labour Code-compliant accommodations and recreational facilities for seafarers working or living on board, consistent with promoting seafarers' health and well-being; and
  - (b) foreign-registered ships on which Barbadian seafarers will be serving provide and maintain Maritime Labour Code-compliant accommodations and recreational facilities for seafarers working or living on board, consistent with promoting seafarers' health and well-being.

**Accommodation and recreational facilities**

- 170.** Ships and equipment constructed before June 20<sup>th</sup>, 2013 shall provide and maintain decent accommodations and recreational facilities for seafarers working or living on board, that will promote the seafarers' health and well-being.

**Constructed ship**

- 171.** For the purposes of section 170, a ship is deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction.

**Inspections**

- 172.**(1) Every Barbados-registered ship shall
- (a) be inspected in accordance with section 229, to ensure compliance with section 170; and
  - (b) be inspected frequently, under the authority of the master, to ensure that seafarer accommodation is clean, habitable and maintained in a good state of repair.
- (2) The results of each inspection under subsection (1) are to be recorded and made available for review.

**Seafarers with differing religious practices**

**173.** Where a seafarer has religious and social practices that differ from the other seafarers, the Chief Maritime Social Services Officer may, after consultation with the shipowners' and seafarers' organizations, permit variations in the requirements of this Act, if such variations do not result in overall facilities that are less favourable than those that would result from the application of section 170.

**Ships of less than 200 GT**

- 174.**(1) The Director may, after consultation with the shipowners' and seafarers' organizations
- (a) exempt ships of less than 200 GT from the requirement to be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room;
  - (b) in respect of ships that are not passenger ships, exempt ships of less than 200 GT from the requirement for each sleeping room to be provided with a wash basin having hot and cold running fresh water, unless a wash basin is situated in a private bathroom that is provided;

- (c) exempt ships of less than 200 GT from the requirement to be furnished with laundry facilities;
- (d) exempt ships from the requirement for the floor area of single berth sleeping rooms of seafarers who do not perform duties of ships' officers to be not less than
  - (i) 4.5 square metres in ships of less than 3,000 GT;
  - (ii) 5.5 square metres in ships of 3,000 GT or over but less than 10,000 GT; and
  - (iii) 7 square metres in ships of 10,000 GT or over;
- (e) exempt ships from in respect of ships that are not passenger ships or special purpose ships, the requirement for ships of less than 3,000 GT to provide sleeping rooms of seafarers who do not perform duties of ships' officers to be occupied by a maximum of 2 seafarers with a floor area of not be less than 7 square metres;
- (f) in respect of passenger ships and special purpose ships, exempt ships of less than 200 GT from the requirement for the floor area of sleeping rooms for seafarers who do not perform the duties of ships' officers to be not less than
  - (i) 7.5 square metres in rooms accommodating 2 persons;
  - (ii) 11.5 square metres in rooms accommodating 3 persons; and
  - (iii) 14.5 square metres in rooms accommodating 4 persons;
- (g) in respect of special purpose ships, exempt ships of less than 200 GT from the requirement that sleeping rooms of seafarers who do not perform duties of ships' officers not accommodate more than 4 persons with a floor area of not be less than 3.6 square metres per person;
- (h) in respect of ships other than passenger ships and special purpose ships, exempt ships from the requirement for sleeping rooms for seafarers

who perform duties of ships' officers, where no private sitting room or day room is provided, to have a floor area, per person, of not less than

- (i) 7.5 square metres in ships of less than 3,000 GT;
  - (ii) 8.5 square metres in ships of 3,000 GT or over but less than 10,000 GT; and
  - (iii) 10 square metres in ships of 10,000 GT or over; or
- (i) in respect of passenger ships and special purpose ships, exempt ships of less than 200 GT from the requirement that the floor area for seafarers performing the duties of ships' officers, where no private sitting room or day room is provided, for junior officers to not be less than 7.5 square metres per person and for senior officers to be not less than 8.5 square metres per person.

(2) For the purpose of subsection (1)(i), a junior officer is an officer performing duties at the operational level and a senior officer is an officer performing duties at the management level.

### **Conditions for exemptions**

**175.** An exemption under section 174

- (a) shall expressly identify the requirement concerned;
- (b) shall be reasonable, taking into account the size of the ship and the number of persons on board;
- (c) shall be clearly justified in the particular circumstances; and
- (d) is subject to the need to protect seafarers' health and safety.

### **Request for exemption**

**176.(1)** A shipowner or seafarers' organization may request an exemption under section 174 in writing.

- (2) A request for an exemption shall be provided to the Director
- (a) during the construction stages of the ship, in respect of a new build;
  - (b) during the modification stages of the ship, in respect of a re-purposed ship; and
  - (c) at any other time, in respect of an existing ship.

**Requirements for ship design and construction**

- 177.(1)** Subsections (2) to (19) apply to every Barbados-registered ship.
- (2) The ship shall provide adequate headroom in all seafarer accommodation.
- (3) The Administration, on the written request of a shipowner, may permit a limited reduction in headroom in any accommodation, or a part of it, where he is satisfied that the reduction is reasonable and will not result in discomfort to the seafarers.
- (4) In other areas of the ship where full and free movement is necessary, the headroom provided shall be not less than 203 centimetres.
- (5) Accommodation on the ship shall be adequately insulated.
- (6) In a ship other than a passenger ship, sleeping rooms shall be situated aft of the collision bulkhead
- (a) above the load line amidships or aft; or
  - (b) where the size, type or intended service of the ship renders any other location impracticable, in the fore part of the ship.
- (7) In respect of a passenger ship or a special purpose ship, on the written request of a shipowner, the Administration may, if arrangements satisfactory to the Administration are made for lighting and ventilation, permit the location of sleeping rooms below the load line, if they are not located immediately beneath working alleyways.
- (8) There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal

sanitary areas, and a bulkhead separating such places from sleeping rooms and external bulkheads of sleeping rooms shall be constructed of steel or another approved substance and be watertight and gas-tight.

(9) Materials used to construct internal bulkheads, paneling, sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment.

(10) External bulkheads of sleeping rooms and mess rooms shall be adequately insulated, and all machinery casings and boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passage-ways.

(11) Measures shall also be taken to provide protection from heat effects of steam or hot-water service pipes or both.

(12) Sleeping rooms, mess rooms, recreation rooms and alleyways in the accommodation space shall be sufficiently insulated to prevent condensation or overheating.

(13) Bulkhead surfaces and deck-heads shall be of a material with a surface easily kept clean and bulkhead surfaces and deck-heads in sleeping rooms and mess rooms shall be light in colour with a durable, non-toxic finish.

(14) Bulkhead surfaces and deck-heads shall be constructed in a manner that is not likely to harbour vermin.

(15) Decks in all seafarer accommodation shall be of approved material and construction and shall provide a non-slip surface that is impervious to damp and easily kept clean.

(16) Where the floorings in seafarer accommodation are made of composite materials, the joints with the sides shall be profiled to avoid crevices.

(17) Proper lighting and sufficient drainage in seafarer accommodation shall be provided.

(18) Accommodation, recreational and catering facilities shall meet the requirements of section 208 to prevent the risk of exposure to hazardous levels

of noise and vibration and other ambient factors and chemicals on board ships, and to provide an acceptable occupational and on-board living environment for seafarers, including

- (a) locating accommodation, recreational and catering facilities as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus;
  - (b) using acoustic insulation or other appropriate sound-absorbing materials in the construction and finishing of bulkheads, deck-heads and decks within the sound-producing spaces and providing self-closing noise-isolating doors for machinery spaces;
  - (c) providing engine rooms and other machinery spaces, wherever practicable, with soundproof centralized control rooms for engine-room personnel;
  - (d) insulating working spaces, such as the machine shop, as far as practicable, from the general engine-room noise and reducing noise in the operation of machinery;
  - (e) limiting noise levels for working and living spaces in conformity with International Labour Organization code of practice entitled "Ambient factors in the workplace, 2001," the protection recommended by the International Maritime Organization, and any subsequent amending and supplementary instruments for acceptable noise levels on board ships;
  - (f) not exposing accommodation, recreational or catering facilities to excessive vibration; and
  - (g) fitting ships regularly trading to mosquito-infested ports with appropriate devices.
- (19) A copy of the instruments referred to in subsection (18)(e) in English or the working language of the ship shall be carried on board the ship and be accessible to seafarers.

**Requirements for ventilation and heating**

**178.**(1) Subsections (2) to (13) apply to every Barbados-registered ship.

(2) Sleeping rooms and mess rooms on the ship shall be adequately ventilated.

(3) The system of ventilation for sleeping rooms and mess rooms on the ship shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

(4) The ship shall be equipped with air conditioning for seafarers' accommodation, for any separate radio room and for any centralized machinery control room, unless it is regularly in trade where temperate climatic conditions do not require this.

(5) The ship's air-conditioning systems, whether of a centralized or individual-unit type, shall be designed to

(a) maintain the air at a satisfactory temperature and relative humidity as compared to outside air conditions, ensure a sufficiency of air changes in all air-conditioned spaces, take account of the particular characteristics of operations at sea and not produce excessive noises or vibrations; and

(b) facilitate easy cleaning and disinfection to prevent or control the spread of disease.

(6) All sanitary spaces on the ship shall have ventilation to the open air, independently of any other part of the accommodation.

(7) Adequate heat through an appropriate heating system on the ship shall be provided, unless the ship voyages exclusively in tropical climates.

(8) The system of heating the seafarer accommodation on the ship shall be in operation at all times when seafarers are living or working on board and conditions require its use.

(9) Subject to subsection (10), if a heating system is required on the ship, the heating shall be by means of hot water, warm air, electricity, steam or the equivalent.

(10) Within the accommodation area on the ship, steam shall not be used as a medium for heat transmission.

(11) The heating system on the ship shall be capable of maintaining the temperature in seafarer accommodation at a satisfactory level under normal conditions of weather and climate that are likely to be met within the trade in which the ship is engaged.

(12) Radiators and other heating apparatus on the ship shall be placed and, where necessary, shielded so as to avoid a risk of fire or danger or discomfort to the occupants.

(13) Power for the operation of the air conditioning and other aids to ventilation required under this section, other than power provided from an emergency source, shall be available at all times when seafarers are living or working on board and conditions so require.

### **Requirements for lighting**

**179.**(1) Subsections (2) to (6) apply to every Barbados-registered ship, other than passenger ships for which other arrangements are permitted by the Administration, on the written request by a shipowner.

(2) Sleeping rooms and mess rooms on the ship shall be lit by natural light and provided with adequate artificial light.

(3) Electric light on the ship shall be provided in seafarers' accommodation.

(4) If there are not 2 independent sources of electricity for lighting on the ship, additional lighting shall be provided by lamps or lighting apparatus constructed for emergency use.

- (5) In seafarers' sleeping rooms on the ship, an electric reading lamp shall be installed at the head of each berth.
- (6) All seafarer accommodation on the ship shall comply with
  - (a) International Organization for Standardization standards of lighting for ships; and
  - (b) International Maritime Organization standards of lighting for ships.

### **Requirements for sleeping rooms**

**180.**(1) Subsections (2) to (14) apply to sleeping rooms on Barbados-registered ships.

- (2) In a ship other than a passenger ship, an individual sleeping room shall be provided for each seafarer.
- (3) On the written request by a shipowner, the Administration may exempt a ship of less than 3,000 GT or a special purpose ship from subsection (2) after consultation with the shipowners' and seafarers' organizations.
- (4) Subject to the minimum floor area requirements outlined in section 181
  - (a) on a ship of less than 3,000 GT that is not a passenger ship or special purpose ship, sleeping rooms shall be occupied by a maximum of 2 seafarers;
  - (b) on a passenger ship, sleeping rooms shall be occupied by a maximum of 4 seafarers not carrying out duties of ships' officers, or 2 seafarers performing the duty of petty officers; and
  - (c) on a special purpose ship, sleeping rooms may accommodate more than 4 persons if the floor area of the rooms is not less than 3.6 square metres per crew member.
- (5) Separate sleeping rooms on the ship shall be provided for men and for women.

- (6) As far as practicable, sleeping rooms of seafarers on the ship shall be so arranged that watches are separated and that no seafarers working during the day share a room with watchkeepers.
- (7) Sleeping rooms on the ship shall be of adequate size and equipped so as to ensure reasonable comfort and to facilitate tidiness.
- (8) Where the size of the ship, the activity in which it is to be engaged and its layout make it reasonable and practicable, sleeping rooms on the ship shall be planned and equipped with a private bathroom, including a toilet.
- (9) The furniture in each sleeping room on the ship shall be of smooth, hard material not liable to warp or corrode and shall, for each occupant, include a clothes locker with a minimum of 475 litres of space, fitted with a shelf and able to be locked by the occupant so as to ensure privacy, and a drawer or equivalent space of not less than 56 litres.
- (10) If a drawer is incorporated in a clothes locker, the minimum volume of the clothes locker and drawer shall be 500 litres.
- (11) Each sleeping room on the ship shall be provided with a table or desk of a fixed, drop-leaf or slide-out type, and with comfortable seating accommodation.
- (12) Sleeping rooms on the ship shall be fitted with curtains or the equivalent for the sidelights, as well as a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.
- (13) Berths on the ship shall meet the following standards:
- (a) a separate berth shall be provided for each seafarer;
  - (b) the minimum inside dimensions of the berth shall be at least 198 centimetres by 80 centimetres;
  - (c) there shall be adequate berth arrangements on board, making it as comfortable as possible for the seafarer and any partner who may accompany the seafarer;

- (d) berths shall not be arranged in more than 2 tiers;
  - (e) where berths are placed along the ship's side, there shall be only a single tier if a sidelight is situated above a berth;
  - (f) the lower berth in a double tier shall be not less than 30 centimetres above the floor, and the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams;
  - (g) the framework and any lee-board of a berth shall be of approved material that is hard, smooth and not likely to corrode or to harbour vermin;
  - (h) if tubular frames are used for the construction of berths, they shall be completely sealed and without perforations that would give access to vermin;
  - (i) each berth shall be fitted with a comfortable mattress with a cushioning bottom or a combined cushioning mattress, including a spring bottom or a spring mattress;
  - (j) mattresses and cushioning material used shall be made of approved material;
  - (k) stuffing of material that is likely to harbour vermin shall not be used;
  - (l) when one berth is placed over another, a dust-proof bottom shall be fitted beneath the bottom mattress or spring bottom of the upper berth;  
and
  - (m) clean, good-quality bedding shall be supplied to all seafarers for use on board during service on the ship.
- (14) Seafarers shall be responsible for the return of any bedding supplied, at times specified by the master and on completion of service in the ship.

**Floor areas for sleeping rooms**

**181.(1)** Subject to section 174, the sleeping rooms in a ship shall have the following minimum floor areas:

- (a) in single berth seafarers' sleeping rooms, a floor area of not less than
  - (i) 4.5 square metres in a ship of less than 3,000 GT;
  - (ii) 5.5 square metres in a ship of 3,000 GT or over but less than 10,000 GT; and
  - (iii) 7 square metres in a ship of 10,000 GT or over;
- (b) in a ship of less than 3,000 GT other than a passenger ship or special purpose ship, where sleeping rooms are occupied by 2 seafarers, a floor area of not less than 7 square metres;
- (c) on a passenger ship or special purpose ship, in sleeping rooms for seafarers not performing the duties of ships' officers, a floor area of not less than
  - (i) 7.5 square metres in rooms accommodating 2 persons;
  - (ii) 11.5 square metres in rooms accommodating 3 persons; and
  - (iii) 14.5 square metres in rooms accommodating 4 persons;
- (d) on a special purpose ship, in sleeping rooms where more than 4 seafarers are accommodated, a floor area of not less than 3.6 square metres per person;
- (e) on a ship other than a passenger ship or special purpose ship, in sleeping rooms for seafarers who perform the duties of ships' officers where no private sitting room or day room is provided, a floor area per person of not less than
  - (i) 7.5 square metres in a ship of less than 3,000 GT;

- (ii) 8.5 square metres in a ship of 3,000 GT or over but less than 10,000 GT; and
  - (iii) 10 square metres in a ship of 10,000 GT or over; and
- (f) on a passenger ships or special purpose ship, in sleeping rooms for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, a floor area per person for junior officers of not less than 7.5 square metres and a floor area per person for senior officers of not less than 8.5 square metres.
- (2) For the purpose of subsection (1)
- (a) space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area; and
  - (b) small or irregularly shaped spaces that do not add effectively to the space available for free movement and that cannot be used for installing furniture shall be excluded.
- (3) For the purpose of subsection (1)(f), a junior officer is an officer performing duties at the operational level and a senior officer is an officer performing duties at the management level.
- (4) In order to provide single berth sleeping rooms on a passenger ship, a special purpose ship or any other ship of less than 3,000 GT, on the written request by a shipowner the Administration may permit a reduced floor area.

#### **Additional space provided**

**182.(1)** The master, the chief engineer, the chief navigating officer of a ship and, where practicable, the second engineer officer shall be provided with, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space.

(2) The Director may exempt a ship of less than 3,000 GT from complying with subsection (1) after consultation with the shipowners' and seafarers' organizations.

**Mess rooms**

**183.(1)** The mess room shall comply with the following standards:

- (a) it shall be located apart from the sleeping rooms and as close as practicable to the galley;
- (b) it shall be of adequate size and comfort and properly furnished and equipped, and include ongoing facilities for refreshment, having regard to the number of seafarers likely to use it at any one time;
- (c) provision shall be made for separate or common mess room facilities, as appropriate, having regard to factors such as the size of the ship and the distinctive cultural, religious and social needs of the seafarers;
- (d) where separate mess room facilities are to be provided to seafarers, mess rooms shall be provided for the master and officers separate from those for petty officers and other seafarers;
- (e) on a ship other than a passenger ship, the floor area of a mess room for seafarers shall be not less than 1.5 square metres per person of the planned seating capacity;
- (f) the mess room shall be equipped with tables and appropriate fixed or movable seats that are sufficient to accommodate the greatest number of seafarers likely to use them at any one time;
- (g) the tops of tables and seats shall be of damp-resistant material; and
- (h) there shall be available at all times when seafarers are on board
  - (i) a refrigerator that is conveniently situated and of sufficient capacity for the number of persons using the mess room;
  - (ii) facilities for hot beverages and cool water; and
  - (iii) where available pantries are not accessible to the mess room, adequate lockers for mess utensils and facilities for washing utensils; and

- (i) mess utensils, including plates and cups, of approved material that can be easily cleaned, shall be supplied by the shipowner to all seafarers for use on board during service on the ship.
- (2) A decision to provide separate or common mess room facilities under subsection (1)(c) shall be taken after consultation with seafarers' and shipowners' representatives and is subject to the approval of the Director.
- (3) Seafarers shall be responsible for the return of mess utensils at times specified by the master and on completion of service in the ship.
- (4) The Director may exempt a ship of less than 3,000 GT from complying with subsection (1)(a) after consultation with the shipowners' and seafarers' organizations.

### **Sanitary facilities**

**184.(1)** Every ship shall comply with the following standards:

- (a) all seafarers shall be provided with convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, and separate sanitary facilities shall be provided for men and women;
- (b) sanitary facilities shall be within easy access of the navigating bridge and the machinery space or near the engine room control centre;
- (c) a ship shall have a minimum of one toilet, one wash basin and one tub or shower at a convenient location for every 6 persons who do not have personal facilities or, where the ship has fewer than 6 seafarers who do not have personal facilities, it shall have at least one toilet, one wash basin and one tub or shower at a convenient location;
- (d) for a ship other than a passenger ship, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in a private bathroom provided;

- (e) where separate facilities for engine department personnel to change their clothes are provided, they shall be located outside the machinery space but with easy access to it and shall be fitted with individual clothes lockers, tubs or showers, and washbasins having hot and cold running fresh water;
- (f) hot and cold running fresh water shall be available in all wash places;
- (g) washbasins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode;
- (h) all toilets shall be of an approved pattern and provided with an ample flush of water, or with some other suitable flushing means such as air, that is available at all times and independently controllable;
- (i) where sanitary accommodation is intended for the use of more than one person
  - (i) floors shall be of an approved durable material that is impervious to dampness and shall be properly drained;
  - (ii) bulkheads shall be of steel or other approved material and shall be watertight up to at least 23 centimetres above the level of the deck;
  - (iii) the accommodation shall be sufficiently lit, heated and ventilated;
  - (iv) toilets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access, unless a toilet is located in a compartment between two sleeping rooms accommodating not more than 4 seafarers;
  - (v) where there is more than one toilet in a compartment, the toilets shall be sufficiently screened to ensure privacy; and

- (vi) towels, soap and toilet paper for all seafarers shall be provided by the shipowner.
- (2) For a passenger ship normally engaged on voyages of not more than 4 hours' duration, a competent authority the Administration may approve other arrangements or a reduction in the number of facilities required.
- (3) A competent authority the Administration may exempt a ship of less than 3,000 GT from complying with subsection (1)(b) after consultation with the shipowners' and seafarers' organizations.

### **Hospital accommodation**

- 185.**(1) A ship carrying 15 or more seafarers that is engaged in a voyage of more than 3 days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes.
- (2) Hospital accommodation on such a ship shall, in all weathers, be easily accessible, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention, and
    - (a) be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases; and
    - (b) have the arrangement of the entrance, berths, lighting, ventilation, heating and water supply designed to ensure the comfort and facilitate the treatment of the occupants. of one toilet, one washbasin and one tub or shower.
  - (3) The Director may prescribe the number of hospital berths required on such a ship, in consultation with the shipowners' and seafarers' organizations.
  - (4) Sanitary accommodation on such a ship shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity to it, and shall include a minimum of one toilet, one washbasin and one tub or shower.

**Laundry facilities**

**186.(1)** Where separate laundry facilities are provided for engine department personnel to change their clothes, the facilities shall be

- (a) located outside the machinery space, but with easy access to it; and
  - (b) fitted with
    - (i) individual clothes lockers;
    - (ii) tubs or showers; and
    - (iii) washbasins having hot and cold running fresh water.
- (2) Laundry facilities shall include
- (a) washing machines;
  - (b) drying machines or adequately heated and ventilated drying rooms; and
  - (c) irons and ironing boards, or their equivalent.

**Recreational facilities**

**187.(1)** A Barbados-registered ship shall provide recreational facilities, amenities and services adapted to meet the needs of seafarers who live and work on the ship, having regard to the requirements of section 208.

- (2) Every Barbados-registered ship shall
- (a) have one or more spaces on the open deck to which seafarers can have access when off duty, of an area adequate to the size of the ship and the number of seafarers on board;
  - (b) be provided with separate offices or a common ship's office for use by the deck and engine departments;
  - (c) provide furnishings for recreational facilities that include a bookcase and facilities for reading, writing and, where practicable, games,
  - (d) where appropriate, provide a canteen;

- (e) include the following facilities at no cost to the seafarer, where practicable:
  - (i) a smoking room;
  - (ii) facilities for television viewing and the reception of radio broadcasts;
  - (iii) facilities for showing films;
  - (iv) sports equipment, including exercise equipment, table games and deck games;
  - (v) facilities for swimming;
  - (vi) a library containing vocational and other books;
  - (vii) facilities for recreational handicrafts;
  - (viii) electronic equipment, including televisions, radios, personal computers and software, and other technological devices;
  - (ix) bars, unless it would be contrary to national, religious or social customs;
- (f) provide reasonable access to ship-to-shore telephone communications, and email and social connectivity facilities at a reasonable charge and as adapted to meet the special needs of seafarers who must live and work on ships, be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 of the Maritime Labour Convention 2006, as amended, and the associated Code provisions on health and safety protection and accident prevention;
- (g) ensure that the forwarding of seafarers' mail is as reliable and expeditious as possible and make efforts to avoid seafarers being required to pay additional postage when mail has to be readdressed owing to circumstances beyond their control;
- (h) whenever the master considers it to be possible and reasonable, expeditiously grant seafarers permission to have their partners,

relatives and friends as visitors on board the ship when in port, subject to any requirements for security clearances; and

- (i) allow seafarers to be accompanied by their partners on occasional voyages where this is the master considers it to be practicable and reasonable.
- (3) On the written request by a shipowner, the Administration may exempt a ship of less than 3,000 GT from complying with subsection (1)(b) after consultation with the shipowners' and seafarers' organizations.
- (4) The stock of films and books provided for the purpose of subparagraphs (e)(iii) and (vi) shall be adequate for the duration of the voyage and, where necessary, changed at reasonable intervals.
- (5) Partners accompanying seafarers on voyages shall carry adequate insurance cover against accident and illness, and shipowners shall assist the seafarer to obtain such insurance.

### **Food and catering**

- 188.**(1) Food and drinking water supplies shall be considered based on
- (a) the number of seafarers on board;
  - (b) the religious requirements and cultural practices of seafarers on board;
  - (c) duration and nature of the voyage.
- (2) On every Barbados-registered ship and on every foreign-registered ship on which Barbadians work
- (a) food and drinking water shall be of appropriate nutritional value, quality, quantity and variety, and shall be provided free of charge during the period of engagement;
  - (b) seafarers employed as ships' cooks with responsibility for preparing food shall be trained and qualified for their positions;
  - (c) seafarers working as ships' cooks shall not be less than 18 years of age;

- (d) frequent and documented inspections on supplies of food and drinking water, in relation to their quality, quantity, nutritional value and variety shall be carried out by the ship's master or a person designated by him; and
- (e) frequent and documented inspections of the ship's catering facilities shall be carried out by the ship's master or a person designated by him.

### **Complaint as to provisions**

**189.(1)** Where 3 or more of the crew of a Barbados-registered 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 make a complaint to a registrar, consular officer or inspector.

(2) On receipt of a complaint under subsection (1), the registrar, consular officer or inspector may examine the provisions or water complained of.

(3) Where the person making an examination under subsection (2) finds that the provisions or water are of bad quality or deficient in quantity, he shall advise the master of the ship in writing.

(4) A master who does not provide proper provisions or water on receipt of advice under subsection (3) commits an offence and is liable on summary conviction to a fine of \$500 000 or to imprisonment for a term of 5 years or to both.

(5) The person making an examination under subsection (2) shall enter a statement of the result of the examination in the ship's official log-book and send a report of it to the Principal Registrar.

(6) A report under subsection (5) is admissible as evidence.

(7) Where a person making an examination under subsection (2) certifies in his statement that there was no reasonable ground for the complaint, each complainant is liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

**Allowance for provisions**

**190.(1)** If, during the voyage of a Barbados-registered ship, the allowance of provisions provided for a seafarer is less than that prescribed in the seafarer's employment agreement or otherwise specified in regulations or a maritime labour notice, or if any of those provisions are of bad quality, each seafarer on the ship shall receive by way of compensation, for so long as the deficiency lasts, the following amounts, to be paid to him in addition to, and to be recoverable as, wages:

- (a) if the deficiency is not more than 1/3 of the quantity specified in the agreement, a sum not exceeding \$75 a day;
- (b) if the deficiency is more than 1/3 of that quantity, \$150 a day; or
- (c) in respect of provisions of bad quality, a sum not exceeding \$300 a day.

(2) If a deficiency occurred because the provisions could not be procured or supplied in proper quantities and proper and equivalent substitutes were supplied in lieu of them, those circumstances shall be taken into consideration for the purposes of subsection (1) and a court or tribunal may order that the compensation reduced or denied accordingly.

**Weights and measures**

**191.(1)** The master of a Barbados-registered ship in which provisions are supplied to the crew shall keep on board proper weights and measures for determining the quantities of the provisions served.

(2) The master of the ship shall allow the weights and measures to be used in the presence of a witness at the time of serving of the provisions, whenever any dispute arises about those quantities.

(3) A master of a ship who fails without reasonable cause to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$300 000.

### **Certified cook**

**192.(1)** Subject to sections 194 and 195, every ship of 300 GT or more engaged in international voyages and every ship of 1000 GT or more shall carry on board a duly qualified ship's cook.

(2) Where in the opinion of the Principal Registrar there is an inadequate supply of qualified ship's cooks, he may exempt a Barbados-registered ship from the requirements of this section.

### **Qualifications for ship's cooks**

**193.** A seafarer is qualified as a ships' cook only if he

- (a) has served at sea for a minimum of one year, taking into account existing relevant qualifications or experience; and
- (b) has passed an examination prescribed by a local, regional or international seafarer training institution or an equivalent examination at an approved training course for cooks, or holds a certificate of qualification as a ships' cook issued by a country that has ratified the Maritime Labour Convention or the Certification of Ships' Cooks Convention, 1946 (No. 69), or by another approved body.

### **Exemption**

**194.(1)** Section 192 does not apply to a ship operating with a specified manning of less than 10.

(2) A person processing food in the galley of a ship referred to in subsection (1) shall be trained or instructed in food and personal hygiene and the handling and storage of food on board a ship.

### **Permitting a non-qualified cook**

**195.** In circumstance of exceptional necessity, the ship's master may permit a cook who is not qualified in accordance with section 193 to serve in a ship until

the next convenient port of call or for a period not exceeding one month, whichever is earlier, if the cook is trained or instructed in food and personal hygiene and the handling and storage of food on board a ship.

### **Inspections under master's authority**

**196.(1)** The master of a ship, or a person acting on his behalf, shall conduct frequent and documented inspections of

- (a) supplies of food and drinking water;
- (b) all spaces and equipment used for the storage and handling of food and drinking water; and
- (c) galley and other equipment used for the preparation and service of meals.

(2) The ship's master shall provide documentation of inspections under subsection (1) to the Principal Registrar at his request.

(3) On request, the Principal Registrar shall provide such documentation to the Director in respect of Barbados-registered ships.

(4) The master of a foreign-registered ship calling at the Port of Bridgetown shall produce to port officials or authorized officers of the port, as part of a port state inspection, documentation of inspections conducted under subsection (1).

### **Additional protections in respect of food and catering**

**197.(1)** The Administration shall

- (a) in cooperation with other relevant agencies and organizations, collect up-to-date information on nutrition and on methods of purchasing, storing, preserving, cooking and serving food, with special reference to the requirements of catering on board a ship;
- (b) issue recommendations to avoid wastage of food, facilitate the maintenance of a proper standard of hygiene, and ensure the maximum

practicable convenience in working arrangements for the preparation of food;

- (c) work with relevant agencies and organizations to develop educational materials and on-board information concerning methods of ensuring proper food supply and catering services on board ships; and
- (d) work in close cooperation with, and where necessary utilize the services of, shipowners' and seafarers' organizations and other national or local authorities dealing with questions of food and health.

(2) Information collected under subsection (1)(a) shall be made available, free of charge or at reasonable cost, to manufacturers of, and traders in, ships' food supplies and equipment, masters, stewards and cooks, and shipowners' and seafarers' organizations, using manuals, brochures, posters, charts, advertisements in trade journals or appropriate forms of publicity.

### **Offence and penalties**

**198.(1)** A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of \$700 000.

(2) A person referred to in subsection (1) shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

### **Regulations**

**199.** The Minister may make regulations establishing requirements as to provisions and water to be provided on ships.

PART VII

HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL  
SECURITY PROTECTION

**Medical care on board ship and ashore**

**200.**(1) The Human Element in Shipping Care Inspectorate shall undertake appropriate measures to ensure compliance with shore-based and shipboard medical care of seafarers.

(2) The Human Element in Shipping Care Inspectorate shall undertake appropriate measures to ensure prompt disembarkation of seafarers

- (a) in need of immediate medical care from ships in Barbados irrespective of place of registry, and access to medical facilities ashore for the provision of appropriate treatment;
- (b) in need of immediate medical care from ships in a foreign territory irrespective of place of registry, on which Barbadian seafarers are serving, and access to medical facilities ashore for the provision of appropriate treatment;
- (c) in need of immediate medical care from Barbados-registered ships in a foreign territory on which seafarers of any nationality are serving, and access to medical facilities ashore for the provision of appropriate treatment.

(3) Every shipowner shall adopt measures to provide for health protection and medical care, including essential dental care, for seafarers working on board, including

- (a) ensuring the application to seafarers of any general laws on occupational health protection and medical care relevant to their duties, and of special laws specific to work on board ship;

- (b) ensuring that seafarers are given health protection and medical care as comparable as possible to that generally available to workers ashore, including prompt access to any necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise;
  - (c) giving seafarers the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable;
  - (d) ensuring that, to the extent consistent with national law and practice, medical care and health protection services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and
  - (e) the adoption of measures of a preventive character, such as health promotion and health education programs.
- (4) The master of a ship and relevant onshore and on-board medical personnel shall use a standard medical report form to facilitate the exchange of medical and related information concerning individual seafarers between ship and shore in cases of illness or injury.
- (5) When completed, the form and its contents shall be kept confidential and shall be used only to facilitate the treatment of seafarers.
- (6) All ships shall carry a prescribed medicine chest, medical equipment and a medical guide, subject to regular inspection by the competent authority, taking into account the type of ship, the number of persons on board and the nature, destination and duration of voyages and relevant national and international recommended medical standards by law to practise as a medical practitioner in a country of the Commonwealth or in any other country that is approved by the Principal Registrar after consultation with the Minister.
- (7) The medicine chest and its contents, as well as the medical equipment and medical guide carried on board, shall be properly maintained and inspected at intervals, not exceeding 12 months, by responsible persons designated by the ship master, who shall ensure that the labelling, expiry dates and conditions of storage

of all medicines and directions for their use are checked and all equipment functioning as required.

(8) The medical guides that shall be kept on board are the most recent edition of the International Medical Guide for Ships, the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the Document for Guidance – An International Maritime Training Guide, and the medical section of the International Code of Signals.

(9) Where a cargo that is classified dangerous has not been included in the most recent edition of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods, the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes shall be made available by the shipowner to the seafarers on board the ship.

(10) The antidotes and personal protective devices shall be on board whenever dangerous goods are carried.

(11) This requirements of this section shall be integrated with the ship's policies and programs on occupational safety and health as set out in section 208.

(12) A ship carrying 100 or more persons that is ordinarily engaged on international voyages of more than 3 days' duration shall carry a qualified medical doctor who is responsible for providing medical care.

(13) The Director may require that any other Barbados-registered ship carry a medical doctor, having regard to factors such as the duration, nature and conditions of the voyage and the number of seafarers on board.

(14) A ship that does not carry a medical doctor and that is ordinarily capable of reaching qualified medical care and medical facilities within 8 hours shall have at least one seafarer on board who

(a) is competent to provide medical first aid;

- (b) has satisfactorily completed training in medical first aid that meets the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978; and
- (c) is able to take immediate, effective action in case of accidents or illnesses likely to occur on board and to make use of medical advice by radio or satellite communication.

(15) Any other ship that does not carry a medical doctor shall have at least one designated seafarer with training in medical care required by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, including practical training and training in life-saving techniques such as intravenous therapy, that will enable him to participate effectively in coordinated schemes for medical assistance to ships at sea and to provide the sick or injured with a satisfactory standard of medical care during the period they are likely to remain on board.

(16) A person referred to in subsection (11) or (12) and any other seafarer may be required by the Director to undergo, at approximately 5-year intervals, refresher courses to enable them to maintain and increase their knowledge and skills and to keep up-to-date with new developments.

(15) The Director shall ensure that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available at any time.

(16) Medical advice, and the onward transmission of medical messages by radio or satellite communication between a ship and those ashore, shall be available free of charge to all ships irrespective of the flag that they fly.

(17) Every ship shall carry a complete and up-to-date list of radio stations through which medical advice can be obtained and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained.

(18) The master of a ship shall ensure that seafarers with responsibility for medical care or medical first aid on board are instructed in the use of the ship's

medical guide and the medical section of the most recent edition of the International Code of Signals, so as to enable them to understand the type of information needed by an advising doctor and the advice received.

(19) The Minister may adopt measures to secure proper and sufficient medical care for the dependants of seafarers domiciled in Barbados, and shall inform the International Labour Office of any measures taken for this purpose.

(20) Seafarers on board foreign ships in the Barbados waters who are in need of immediate medical care shall be given access to medical facilities on shore, including

- (a) outpatient treatment for sickness and injury;
- (b) hospitalization, when necessary; and
- (c) facilities for dental treatment.

(21) Seafarers suffering from disease shall be promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality or religious belief, and, whenever possible, arrangements shall be made to ensure continuation of any necessary treatment to supplement the medical facilities available to them.

(22) Seafarers shall be allowed to disembark from a ship to access medical care.

(23) Where a seafarer has died during a ship's voyage, the MLC Member State in whose territory the death has occurred or, where the death has occurred on the high seas, into whose territorial waters the ship next enters, shall facilitate the repatriation of the body or ashes by the shipowner, in accordance with the wishes of the seafarer or their next of kin, as appropriate.

(24) For the purposes of this section, "qualified medical doctor" means a medical practitioner authorised by law to practise as a medical practitioner in a country of the Commonwealth or in any other country that is approved by the Principal Registrar after consultation with the Minister.

**Penalty for contravention of section 200**

**201.** The owner of a Barbados-registered ship commits an offence and is liable on summary conviction to a fine of \$1 000 in respect of each day of a voyage of the ship on which the ship is in contravention of section 200.

**International cooperation activities**

**202.** The Minister may participate in international cooperation activities, based on bilateral or multilateral agreements or consultations among countries, in the area of assistance, programs and research in health protection and medical care for seafarers, including

- (a) developing and coordinating search and rescue efforts and arranging prompt medical help and evacuation at sea for those seriously ill or injured on board a ship, through such means as periodic ship position reporting systems, rescue coordination centres and emergency helicopter services, in conformity with the International Convention on Maritime Search and Rescue, 1979 and the International Aeronautical and Maritime Search and Rescue Manual;
- (b) making optimum use of all ships carrying a doctor and stationing ships at sea that can provide hospital and rescue facilities;
- (c) compiling and maintaining an international list of doctors and medical care facilities available worldwide to provide emergency medical care to seafarers;
- (d) landing seafarers ashore for emergency treatment;
- (e) repatriating seafarers hospitalized abroad as soon as practicable, in accordance with the medical advice of the doctors responsible for the case, having regard to the seafarer's wishes and needs;
- (f) arranging personal assistance for seafarers during repatriation, in accordance with the medical advice of the doctors responsible for the case, having regard to the seafarer's wishes and needs; and

- (g) endeavouring to set up health centres for seafarers to
  - (i) conduct research on the health status, medical treatment and preventive health care of seafarers;
  - (ii) train medical and health service staff in maritime medicine;
  - (iii) collect and evaluate statistics concerning occupational accidents, diseases and fatalities of seafarers and integrate and harmonize the statistics with any existing national system of statistics on occupational accidents and diseases covering other categories of workers;
  - (iv) organize international exchanges of technical information, training material and personnel, as well as international training courses, seminars and working groups;
  - (v) provide all seafarers with special curative and preventive health and medical services in port, or make available to them general health, medical and rehabilitation services; and
  - (vi) arrange for the repatriation of the bodies or ashes of deceased seafarers, in accordance with the wishes of the next of kin and as soon as practicable.

### **Scales of medical stores**

**203.(1)** The Minister may make regulations requiring Barbados-registered ships to carry such medicines, medical stores, and appliances, including books containing instructions and advice, as may be specified in the regulations and the regulations may make different provisions for different descriptions of ships in different circumstances.

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

(3) Where an inspector is of the opinion that the medicines, medical stores and appliances on a Barbados-registered 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 consignee of the ship and the inspector may suspend the certificate of the registry of the ship until he is satisfied that the default has been remedied.

### **Shipowners' liability for medical care**

**204.(1)** This section applies to seafarers who are nationals of Barbados working aboard foreign-registered ships and seafarers of any nationality who are working aboard Barbados registered ships.

(2) A shipowner is responsible for the health protection and medical care of all seafarers working on board the ship and is liable for the following costs, calculated in accordance with the *Third Schedule*, for a seafarers in respect of sickness and injury of the seafarer occurring between the date of commencing duty and the date upon which he is repatriated, or arising from their employment between those dates:

- (a) the expense of medical care, including medical treatment, the supply of the necessary medicines and therapeutic appliances and board and lodging away from home until the sick or injured seafarer has recovered or until the sickness or incapacity has been declared of a permanent character; and
- (b) the cost of burial expenses in the case of the death of a seafarer occurring on board or ashore during the period of engagement.

(3) The liability of a shipowner under subsection (2)(a) is limited to 16 weeks from the day of the injury or the commencement of the sickness and ceases from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents.

(4) The liability of the shipowner to pay wages in whole or in part in respect of a seafarer no longer on board is limited to 16 weeks from the day of the injury

or the commencement of the sickness and ceases from the time at which the seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents.

(5) The shipowner shall provide financial security to assure the payment of compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, in an amount set out in the regulations, the seafarers' employment agreement or a collective agreement.

(6) Expenses under subsection (2)(b) may be reimbursed by an insurance institution where funeral benefit is payable in respect of the deceased seafarer under laws or regulations relating to social insurance or workers' compensation.

(7) Subsection (2) does not affect any other legal remedies that a seafarer may seek.

#### **Sickness or injury resulting in incapacity**

**205.(1)** Where a sickness or injury referred to in section 204(1) results in the incapacity to work of a seafarer who is a national of Barbados working aboard a foreign-registered ship engaged on international ocean-going voyages or a seafarer who is working aboard a Barbados-registered ship, the shipowner shall

- (a) pay full wages, exclusive of bonuses, as long as the sick or injured seafarer remains on board or until the seafarer has been repatriated in accordance with this Act; and
- (b) pay wages in whole or in part as prescribed by national laws or regulations or as provided for in collective agreements from the time when the seafarer is repatriated or landed until his recovery or, if earlier, until he is entitled to cash benefits under applicable national social security legislation.

(2) Where a seafarer is no longer on board, the shipowner's liability under subsection (1) to pay wages in full is limited to a period of 16 weeks from the day of the injury or the commencement of the sickness.

**Financial security**

**206.** A shipowner shall provide financial security to assure compensation in the event of the death or long-term disability of a seafarers working on board the ship due to an occupational injury, illness or hazard, in accordance with the *Third Schedule*, the seafarers' employment agreement or any applicable collective agreement.

**Exceptions in respect of shipowner's liability**

- 207.** A shipowner is not liable in respect of
- (a) an injury to a seafarer incurred otherwise than in the service of the ship;
  - (b) an injury to, or the sickness or death of, a seafarer that is due to the wilful misconduct of the seafarer;
  - (c) a sickness or infirmity of a seafarer that was intentionally concealed when the seafarer's engagement was entered into.

**Health and safety protection and accident prevention**

**208.(1)** A shipowner shall provide seafarers with occupational health protection consistent with their right to live, work and train on board the ship in a safe and hygienic environment.

(2) After consultation with the seafarers' and shipowners' organizations, the Director shall, having regard to the national occupational safety and health guidelines referred to in subsection (3) and the requirements of Standard A 4.3 of the Maritime Labour Convention, set and maintain standards for occupational safety and health protection and accident prevention to be observed on-board ships.

(3) The Director shall, after consultation with the seafarers' and shipowners' organizations, adopt and continuously review guidelines for the management of seafarer occupational safety and health on board ships, based on the basic national

occupational safety and health policy and program for ships set out in subsection (4).

(4) The guidelines adopted under subsection (3) shall have regard to Standard A 4.3 and Guidelines B4.3.2 to B4.3.10 of the Maritime Labour Convention as well as the International Labour Organization code of practice entitled “Accident Prevention on Board Ship at Sea and in Port, 1996”, and other international standards, guidelines and codes of practice regarding occupational safety and health protection and any exposure levels that they may identify.

(5) The guidelines shall give priority to

- (a) structural features of the ship, including means of access and asbestos-related risks;
- (b) machinery;
- (c) the effects of any extremely low or high temperatures of surfaces with which seafarers may be in contact;
- (d) the effects of noise in the workplace and in shipboard accommodation;
- (e) the effects of vibration in the workplace and in shipboard accommodation;
- (f) the effects of ambient factors, other than those referred to in paragraphs (d) and (e), in the workplace and in shipboard accommodation, including tobacco smoke;
- (g) safety measures on and below deck;
- (h) loading and unloading equipment;
- (i) fire prevention and fire-fighting;
- (j) anchors, chains and lines;
- (k) dangerous cargo and ballast;
- (l) personal protective equipment for seafarers;
- (m) work in enclosed spaces;

- (n) the physical and mental effects of fatigue;
  - (o) the effects of drug and alcohol dependency;
  - (p) HIV and AIDS protection and prevention; and
  - (q) emergency and accident response.
- (6) The assessment of risks and reduction of exposure on the matters referred to in subsection (5) shall take account of
- (a) the physical occupational health effects, including manual handling of loads, of noise and vibration;
  - (b) the chemical and biological occupational health effects;
  - (c) the mental occupational health effects; and
  - (d) occupational accidents.
- (7) Unless a seafarer is recognized as fully qualified in a pertinent skill by the Director, the guidelines established under subsection (2) shall specify restrictions on seafarers under 18 years of age undertaking, without appropriate supervision and instruction, work presenting a special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill, including work involving
- (a) the lifting, moving or carrying of heavy loads or objects;
  - (b) entry into boilers, tanks and cofferdams;
  - (c) exposure to harmful noise and vibration levels;
  - (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
  - (e) handling mooring or tow lines or anchoring equipment;
  - (f) rigging;
  - (g) work aloft or on deck in heavy weather;
  - (h) night-watch duties;

- (i)* the servicing of electrical equipment;
  - (j)* exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
  - (k)* the cleaning of catering machinery; and
  - (l)* the handling or taking charge of ships' boats.
- (8) The guidelines shall have regard to the preventive principle having precedence over personal protective equipment for seafarers, including
  - (a)* combating risk at the source;
  - (b)* adapting work to the individual, especially as regards the design of workplaces; and
  - (c)* replacing the dangerous by the non-dangerous or the less dangerous.
- (9) The Director shall ensure that the implications for health and safety are taken into account, including in the areas of
  - (a)* emergency and accident response;
  - (b)* the effects of drug and alcohol dependency; and
  - (c)* HIV/AIDS protection and prevention.
- (10) The guidelines shall have regard to the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on the development and implementation of ships' occupational safety and health policies and programs.

**On-board occupational safety and health management policies and programs**

**209.(1)** Every shipowner shall adopt and promote on-board occupational safety and health management policies and programs, consistent with the guidelines adopted under subsection (3), that

- (a) include reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including through the provision of all necessary appropriately sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals and the risk of injury or disease that may arise from the use of equipment and machinery on board the ship;
- (b) include training and instruction of seafarers and other on-board programs for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, that involve seafarers' representatives and other persons concerned in their implementation, having regard to preventive measures such as engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment;
- (c) require the inspection, reporting and correcting of unsafe conditions and provide for the investigation and reporting of on-board occupational accidents and occupational injuries and diseases;
- (d) provide special attention to the safety and health of seafarers under 18 years of age;
- (e) specify the responsibility of the master, or a person designated by the master, for the implementation of, and compliance with, the ship's occupational safety and health policy and program;
- (f) establish a ship's safety committee composed of 5 or more seafarers and specify the authority of the ship's seafarers appointed or elected

as safety representatives to participate in meetings of that committee;  
and

- (g) include risk evaluation in relation to the management of occupational safety and health that refers to appropriate statistical information from the ship and from general statistics provided by the competent authority.

(2) The shipowner shall ensure that the curriculum for the training under subsection (1)(b) is reviewed periodically and brought up to date in the light of development in types and sizes of ships and in their equipment, as well as changes in manning practices, nationality, language and the organization of work on board ships.

(3) Events referred to in subsection (1)(c) shall not be limited to fatalities or to accidents involving the ship.

(4) The Administration shall investigate events reported subsection (1)(c) and keep comprehensive statistics, and analyze and publish them, having regard to protection of the personal data of the seafarers concerned and any international system or model for recording accidents to seafarers established by the International Labour Organization.

#### **Access to shore-based welfare facilities**

**210.(1)** The Minister shall promote the development of adequate welfare facilities and services in appropriate ports of Barbados, determined after consultation with the shipowners' and seafarers' organizations, having regard to the special needs of seafarers, especially seafarers in foreign countries and when entering war zones, in respect of their safety, health and spare-time activities, including

- (a) meeting and recreation rooms;
- (b) facilities for sports and outdoor facilities, including competitions;
- (c) educational facilities; and

- (d) where appropriate, facilities for religious observances and for personal counselling.
- (2) The following entities shall provide welfare facilities and services referred to in subsection (1) in accordance with national conditions and practice:
  - (a) public authorities;
  - (b) shipowners' and seafarers' organizations under collective agreements or other agreed-upon arrangements; and
  - (c) voluntary organizations.
- (3) An entity referred to in subsection (2) may provide facilities referred to in subsection (1) by making available to seafarers facilities designed for more general use.
- (4) Seafarers' welfare facilities shall be available for the use of all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin, and irrespective of the flag state of the ship on which they are employed or engaged or work.
- (5) A port may provide different types of facilities that are comparable in standard but adapted to the customs and needs of different groups of seafarers.
- (6) The Minister shall take any measures necessary to encourage the establishment of welfare boards to regularly review welfare facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.
- (7) The Minister shall establish welfare boards, in consultation with shipowners' and seafarers' organizations, at the port, regional and national levels, as appropriate, with supervisory functions that include
  - (a) review of the adequacy of existing welfare facilities and monitoring of the need for the provision of additional facilities or the withdrawal of underutilized facilities; and

- (b) assisting and advising those responsible for providing welfare facilities and ensuring coordination between them.
- (8) A welfare board shall ensure that
  - (a) information is disseminated among seafarers concerning facilities open to the general public in ports of call, particularly transport, welfare, entertainment and educational facilities and places of worship, as well as facilities provided specifically for seafarers;
  - (b) shipowners and seafarers entering port are aware of any special laws and customs, the contravention of which may jeopardize their freedom;
  - (c) adequate means of transport at moderate prices are available at any reasonable time in order to enable seafarers to reach urban areas from convenient locations in the port;
  - (d) port areas and access roads have adequate lighting and signposting and regular patrols for the protection of seafarers;
  - (e) hotels or hostels suitable for seafarers are available where there is need for them with facilities equal to those found in a good-class hotel; they should, wherever possible be located in good surroundings away from the immediate vicinity of the docks, be properly supervised and reasonably priced; where necessary and possible, provision should be made for accommodating seafarers' families;
  - (f) measures are taken to expedite a free circulation among ships, central supply agencies and welfare establishments of welfare materials such as films, books, newspapers and sports equipment for use by seafarers on board their ships and in welfare centres ashore;
  - (g) technically competent persons are, as necessary, employed full time in the operation of seafarers' welfare facilities and services, in addition to any voluntary workers.
- (9) Consuls of maritime states and local representatives of foreign welfare organizations may be associated with the work of welfare boards.

(10) For the protection of foreign seafarers in ports of Barbados, the Minister shall take measures to facilitate

- (a) access to consuls of their state of nationality or state of residence; and
- (b) effective cooperation between consuls and the local or national authorities.

### **Detained seafarers**

**211.**(1) A foreign seafarer who is detained in a port shall be dealt with promptly under due process of law and with appropriate consular protection.

- (2) When a foreign seafarer is detained, the Director shall promptly
  - (a) if the seafarer so requests, inform the flag state and the state of nationality of the seafarer; and
  - (b) inform the seafarer of the right to make such a request.
- (3) The Director, in consultation with the Minister, shall allow consular officers of the states immediate access to the seafarer and regular subsequent visits while the seafarer is detained.

### **Shore leave**

**212.**(1) Every Barbadian seafarer, wherever that seafarer may be, and every seafarer irrespective of nationality in Barbados waters is entitled to

- (a) shore leave, transfers, transits, repatriation;
- (b) to join ships or vessels; or
- (c) disembark in ports,

where they hold a valid seafarers' identity document, in accordance with the Seafarers' Identity Documents Convention (Revised), 2003, as amended, No. 185.

(2) The Administration shall ensure that every effort is made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port.

### **International cooperation**

**213.** The Minister shall cooperate with other countries in promoting the welfare of seafarers at sea and in port, including

- (a) consulting among competent authorities aimed at the provision and improvement of seafarers' welfare facilities and services, both in port and on board ships;
- (b) entering into agreements on the pooling of resources and the joint provision of welfare facilities in major ports so as to avoid unnecessary duplication;
- (c) organizing international sports competitions and encouraging the participation of seafarers in sports activities; and
- (d) organizing of international seminars on the subject of welfare of seafarers at sea and in port.

### **Social Security**

**214.(1)** A seafarer who is a citizen of Barbados or is ordinarily resident in Barbados and who has registered under the *National Insurance and Social Security Act*, Cap. 47, shall be covered under the social security scheme specified in section 21 of that Act.

(2) A seafarer who is a citizen of Barbados or is ordinarily resident in Barbados and who wishes to obtain other social security coverage not provided for under the *National Insurance and Social Security Act*, may make arrangements for such coverage through insurance or another equivalent form of financial security.

(3) A shipowner who employs a seafarer who is a citizen of Barbados or is ordinarily resident in Barbados shall provide, in accordance with the regulations,

as a minimum, 2 of the following 3 branches of social security protection to seafarers employed on their ships:

- (a) medical care benefit;
  - (b) protection from financial consequences of sickness, injury or death occurring in connection with the seafarer's employment and;
  - (c) any one of the other 7 branches of social security benefit specified in Regulation 4.5, Standard A4.5 of the Maritime Labour Convention.
- (4) Medical insurance provided by shipowners in respect of seafarers shall be adequate to cover
- (a) any morbid condition, irrespective of its cause, and medical care required as a result;
  - (b) medical care necessitated by pregnancy;
  - (c) confinement and its consequences; and
  - (d) preventive medical care.
- (5) Medical care benefit shall not extend to contingencies covered under the sickness benefits of this Act, such as incapacity for work resulting from a morbid condition and involving suspension of earnings.
- (6) A seafarers' employment agreement or a collective bargaining agreement shall provide details of the agreed social security arrangements in accordance with the Maritime Labour Convention.

### **Seafarers Social Security Protection Agreements**

**215.(1)** The Government of Barbados may enter into social security protection agreements in relation to social security for non-national seafarers with

- (a) contracting governments of the Maritime Labour Convention whose seafarers are employed on board Barbados vessels; and
- (b) non-Maritime Labour Convention contracting governments whose seafarers are employed on board Barbados vessels.

(2) The Government of Barbados may enter into social security protection agreements with insurance companies or other financial institutions, in respect of social security provisions specified in this Act for Barbadian seafarers that are not covered by any other labour or social security enactment, or in any other relevant enactment.

### **Social security**

**216.(1)** Subject to subsection (2), seafarers and their dependants have the right to the social security protections set out in the *Fourth Schedule*, consisting of the following branches of social security protection:

- (a) medical care;
- (b) sickness benefit;
- (c) unemployment benefit;
- (d) old-age benefit;
- (e) employment injury benefit;
- (f) family benefit;
- (g) maternity benefit;
- (h) invalidity benefit; and
- (i) survivors' benefit.

(2) Social security protections for Barbadian seafarers shall not be less favourable than that enjoyed by remote ship operators who are ordinarily resident in Barbados.

(3) Seafarers have a right to any social security benefits that are inherent in the general obligations of Barbados under international law.

(4) A seafarer has a right to any more favourable conditions to which the seafarer was entitled under the law of Barbados prior to the entry into force of the this Act.

- (5) The dependants of a seafarer have a right to the social security protection enjoyed by the seafarer, to the extent provided for in the law of Barbados.
- (6) In order to achieve progressively comprehensive social security protection for all seafarers under the jurisdiction of Barbados, the Minister shall periodically review the social security protection available to seafarers under this section, having regard to
- (a) any subsequent improvement in the national circumstances; and
  - (b) the prospects for making use, where possible and appropriate, of bilateral or multilateral agreements, contribution-based systems, insurance or other effective means for increasing or extending the protection or providing comparable benefits to seafarers in the absence of adequate coverage.
- (7) The Minister shall cooperate, through bilateral or multilateral agreements or other arrangements, to ensure the maintenance of social security rights, provided through contributory or noncontributing schemes, that have been acquired, or are in the course of acquisition, by all seafarers regardless of their residence.
- (8) Where a seafarer is subject to more than one national law covering social security, the Minister shall endeavour to determine by mutual agreement which law is to apply, having regard to such factors as the type and level of protection that is more favourable to the seafarer and the seafarer's preference.
- (9) The Director, in consultation with the Minister and the seafarers' and shipowners' organizations, shall ensure the establishment of fair and effective procedures for the settlement of disputes that covers all disputes relevant to claims of seafarers relating to social security protections, irrespective of the manner in which the coverage is provided.
- (10) The Administration may designate an entity to manage the seafarer social, welfare and well-being matters on the Administration's behalf.

**Collaboration and coordination with the insurance industry**

**217.(1)** The Minister shall ensure continued collaboration and coordination with the insurance industry, to facilitate provision of the following to seafarers, in respect of maternity and paternity:

- (a) the branches of social security specified under Regulation 4.5 of the Maritime Labour Convention related to
  - (i) medical care;
  - (ii) sickness benefits;
  - (iii) unemployment benefits;
  - (iv) old-age benefits;
  - (v) employment injury benefits;
  - (vi) family benefits;
  - (vii) maternity benefits;
  - (viii) invalidity benefits; and
  - (ix) survivor's benefits;
- (b) the maintenance of seafarers' children who are under 18 years of age, consistent with paragraph 1, Regulation 4.5 of the Maritime Labour Convention; and
- (c) additional social security not covered under the Maritime Labour Convention, including
  - (i) extended maternity leave up to 24 weeks with pay;
  - (ii) paternity leave with pay;
  - (iii) extended paternity leave up to 17 weeks with pay;
  - (iv) shared parental leave with pay, in lieu of maternity and/or paternity leave;

- (v) adoption leave with pay; and
- (vi) surrogacy leave with pay.

(2) Further to subsection (1), the Minister, in collaboration with the Administration, the Ministry responsible for Labour and Social Security, insurance and other financial security providers, shipowners' and seafarers' organizations, shall promote the development of seafarer-specific insurance schemes to enhance social security protection for

- (a) Barbadian seafarers, irrespective of what flag vessel they are serving on; and
- (b) non-national seafarers serving on board Barbados-registered vessels.

### **Offences**

**218.(1)** A person who contravenes a requirement of this Part or who obstructs a flag state or port state inspector in the performance of his duties commits an offence and is liable on summary conviction to a fine of \$700 000.

(2) A person referred to in subsection (1) shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

## **PART VIII**

### **COMPLIANCE AND ENFORCEMENT**

#### **Flag state responsibilities**

**219.(1)** The Director, in consultation with the Chief Maritime Social Services Officer, shall establish an effective system for the inspection and certification of maritime labour conditions on Barbados-registered ships, in accordance with Standard A5.1.3 and regulation 5.1.4 of the Maritime Labour Convention.

(2) The Minister, in consultation with the Director and the Chief Maritime Social Services Officer may, where appropriate in accordance with Standard A5.1.2 of the Maritime Labour Convention, authorize public institutions or other organizations that it recognizes as competent and independent to carry out flag state inspections or to issue certificates.

(3) The Director and the Chief Maritime Social Services Officer shall establish clear objectives and standards covering the administration of the inspection and certification system referred to subsection (1), and adequate procedures for the assessment of the extent to which those objectives and standards are being attained.

(4) Every ship shall have a copy of the Maritime Labour Convention available on board.

#### **Authorization of recognized organizations**

**220.(1)** The Minister, in consultation with the Director and the Chief Maritime Social Services Officer, may recognize public institutions or other organizations as competent and independent to carry out inspections or certification of Barbados-registered ships, to determine compliance with this Act.

(2) Before recognizing an organization under subsection (1), the Minister, in consultation with the Director and Chief Maritime Social Services Officer, shall review the competency and independence of the organization and determine whether the organization has demonstrated, to the extent necessary to carry out the activities to be conferred on it, that the organization

- (a) has the necessary knowledge of the requirements of the Maritime Labour Convention, applicable national laws and regulations and relevant international instruments;
- (b) has the necessary expertise in the relevant aspects of the Convention and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and

catering, accident prevention, health protection, medical care, welfare and social security protection; and

- (c) is of an size, structure, experience and capability commensurate with the type and degree of the authorization, with
  - (i) adequate technical, managerial and support staff;
  - (ii) sufficient qualified professional staff to provide the required service, representing an adequate geographical coverage;
  - (iii) a proven ability to provide a timely service of satisfactory quality;
  - (iv) independent and accountable operations;
  - (v) the ability to maintain and update the expertise of its personnel; and
  - (vi) a system for the qualification of staff employed by it as inspectors to ensure the timely updating of their knowledge and expertise.

(3) The Administration, after consultation with the Minister, shall conclude a written agreement with an organization recognized under subsection (1) that includes the following elements:

- (a) the scope of its application;
- (b) its purpose;
- (c) the execution of functions under the authorization;
- (d) the legal basis of the functions under the authorization;
- (e) reporting to the Minister;
- (f) the Minister's supervision of activities delegated to the organization; and
- (g) any other relevant particulars.

- (4) An authorization granted with respect to inspections shall, as a minimum, empower the recognized organization to
- (a) require the rectification of deficiencies that it identifies in seafarers' working and living conditions; and
  - (b) carry out inspections in this regard at the request of a port state.
- (5) A recognized organizations shall maintain records of the services performed by it sufficient to enable it to demonstrate achievement of the required standards for those services.
- (6) The Director shall establish
- (a) a system to ensure the adequacy of work performed by recognized organizations, including information on all applicable national laws and regulations and relevant international instruments; and
  - (b) procedures for communication with, and the oversight of, such organizations that take into account the Guidelines for the Authorization of Organizations Acting on Behalf of the Administration adopted by the International Maritime Organization.
- (7) The Minister, in consultation with the Director and the Chief Maritime Social Services Officer, shall make appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' shipboard working and living conditions.
- (8) The Minister shall provide the International Labour Office with a current list of any recognized organizations authorized to act on its behalf that specifies the functions that each recognized organization has been authorized to carry out.

### **Marine surveyors**

**221.(1)** The Administration may nominate marine surveyors for Barbados-registered ships 500 GT and above, for the purposes of this Act and the regulations.

(2) A surveyor of ships less than 500 GT may be a surveyor of ships qualified by an international institution for marine surveying if the person has a minimum of 5 years' experience in marine surveying and produces evidence of his qualifications to the Director.

**Maritime labour certificate and declaration of maritime labour compliance**

**222.(1)** This section applies to a ship, other than a degree three maritime autonomous surface ship, that is a Barbados-registered ship

- (a) 500 GT or over and engaged in international voyages; or
- (b) 500 GT or over and operates from a port, or between ports, in a country other than Barbados.

(2) Every ship shall carry and maintain a current valid maritime labour certificate issued to the ship by the Director or by a recognized organization authorized for this purpose, in the form set out in the *Fifth Schedule*, that is signed and sealed or stamped by the issuing authority.

(3) The maritime labour certificate shall have attached to it a declaration of maritime labour compliance, in the form set out in the *Sixth Schedule* consisting of

- (a) Part I, summarizing, in accordance with Standard A5.1.3, paragraph 10(a) of the Maritime Labour Convention, the requirements of Barbados laws or regulations, or other measures implementing the requirements of the Convention, regarding the working and living conditions of seafarers on ships; and
- (b) Part II, identifying the measures adopted by the shipowner to ensure ongoing compliance on the ship with the national requirements and any other measures proposed to ensure that there is continuous improvement.

(4) Part I of a declaration of maritime labour compliance shall be drawn up by the Director.

- (5) Part II of a declaration of maritime labour compliance shall be drawn up by the shipowner, based on the form set out in the *Seventh Schedule*, and certified by the Director or a recognized organization authorized for this purpose.
- (6) The measures referred to in subsection (3)(b), shall indicate the occasions on which ongoing compliance with particular national requirements will be verified, the persons responsible for the verification, the records to be taken, and the procedures to be followed where non-compliance is noted.
- (7) Part II may make reference to other more comprehensive documentation covering policies and procedures relating to other aspects of the maritime sector, such as documents required by the International Safety Management Code or the information required by Regulation 5 of the International Convention for the Safety of Life at Sea, 1974 Convention, Chapter XI-1 relating to the ship's continuous synopsis record.
- (8) Measures to ensure ongoing compliance shall include general international requirements for the shipowner and master to
- (a) keep himself informed of the latest advances in technology and scientific findings concerning workplace design, taking into account the inherent dangers of seafarers' work; and
  - (b) inform the seafarers' representatives accordingly.
- (9) A maritime labour certificate, together with a declaration of maritime labour compliance, constitutes prima facie evidence that the ship has been duly inspected and that the requirements of the Maritime Labour Convention relating to working and living conditions of the seafarers have been met to the extent certified.

### **Maritime labour certificate**

**223.(1)** A maritime labour certificate may be issued only if the Director or a recognized organization authorized for this purpose has ascertained through an inspection, conducted in accordance with Standard A 5.1.4 and Guideline B 5.1.4

of the Maritime Labour Convention, that the ship concerned meets the standards of this Act.

- (2) A maritime labour certificate is valid for a period of 5 years.
- (3) The validity of the maritime labour certificate is subject to an intermediate inspection by the Director, or by a recognized organization duly authorized for that purpose, to ensure continuing compliance.
- (4) If only one intermediate inspection is carried out during the period of validity, it shall take place between the second and third anniversary dates of the certificate.
- (5) The scope and depth of an intermediate inspection shall be equal to an inspection for renewal of the certificate.
- (6) A certificate shall be endorsed following a satisfactory intermediate inspection.
- (7) A maritime labour certificate may be renewed following a new inspection to ascertain that the ship concerned continues to meet the standards of this Act.
- (8) When a renewal inspection has been completed 3 months or less before the expiry of a maritime labour certificate, the new maritime labour certificate is valid from the date of completion of the renewal inspection for a period not exceeding 5 years from the date of expiry of the existing certificate.
- (9) When a renewal inspection is completed more than 3 months before the expiry date of the existing maritime labour certificate, the new maritime labour certificate is valid for a period not exceeding 5 years starting from the date of completion of the renewal inspection.
- (10) An additional inspection of seafarer accommodation on a ship shall be carried out when
  - (a) the ship is registered or re-registered; or
  - (b) the seafarer accommodation on the ship has been substantially altered.

(11) In this section, the anniversary date of a certificate is the day and month of each year that corresponds to the date of expiry of the certificate.

**Interim maritime labour certificate**

**224.(1)** A maritime labour certificate may be issued on an interim basis, in the form set out in the *Eighth Schedule*,

- (a) to a new ship on delivery;
- (b) when a ship changes flag; or
- (c) when a shipowner assumes responsibility for the operation of a ship that is new to that shipowner.

(2) An interim maritime labour certificate may be issued for a period not exceeding 6 months by the Director or a recognized organization authorized for that purpose following verification that

- (a) the ship has been inspected, as far as reasonable and practicable, for the matters covered by a declaration of maritime labour compliance;
- (b) the shipowner has demonstrated to the Director or recognized organization that the ship has adequate procedures to comply with the standards of this Act;
- (c) the master is familiar with the requirements of this Act and the responsibilities for implementation; and
- (d) any information necessary to produce a declaration of maritime labour compliance has been submitted to the Director or recognized organization.

(3) An inspection in accordance with section 223(1) shall be carried out prior to the expiry of an interim certificate to enable the issuance of a full-term maritime labour certificate.

(4) No further interim certificate shall be issued following the initial 6 months.

(5) A declaration of maritime labour compliance is not required for the period of validity of an interim certificate.

#### **Recording of inspection results**

**225.(1)** The results of any second or subsequent inspection or other verification carried out with respect to a ship, and any significant deficiencies found during any such verification, shall be recorded, together with the date when the deficiencies were found to have been remedied.

(2) The record, accompanied by an English-language translation where it is not in English, shall be appended to the ship's declaration of maritime labour compliance or otherwise made available to seafarers, flag state inspectors, authorized officers in port states and shipowners' and seafarers' representatives.

#### **Availability of certificate and declaration**

**226.(1)** A current valid maritime labour certificate and declaration of maritime labour compliance, accompanied by an English-language translation where it is not in English, shall be carried on every ship and a copy of it shall be posted in a conspicuous place on board where it is available to the seafarers.

(2) The master of a ship shall make a copy of the maritime labour certificate and declaration of maritime labour compliance available, upon request, to seafarers, flag state inspectors, authorized officers in port states and shipowners' and seafarers' representatives.

#### **Exception**

**227.** The requirement for an English-language translation under section 225 or 226 does not apply to a ship that is not engaged in an international voyage.

### **Invalidity of certificate**

**228.(1)** A maritime labour certificate or an interim certificate for a ship ceases to be valid

- (a) if the required inspections are not completed within the periods specified under subsection 223;
- (b) if the certificate is not endorsed in accordance with that subsection;
- (c) when a ship changes flag;
- (d) when a shipowner ceases to assume the responsibility for operation of the ship; or
- (e) when substantial changes have been made to the structure or equipment covered in Standard A 3.1 and Guideline B 3.1 of the Maritime Labour Convention.

(2) In a situation referred to in subsection (1)(c), (d) or (e), a new certificate may be issued only when the Director or a recognized organization issuing the new certificate is satisfied that the ship complies with the requirements set out in Part VIII.

(3) A maritime labour certificate shall be withdrawn by the Director or a recognized organization authorized for this purpose, if there is evidence that the ship does not comply with the requirements of this Act and any required corrective action has not been taken.

(4) When considering whether a maritime labour certificate should be withdrawn in accordance with subsection (3), the Director or the recognized organization shall take into account the seriousness and the frequency of the deficiencies.

### **Inspection and enforcement**

**229.(1)** The Director, in consultation with the Chief Maritime Social Services Officer, shall maintain a system of inspection of the conditions for seafarers on

Barbados-registered ships, including verification that the measures relating to working and living conditions set out in any applicable declaration of maritime labour compliance are being followed.

(2) The Director, in consultation with the Chief Maritime Social Services Officer, shall

- (a) develop a compliance and enforcement policy to ensure consistency and to guide inspection and enforcement activities related to this Act,
- (b) provide copies of this policy to all inspectors and relevant law-enforcement officials, and
- (c) make them available to the public, shipowners and seafarers.

### **Investigation of complaint**

**230.(1)** If the Director or Chief Maritime Social Services Officer receives a complaint that he does not consider to be manifestly unfounded, or obtains evidence that a Barbados-registered ship does not conform to the requirements of this Act or that there are serious deficiencies in the implementation of the measures set out in the ship's declaration of maritime labour compliance, he shall conduct an investigation into the matter and ensure that action is taken to remedy any deficiencies found.

(2) The Human Element in Shipping Care Inspectorate shall establish simple procedures to enable it to receive information in confidence concerning possible breaches of this Act presented by seafarers or representatives of seafarers, and permit inspectors to investigate such matters promptly, including

- (a) enabling masters, seafarers or representatives of seafarers to request an inspection when they consider it necessary; and
- (b) supplying technical information and advice to shipowners, seafarers and organizations as to the most effective means of
  - (i) complying with the requirements of this Act, and

- (ii) bringing about a continual improvement in seafarers' on-board conditions.
- (3) The Director, in consultation with the Minister, shall appoint a sufficient number of qualified inspectors to fulfil the responsibilities set out in subsection (1).
- (4) The Director shall adopt and effectively enforce rules to guarantee that inspectors have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences.
- (5) Inspectors shall not undertake duties that might, because of their number or nature, interfere with effective inspection or prejudice their authority or impartiality in their relations with shipowners, seafarers or other interested parties.
- (6) An inspector
  - (a) shall not have a direct or indirect interest in an operation that he is called upon to inspect; and
  - (b) shall not reveal, even after leaving service, any commercial secrets, confidential working processes or information of a personal nature that has come to his knowledge in the course of his duties.
- (7) The Director may call upon duly qualified technical experts and specialists, as needed, to assist in the work of inspectors.
- (8) The Director shall provide inspectors with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.
- (9) An inspector shall
  - (a) have the qualifications and training necessary to perform his duties,
  - (b) where possible, have a maritime education or experience as a seafarer;
  - (c) have adequate knowledge of seafarers' working and living conditions and of the English language; and

- (d) be fully trained to secure the efficient and effective discharge of his duties with due regard to
  - (i) the importance of the duties that inspectors perform;
  - (ii) the number, nature and size of ships subject to inspection;
  - (iii) the number and complexity of the legal provisions to be enforced;
  - (iv) the resources placed at the disposal of the inspector; and
  - (v) the conditions under which inspections are carried out.
- (10) When commencing the inspection of a ship, an inspector shall provide notification of his presence to the master or person in charge of the ship and, where appropriate, to the ship's seafarers or their representatives.
- (11) An inspector with proper credentials acting in accordance with this Act has the following powers:
  - (a) to board a Barbados-registered ship, freely and without previous notice;
  - (b) to carry out any examination, test or inquiry that he considers necessary to satisfy himself that the standards required under this Act are being observed, including a power to
    - (i) question the master, a seafarer, the shipowner, the shipowner's representative or any other person on any matter concerning the requirements of this Act or the regulations, in the presence of any witness that the person has requested;
    - (ii) require the production of books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to verify compliance;
    - (iii) enforce the posting of required notices; and

- (iv) take or remove, for the purpose of analysis, samples of products, cargo, drinking water, provisions, materials and substances used or handled;
  - (c) to require that any deficiency be remedied; and,
  - (d) where he has grounds to believe that a deficiency constitutes a serious breach of the requirements of this Act or represents a significant danger to seafarers' safety, health or security, to prohibit a ship from leaving port until necessary actions are taken.
- (12) When a sample is being taken or removed,
- (a) the shipowner or the shipowner's representative, and where appropriate a seafarer, shall be notified or shall be present at the time the sample is taken or removed;
  - (b) the quantity of the sample shall be recorded by the inspector; and
  - (c) the shipowner may appeal the taking of the sample to a court or administrative tribunal.
- (13) Following an inspection, an inspector shall
- (a) immediately bring to the attention of the shipowner, the operator of the ship or the master any deficiencies that may affect the health and safety of those on board the ship;
  - (b) alert the Director and, if applicable, the recognized organization that issued the ships declaration of maritime labour compliance to any deficiency or abuse not specifically covered by this Act or the regulations and submit proposals for the improvement of the Act or regulations; and
  - (c) notify the Director of any occupational injuries or diseases affecting seafarers in accordance with this Act or the regulations.
- (14) An inspector may give advice in lieu of instituting or recommending proceedings, when there is no clear breach of this Act that endangers the safety,

health or security of the seafarers concerned and there is no history of similar breaches.

(15) An inspector shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a contravention of this Act or the regulations and shall give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

(16) An inspector shall submit a report of each inspection to the Director, provide a copy of the report in English or in the working language of the ship to the master of the ship, post another copy on the ship's notice board for the information of the seafarers and, upon request, send a copy to the seafarers' representatives.

(17) Where an investigation is conducted following a major incident, the report shall be submitted to the Director not later than one month after the conclusion of the investigation.

(18) When an inspection is conducted or other related measures are taken, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

### **Maintenance of records**

**231.(1)** The Director shall maintain records of inspections of the conditions for seafarers on Barbados-registered ships.

(2) The Director shall publish an annual report on inspection activities, within 6 months after the end of each year, containing the following information:

- (a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments that have come into effect during the year;
- (b) details of the organization of the system of inspection;

- (c) statistics of ships or other premises subject to inspection and of ships and other premises inspected;
- (d) statistics on all seafarers subject to the laws and regulations of Barbados;
- (e) statistics and information on contraventions of legislation, penalties imposed and detentions of ships; and
- (f) statistics on reported occupational injuries and diseases affecting seafarers.

### **Alleged wrongful exercise of inspectors' powers**

**232.**(1) Compensation is payable in accordance with national laws on personal injury for any loss or damage suffered as a result of the wrongful exercise of an inspector's powers.

(2) The burden of proof in a claim under subsection (1) is on the complainant.

### **On-board complaint procedures**

**233.**(1) Every ship shall have an on-board complaint procedure, approved by the ship's master, for the fair, effective, well-documented and expeditious handling of seafarer complaints alleging breaches of the requirements of this Act.

(2) No person shall take any adverse action with respect to a seafarer for lodging a complaint, if the complaint is not manifestly vexatious or maliciously made.

(3) A shipowner shall provide all seafarers working on the ship with a copy of the on-board complaint procedures applicable on the ship.

(4) A national of Barbados who is to work on a foreign-registered ship shall be provided with a copy of the on-board complaints procedure at the time of his recruitment by a seafarer recruitment agency.

- (5) On-board complaint procedures shall
- (a) seek to resolve complaints at the lowest level possible;
  - (b) include the right of a seafarer to complain directly to the master and, where he considers it necessary, to appropriate external authorities;
  - (c) include the right of a seafarer to be accompanied or represented during the complaints procedure;
  - (d) include safeguards against the possibility of victimization of a seafarer for filing a complaint;
  - (e) in order to avoid problems of victimization of seafarers making complaints, encourage the nomination of a person on board who can advise seafarers on the procedures available to them and, if requested by a complainant, attend any meetings or hearings into the subject-matter of the complaint; and
  - (f) include contact information for
    - (i) the competent authority and, where different, the competent authority in the seafarers' country of residence,
    - (ii) the name of a person on board the ship who can, on a confidential basis, provide a seafarer with impartial advice on a complaint and otherwise assist him in following the complaint procedures available to him on board the ship.
- (6) Subject to the provisions of any applicable collective agreement, the Administration, in collaboration with relevant government agencies, shall, in consultation with the shipowners' and seafarers' organizations, develop a model for fair, expeditious and well-documented on-board complaint-handling procedures, containing the following procedures:
- (a) complaints are to be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer;

- (b) the head of department or superior officer shall then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issues involved;
  - (c) if the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the seafarer is to have the right to refer it to the master, who shall handle the matter personally;
  - (d) a seafarers is to have the right to be accompanied and to be represented by another seafarer of his choice on board the ship;
  - (e) all complaints and the decisions on them shall be recorded and a copy provided to the seafarer concerned;
  - (f) if a complaint cannot be resolved on board, the matter shall be referred ashore to the shipowner, who shall be given an appropriate time limit for resolving the matter in consultation, where appropriate, with the seafarer concerned or any person he may appoint as his representative; and
  - (g) a seafarer is to have a right to file a complaint directly with the master, the shipowner or a competent authority ashore.
- (7) A person who contravenes a procedure referred to in subsection (2)(a) to (g) is liable, on summary conviction, to a fine of \$150 000.
- (8) Nothing in subsections (1) to (7) shall prejudice a seafarer's right to seek redress through any other legal means that the seafarer considers appropriate.

### **Facilities for complaints**

**234.(1)** Where a seafarer while on board a Barbados-registered ship tells the master of the ship that he wishes to make a complaint to a magistrate, consular officer, registrar or inspector against the master or a member of the crew, the

master shall, as soon as the service of the ship will permit, allow the complainant to go ashore to make the complaint

- (a) if the ship is then at a place where there is a magistrate, consular officer, registrar or inspector; or
  - (b) if the ship is not then at such place, on her arrival at such a place.
- (2) A master of a ship who, without reasonable cause, contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$100 000.

#### **Treatment of seafarers in the event of a maritime accident**

**235.** Where a marine accident occurs, persons involved in managing affairs relating to the accident shall comply with Resolution A.1056(27) of the International Maritime Organization entitled “Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident” in relation to

- (a) seafarers who are nationals of Barbados serving on any ship;
- (b) seafarers of any nationality serving on board a Barbados-registered ship; and
- (c) seafarers of any nationality serving on board a foreign-registered ship in Barbados waters.

#### **Port state inspection and monitoring system**

**236.(1)** The Director, in consultation with the Chief Maritime Social Services Officer, shall establish an effective port state inspection and monitoring system to ensure that the working and living conditions for seafarers on foreign ships entering a port of Barbados meet the requirements of the Maritime Labour Convention, including those related to seafarers’ rights.

(2) The Administration shall develop an inspection policy for port state control officers and other authorized officers carrying out inspections under section 237, with the objectives of

- (a) ensuring consistency and otherwise guiding inspection and enforcement activities related to the requirements of the Convention; and
- (b) providing the officers with guidance as to the kinds of circumstances justifying the detention of a ship under section 237(9).

(3) Copies of the policy shall be provided to all officers and shall be available to the public, shipowners and seafarers.

### **Inspections in port**

**237.(1)** Every foreign ship calling in the a port of Barbados in the normal course of its business or for operational reasons is subject to an inspection by port state control officers designated by the Administration or authorized officers of the port, to review compliance with the requirements of the Maritime Labour Convention, including seafarers' rights, relating to the working and living conditions of seafarers on the ship.

(2) A valid maritime labour certificate and declaration of maritime labour compliance shall be accepted as prima facie evidence of compliance with the requirements of the Convention and an inspection under subsection (1) shall be limited to a review of the certificate and declaration unless

- (a) the required documents are not produced or maintained, or are falsely maintained;
- (b) the documents produced do not contain the information required by the Convention or are otherwise invalid;
- (c) there are clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of the Convention;

- (d) there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with the Convention;
  - (e) there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of the Convention; or
  - (f) working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers.
- (3) An inspection carried out under subsection (1) shall cover the matters listed in the declaration of maritime labour compliance set out in the *Fifth Schedule*.
- (4) Where a complaint referred to in subsection (2)(e) is made, the inspection shall be limited to matters within the scope of the complaint, although an investigation of the complaint may provide clear grounds for a detailed inspection in accordance with subsection (2)(c).
- (5) For the purpose of subsection (2)(e), “complaint” means information submitted by a seafarer, a professional body, an association, a trade union or any other person with an interest in the safety of the ship or the safety of, or health hazards to, seafarers on board.
- (6) Where, following an inspection, the working and living conditions on the ship are found to not conform to the requirements of the Convention, the inspecting officer shall immediately bring the deficiencies to the attention of the master of the ship, and advise him of any deadlines for their rectification.
- (7) If any deficiencies are considered by the inspecting officer to be significant, or if they relate to a complaint made in accordance with subsection (2)(e), the officer shall bring the deficiencies to the attention of the seafarers’ and shipowners’ organizations and may
- (a) notify a representative of the flag state of the ship;
  - (b) provide the competent authorities of the next port of call with the relevant information; or
  - (c) detain the ship until the deficiencies are rectified.

- (8) A copy of the officer's report, accompanied by any reply received from the competent authorities of the flag state within the deadline prescribed by the Administration, may be transmitted by the Administration to the Director-General of the International Labour Office.
- (9) Where, following an inspection under subsection (1), a ship is found to not conform to the requirements of the Convention and
- (a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or
  - (b) the non-conformity constitutes a serious or repeated breach of the requirements of the Convention; the inspecting officer shall ensure that the ship does not proceed to sea until the non-conformities have been rectified, or until the officer has accepted a plan of action to rectify the non-conformities and is satisfied that the plan will be implemented in an expeditious manner.
- (10) If a ship is prevented from sailing, the authorized officer shall immediately
- (a) notify the flag state of the ship, the Director and the shipowners' and seafarers' organizations;
  - (b) invite a representative of the flag state to be present; and
  - (c) request the flag state to reply within a deadline prescribed by the Administration.
- (11) All possible efforts shall be made to avoid a ship being unduly detained or delayed.
- (12) If a court finds that the ship is found to be unduly detained or delayed, the court may order compensation to be paid for any loss or damage suffered.
- (13) The burden of proof in an action under subsection (12) shall be on the complainant.

**On-shore seafarer complaint handling procedures**

**238.**(1) Any seafarer, irrespective of nationality, on a Barbados-registered ship or on a foreign ship in Barbados waters,, who alleges a breach of the requirements of the Maritime Labour Convention, including seafarers' rights, may report the allegation to an authorized officer in the port at which the ship is called, or to the Human Element in Shipping Care Inspectorate.

(2) On receipt of the report, the authorized officer, in collaboration with the Human Element in Shipping Care Inspectorate, shall undertake an initial investigation, including

- (a) first checking whether the complaint is of a general nature that concerns all seafarers on the ship, a category of them, or only the individual seafarer concerned; and
- (b) if the complaint relates to an individual case, whether the ship's onboard complaint procedures required under Regulation 5.1.5, Standard A 5.1.5 and Guideline B 5.1.5 of the Maritime Labour Convention have been followed and, if so, an examination of the results of the on-board complaint procedures for the resolution of the complaint.

(3) If the ship's onboard complaint procedures have not been followed, the authorized officer shall suggest that the complainant take advantage of any such procedures available, and shall consider the complaint before such procedures have been followed only if

- (a) the authorized officer considers that the internal procedures are inadequate or would result in undue delay; or
- (b) the complainant fears reprisal for lodging a complaint under those procedures.

(4) If the complaint is of a general nature, the authorized officer may conduct an inspection of the areas set out in the *Ninth Schedule* in accordance with Standard 5.2.1 of the Maritime Labour Convention.

(5) In an investigation of a complaint, the authorized officer to whom the complaint was made, or an authorized officer designated by the Chief Maritime Social Services Officer, shall give the master, the shipowner and any other person involved in the complaint an opportunity to make known their views.

(6) The authorized officer shall, where appropriate, seek to promote a resolution of the complaint at the shipboard level.

(7) If the investigation or an inspection reveals a non-conformity that falls within the scope of section 237(9), the authorized officer shall ensure that the ship does not proceed to sea until the non-conformities have been rectified, or until the officer has accepted a plan of action to rectify the non-conformities and is satisfied that the plan will be implemented in an expeditious manner.

(8) If the non-conformity does not fall within the scope section 219(9) and the complaint has not been resolved at the ship-board level, the authorized officer shall immediately notify the ship's flag state and seek from it, within a deadline prescribed by the Administration, advice and a corrective plan of action.

(9) If the flag state indicates that it will handle the matter, has in place effective procedures for this purpose and has submitted a plan of action acceptable to the authorized officer, the authorized officer may refrain from any further involvement with the complaint.

(10) Where the complaint has not been resolved following action taken in accordance with subsection (8), the port state shall transmit a copy of the authorized officer's report to the Director-General and the seafarers' and shipowners' organizations.

(11) The report shall be accompanied by any reply received within the deadline prescribed by the Administration from the competent authority of the flag state.

**239.(1)** Complaints that have been resolved shall be regularly submitted by the Ministry responsible for Labour to the Director-General.

(2) All persons shall maintain the confidentiality of information regarding complaints made by seafarers.

**Documentary requirements for ships less than 500 GT but above 150 GT**

**240.** Every ship less than 500 GT but above 150 GT shall produce a national declaration accompanied by a maritime labour certificate and a declaration of maritime labour compliance, in the form as set out in *Tenth Schedule*.

**Powers to inspect ships and their equipment**

**241.(1)** To ensure compliance with this Act and the regulations, or the terms of any approval, license, consent, direction or exemption given under this Act or its statutory instruments,

- (a) a surveyor of ships;
- (b) a shipping superintendent;
- (c) a designated port state control officer; or
- (d) a person appointed by the Minister, either generally or in a particular case, to exercise powers under this section, may at any time go on board a ship in Barbados or Barbados waters and inspect all or part of the ship and her equipment, any articles on board and any document carried in the ship in accordance with this Act or its statutory instruments.

(2) The powers conferred under subsection (1) are not exercisable in relation to a foreign-registered ship while the ship is exercising the right of innocent passage.

(3) The powers conferred under subsection (1) may be exercised by a person referred to in that subsection, or by a proper officer, in relation to a Barbados-registered ship that is outside Barbados waters.

(4) A person exercising powers under this section shall not unnecessarily detain or delay a ship but may order a ship to be taken into dock for a survey of its hull or machinery.

(5) Where a person referred to in subsection (1) has reasonable grounds for believing that there are on any premises provisions or water intended for supply to a Barbados-registered ship that, if provided on the ship, would not comply with the requirements of this Act or the regulations, he may enter the premises and inspect the provisions or water for the purpose of ascertaining whether they comply with this Act or its statutory instruments.

(6) A person who obstructs a person in the exercise of powers under this section, or who fails to comply with an order made under subsection (4), commits an offence and is liable on summary conviction to a fine of \$75 000.

#### **Powers of inspectors and law enforcement**

**242.**(1) A departmental inspector, an inspector appointed under section 243 or a national maritime law enforcement officer carrying out inspection duties may, in accordance with the Act and regulations, inspect

- (a) any premises in Barbados;
- (b) a Barbados-registered ship wherever she may be; or
- (c) any other ship that is present in Barbados or in Barbados waters.

(2) An inspector referred to in subsection (1) may at any time or, in a situation that he considers to constitute a danger, at any time

- (a) enter premises or board a ship if he has reason to believe that it is necessary for him to do so;
- (b) on entering the premises or on boarding the ship, take with him any other person authorized for that purpose by the Minister and any equipment or materials he requires;
- (c) make any examination and investigation he considers necessary;

- (d) direct that the premises or ship, any part of it, or any thing in the premises or ship shall be left undisturbed, whether generally or in particular respects, for so long as is necessary for the purposes of an examination or investigation under paragraph (c);
- (e) take such measurements and photographs and make such recordings as he considers necessary for the purpose of the examination or investigation;
- (f) take samples of articles or substances found in the premises or ship and of the atmosphere in or in the vicinity of the premises or ship;
- (g) where an article or substance that he finds in the premises or ship appears to him to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless that is necessary in the circumstances;
- (h) take possession of an article or substance referred to in paragraph (g) and detain it for so long as is necessary
  - (i) to examine it and do to it anything that he has power to do under that paragraph;
  - (ii) to ensure that it is not tampered with before his examination of it is completed; and
  - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under the Act or regulations;
- (i) require any person who he has reasonable cause to believe is able to give information relevant to an examination or investigation
  - (i) to attend at a place and time specified by the inspector; and
  - (ii) to answer, in the presence only of persons whom the inspector allows to be present and a person nominated to be present by the person on whom the requirement is imposed, such questions as the

inspector thinks fit to ask and to sign a declaration of the truth of his answers;

- (j) require the production of, and inspect and take copies of, any entry in
    - (i) a book or document required by this Act to be kept; and
    - (ii) any other book or document that he considers necessary for the purposes of any examination or investigation; and
  - (k) require any person to afford him such facilities and assistance with respect to matters or things within that person's control, or in relation to which that person has responsibilities, as the inspector considers necessary to enable him to exercise any of the powers conferred on him by this section.
- (3) Nothing in subsection (1) or (2) authorizes a person to unnecessarily prevent a ship from proceeding on a voyage.

#### **Appointment of inspectors**

**243.(1)** The Director may appoint persons to be inspectors for the purposes of sections 241 and 242.

- (2) The Administration may, in consultation with the Minister, appoint departmental inspectors for the purposes of reporting to him
- (a) the nature and causes of a maritime labour breach, or a deficiency in respect of a ship that amounts to a maritime labour breach;
  - (b) whether any requirements, restrictions or prohibitions imposed by or under this Act or its statutory instruments have been complied with or contravened; and
  - (c) any measures taken to prevent maritime labour abuses.

**Enforcement powers: national maritime law enforcement**

- 244.**(1) A national maritime law enforcement officer may
- (a) board and inspect a foreign vessel, when the vessel is in a port in Barbados or stationed in any other maritime area in Barbados, for purpose of ascertaining the living and working conditions on board the vessel;
  - (b) verify that the condition of the vessel is consistent with information stated in STCW Convention and Maritime Labour Convention documents required to be carried on board the vessel;
  - (c) ask any pertinent questions of, and demand all reasonable assistance from, the owner, master or charterer of the vessel;
  - (d) carry out such examinations, tests and inquiries as he considers necessary to establish that this Act and the regulations are being complied with;
  - (e) require that any deficiency be rectified within a specified time period; and
  - (f) ensure that the labour conditions of the vessels are fit for humans, and that seafarers on board are being treated humanely.
- (2) A national maritime law enforcement officer shall notify the flag state of a foreign-registered ship of any deficiencies discovered in respect of the ship.

**Improvement notices**

- 245.**(1) If an inspector appointed under section 243 or a maritime law enforcement officer is of the opinion that a person
- (a) is contravening a provision of the Act or the regulations; or
  - (b) has contravened such a provision in circumstances that make it likely that the contravention will continue or be repeated; he may serve an improvement notice on that person.

- (2) An improvement notice shall
- (a) state that the inspector or maritime law enforcement officer is of that opinion, specify the provision as to which he believes a contravention has occurred or will occur, and provide the reasons why he is of that opinion; and
  - (b) require the person on whom the notice is served to remedy the contravention in question or the matters occasioning it within the period specified in the notice.
- (3) A period specified in a notice under subsection (2)(b) shall not be less than 21 days.

### **Prohibition notices**

**246.(1)** If an inspector appointed under section 243 or a maritime law enforcement officer is of the opinion that an activity that is being, or is likely to be, carried on board a ship by or under the control of a person will involve the risk of

- (a) a serious personal injury to a seafarer, whether on board the ship or not; or
  - (b) a serious breach of the Maritime Labour Convention, the inspector may serve a prohibition notice on the person.
- (2) A prohibition notice shall
- (a) state that the inspector or maritime law enforcement officer is of that opinion;
  - (b) specify the matters that in his opinion give or will give rise to the risk;
  - (c) where in his opinion any of those matters contravenes or will contravene this Act or the regulations, state that he is of that opinion, specify the provision of the Act or regulations in question, and provide the reasons why he is of that opinion; and

- (d) direct one or more of the following:
  - (i) that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served; and
  - (ii) that the ship shall not go to sea,

unless the matters specified in the notice and any associated contravention of a provision specified in the notice have been remedied.

- (3) A direction in a notice under subsection (3)(d) takes effect
  - (a) at the end of the period specified in the notice; or
  - (b) if the notice directs that the ship shall not go to sea or the notice so declares, immediately.

#### **Referral of notice to arbitration**

**247.(1)** A question

- (a) as to whether a reason or matter specified in an improvement notice under section 245 or a prohibition notice under section 246 is valid or whether an opinion formed by an inspector has a valid basis; or
- (b) as to whether a direction included in such a notice is reasonable,

shall, if the person on whom the notice was served so requires by a notice given to the inspector given within 21 days from the service of the improvement or prohibition notice, be referred to a single arbitrator appointed by agreement between the parties for the question to be decided by him.

- (2) Where an arbitration notice is given by a person under subsection (1),
  - (a) in the case of an improvement notice, the giving of the arbitration notice suspends the operation of the improvement notice until the decision of the arbitrator is published to the parties or the referral is abandoned; and

- (b) in the case of a prohibition notice, the giving of the arbitration notice suspends the operation of the prohibition notice only if, on the application of the person who gave the arbitration notice, the arbitrator so directs.
- (3) A suspension under subsection (2)(b) operates only from the time at which the arbitrator makes a direction under that paragraph.
- (4) Where on a referral under this section an arbitrator decides that
- (a) the reasons or matters to which the referral relates did not constitute a valid basis for the inspector's or maritime law enforcement officer's opinion; or
  - (b) direction to which the referral relates was unreasonable,
- the arbitrator shall either cancel the notice or affirm it with such modifications as he thinks fit and shall in any other case affirm the notice in its original form.
- (5) Where a referral under this section involves the consideration by the arbitrator of the effects of an activity or state of affairs on the health or safety of any persons, he shall not on that referral make a decision referred to in subsection (4)(a) or (b) except after
- (a) in the case of an improvement notice, affording an opportunity to make oral representations to him with respect to those effects to a member of a panel of representatives of maritime trade unions appointed by the Minister for that purpose; or
  - (b) in the case of a prohibition notice, affording an opportunity to make such representations to him to
    - (i) a representative of a trade union representing persons whose interests it appears to him that the notice was designed to safeguard; or
    - (ii) a member of a panel referred to in subsection (5)(a); and

- (c) in either case, considering any representations made to by a person referred to in subsection (5)(a) or (b).
- (6) A person is not qualified for appointment as an arbitrator under this section unless he is
  - (a) a person holding a certificate of competency as a master mariner or marine engineer officer class 1, or a person holding an equivalent certificate;
  - (b) a naval architect;
  - (c) a barrister and attorney of at least 10 years' standing; or
  - (d) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.
- (7) In connection with his functions under this section, an arbitrator shall have the powers conferred on an inspector by section 242.

#### **Compensation for invalid prohibition notice**

- 248.(1)** If, on a referral under section 247 relating to a prohibition notice, the arbitrator decides that
- (a) a reason or matter did not constitute a valid basis for the inspector's opinion; and
  - (b) there were no reasonable grounds for the inspector or maritime law enforcement officer to form that opinion, the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by him in consequence of the service of the notice as the arbitrator thinks fit.
- (2) If on such a referral the arbitrator decides that a direction included in the notice was unreasonable, the arbitrator may, subject to subsection (3), award the person on whom the notice was served such compensation in respect of any loss suffered by him in consequence of the direction as the arbitrator thinks fit.

- (3) An arbitrator shall not award compensation under subsection (1) or (2) in relation to a prohibition notice unless
- (a) it appears to him that a direction given under section 246(2)(d) contained a requirement that the ship was not to go to sea; or
  - (b) it appears to him that
    - (i) the inspector or maritime law enforcement officer was of the opinion that there would be a risk of injury or pollution referred to in the notice if the ship went to sea; and
    - (ii) the effect of the direction given under section 246(2)(d) was to prohibit the departure of the ship unless the matters or contraventions referred to in the direction were remedied.

**Offences – improvement and prohibition notices**

**249.(1)** A person who contravenes a requirement imposed by an improvement notice commits an offence and is liable

- (a) on summary conviction, to a fine of \$300 000; or
- (b) on conviction on indictment, to a fine of \$700 000.

(2) A person who contravenes a prohibition imposed by a prohibition notice commits an offence and is liable

- (a) on summary conviction, to a fine of \$30 000 or to imprisonment for a term of 2 years, or both; or
- (b) on conviction on indictment, to a fine of \$75 000 or to imprisonment for a term of 2 years, or both.

(3) It is a defence for a person charged with an offence under this section to prove that he exercised all due diligence to avoid a contravention of the requirement or prohibition in question.

**Enforcing detention of a ship**

**250.(1)** Where under this Act a ship is to be or may be detained, any of the following officers may detain the ship:

- (a) a commissioned naval or military officer;
- (b) a national maritime law enforcement officer;
- (c) an officer designated by the Administration as a port state control officer;
- (d) an officer of port health; or
- (e) a Barbados consular officer.

(2) A notice of detention may

- (a) include a direction that the ship
  - (i) shall remain in a particular place; or
  - (ii) shall be moved to a particular anchorage or berth; and
- (b) if it includes such a direction, may specify conditions relating to safety or maritime labour abuse prevention.

(3) The master of the ship in respect of which a notice of detention has been served commits an offence if

- (a) the ship proceeds to sea before it is released by a competent authority otherwise than in accordance with the notice; or
- (b) he fails to comply with a direction given under subsection (2)(a).

(4) A person who commits an offence under subsection (3) is liable

- (a) to pay an administrative penalty of \$100 000 to the Barbados Coast Guard;
- (b) on summary conviction, to a fine of \$500 000; or
- (c) on conviction on indictment, to a fine of \$750 000.

(5) The owner of a ship, and any person who sends to sea a ship in respect of which an offence is committed under subsection (3), if he is party or privy to the offence, also commits an offence and is liable on summary conviction to the penalties set out in subsection (4).

(6) Where a ship that proceeds to sea in contravention of subsection (3) or fails to comply with a direction given under subsection (2)(a) carries away, without his consent, an officer authorized under subsection (1) to detain the ship, or a surveyor of ships, who is on board the ship in the execution of his duty, the owner and master of the ship each

- (a) commit an offence; and
- (b) are liable to pay all expenses of and incidental to the officer or surveyor being carried away.

(7) A person who commits an offence under subsection (6) is liable

- (a) on summary conviction, to a fine of \$75 000; and
- (b) on conviction on indictment, to a fine of \$175 000.

(8) A person who exercises a power of detention in respect of an alleged contravention of this Act shall immediately release the ship if

- (a) no proceedings for the offence in question are instituted within 7 days after the day on which the ship is detained;
- (b) proceedings under subsection (1) instituted within that period are concluded without the master or owner being convicted;
- (c) \$200 000 is paid to the Minister by way of security or security that, in the opinion of the Minister, is satisfactory and in an amount not less than \$250 000 is given to the Minister by or on behalf of the master or owner;
- (d) the master or owner is convicted of the offence and any costs or expenses ordered to be paid by him, and any fine imposed on him, have been paid; or

- (e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982, and any bond or other financial security ordered by the court or tribunal is posted.
- (9) The Minister shall repay any sum paid under subsection (8)(c) or release any security given if
  - (a) no proceedings for the offence are instituted within 7 days after the day on which the sum is paid or the security is given; or
  - (b) proceedings for the offence instituted within that period are concluded without the master or owner being convicted.
- (10) Where a sum has been paid, or security has been given, by a person under subsection (8)(c) and the master or owner is convicted of an offence, the sum paid or the amount made available under the security shall be applied as follows:
  - (a) first in the payment of any costs or expenses ordered by the court to be paid by the master or owner; and
  - (b) next in the payment of any fine imposed by the court,and the balance shall be repaid to the person paying the sum or giving the security.
- (11) Before a ship is released from detention, the detaining officer shall issue to the master or the shipowner's agent or representative a notice of release from detention, stating that the detaining officer is satisfied that the defects related to the ship's maritime labour conditions have been rectified, apart from any minor ones that are listed, and that the ship can now be released from detention.
- (12) A reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.

**Referral of detention notice to arbitration**

**251.(1)** Within 21 days from the service of a detention notice under this Act, the master or owner of the ship may, by a notice given to an inspector, refer any question as to whether an opinion formed by the inspector on a matter specified in the detention notice had a valid basis to a single arbitrator appointed by agreement between the parties.

(2) The giving of a notice in accordance with subsection (1) does not suspend the operation of the detention notice unless, on the application of the person making the referral, the arbitrator so directs.

(3) The arbitrator shall have regard, in coming to his decision, to any other matters not specified in the detention notice that appear to him to be relevant to whether the ship was in conformity with the Maritime Labour Convention.

(4) Where on a reference under this section the arbitrator decides that a matter to which the referral relates

- (a) did not constitute a valid basis for the inspector's opinion he shall cancel the detention notice or affirm it with such modifications as he thinks fit; or
- (b) constituted a valid basis for the inspector's opinion, he shall affirm the notice in its original form.

(5) The arbitrator shall include in his decision a finding as to whether there was a valid basis for the detention of the ship as a Maritime Labour Convention non-compliant ship.

(6) A person is not qualified for appointment as an arbitrator under this section unless he is

- (a) a person holding a certificate of competency as a master mariner or marine engineer officer class 1, or an equivalent certificate;
- (b) a naval architect;

- (c) a barrister or solicitor of 10 years standing entitled to practice in Barbados or in any Commonwealth jurisdiction; or
  - (d) a person with special experience of shipping matters, or of activities carried on in ports.
- (7) An arbitrator appointed under this section shall have the powers conferred on an inspector by section 242.

**Compensation for invalid detention of ship**

**252.(1)** If on a referral under section 251 relating to a detention notice in relation to a ship

- (a) the arbitrator decides that a matter did not constitute a valid basis for the inspector's opinion; and
  - (b) it appears to him that there were no reasonable grounds for the inspector to form that opinion, the arbitrator may award the owner of the ship such compensation in respect of any loss suffered by him in consequence of the detention of the ship as the arbitrator thinks fit.
- (2) Any compensation awarded under this section shall be payable by the Minister.

**Non-liability of authorized officers**

**253.(1)** No officer or other authorized person bringing proceedings against a ship under this Act or the regulations shall be liable in damages in respect of the seizure or detention of the ship, including a ship that has not been proceeded against, or if it is proceeded against, is adjudicated to have not contravened this Act, the regulations, the STCW Convention or the Maritime Labour Convention, if the High Court is satisfied that there were reasonable grounds for the seizure or detention.

- (2) If the Court is not so satisfied, the Court may award costs and damages to the party aggrieved and may make any other order that the court thinks fit.

**Offences**

**254.(1)** A person who contravenes a requirement of this Part commits an offence and is liable on summary conviction to a fine of \$500 000.

(2) A person referred to in subsection (1), shall be subject to, in respect of a Barbados-registered ship, the suspension or cancellation of its maritime labour certificate and any other certificates required to be held in respect of the ship to allow it to trade and enter ports.

**PART IX**

**MARITIME LABOUR CONVENTION AND STCW CONVENTION AUDITS**

**Auditing of seafarer recruitment and placement agencies**

**255.(1)** The Director shall ensure periodic inspections are made of locally operating private seafarer recruitment agencies to ensure their compliance with the Maritime Labour Convention.

(2) The Administration may charge the fee established under section 381 for an inspection under section (1).

(3) On completion of an inspection and based on the audit report, the Director shall issue to the local private seafarer recruitment agency a Certificate of Compliance for Private Seafarer Recruitment and Placement Services in the form set out in the *Fourteenth Schedule*.

(4) A Certificate of Compliance for Private Seafarer Recruitment and Placement Services is valid for 5 years.

(5) The Administration may charge the fee established under section 381 for a Certificate of Compliance for Private Seafarer Recruitment and Placement Services.

(6) A local private seafarer recruitment agency that does not comply with the requirements of the Maritime Labour Convention shall be given a period, determined by the Director but not exceeding 6 months, within which to become compliant, having regard to circumstances surrounding the non-compliance and any efforts made by the agency to comply with the Convention.

(7) A local private seafarer recruitment agency that has not attained Maritime Labour Convention compliance within the period set by the Director shall be prevented from operating until that agency becomes compliant.

### **Auditing of seafarer training and education programs**

**256.(1)** The Administration shall, in accordance with the regulations, conduct audits of seafarer education and training programs provided locally by

- (a) seafarer recruitment agencies;
- (b) tertiary level educational institutions, including universities offering seafarer training; or
- (c) technical and vocational institutions; to ensure that training programs and certification procedures provided by them comply with the STCW Convention.

(2) The Administration shall produce the results of an audit to the audited entity not more than 12 weeks after conclusion of the audit.

(3) A seafarer training and educational provider whose program of study for seafarers is found to not comply with the requirements of the STCW Convention shall be given a period, determined by the Administration but not exceeding 6 months, within which to become compliant, having regard to circumstances surrounding the non-compliance and any efforts made by the seafarer training and educational provider to comply with the Convention.

(4) A seafarer training and educational provider that has not attained STCW Convention compliance after that period shall be prevented from offering the program, until compliance is achieved, by

- (a) suspension or cancellation of the license referred to in section 63; or
- (b) suspension or cancellation of the provider's STCW Education And Training Provider's Certificate.

(5) Where a license referred to in section 63 is suspended, the license shall be re-instated immediately after the seafarer training and educational provider has brought itself into compliance.

(6) Where such a license is cancelled, the provider may re-apply for a new license after the seafarer training and educational provider has brought itself into compliance.

### **Communications to IMO**

**257.** The Director shall communicate to the International Maritime Organization, in accordance with the STCW Convention, detailed information concerning

- (a) administrative measures;
- (b) education and training courses;
- (c) certification procedures; and
- (d) other factors relevant to implementation of the Convention, for the purposes of facilitating that Organization's assessment of Barbados' compliance with the STCW Convention and ensuring continuous compliance with that Convention.

### **Regulations**

**258.** The Minister may make regulations regarding the accreditation, training, assessment and certification of seafarers.

PART X

REMOTELY OPERATING SEAFARERS

**Application**

**259.** This Part applies to maritime autonomous surface ships having a degree of autonomy that requires little or no human presence on board.

**Treatment for remote ship operators**

**260.** A remote ship operator shall be provided with a standard of treatment equivalent to that of conventional seafarers physically serving on board ships, taking into additional account the human health, social and psychological well-being needs of persons working in high-intensity automated operational environments.

**Minimum age for remote ship operators**

**261.** A person who is less than 20 years of age shall not remotely navigate a ship.

**Training and experience required**

**262.** A remote ship operator shall have the training and experience required for a conventional ship master, unless expressly provided otherwise by the regulations.

**Medical certificate**

**263.(1)** Prior to beginning work in a remote control centre, a remote ship operator shall obtain a medical certificate attesting to his fitness to remotely operate ships.

- (2) A medical examination for the purpose of subsection (1) shall include
- (a) a standard eye test;

- (b) a colour blindness test;
  - (c) a mental health test;
  - (d) a hearing test;
  - (e) ear and throat evaluations;
  - (f) medical history queries, including drinking and smoking habits;
  - (g) a urine sample to test kidney functionality and blood sugar; and
  - (h) reflex testing.
- (3) The medical certificate for a remote ship operator issued after a medical examination shall indicate that the individual is
- (a) fit without restrictions, indicating that the individual can work in any capacity in a remote control centre;
  - (b) fit with restrictions, indicating that the individual can work in a remote control centre, but limited in respect of time and field of work on base;
  - (c) temporarily unfit, indicating that the individual's remote seafaring career prospects in respect of remote ship operations will be temporarily curtailed until a subsequent medical examination indicates that he is fit without restrictions or fit with restrictions; or
  - (d) permanently unfit, indicating that the individual should never be allowed to remotely operate a ship.
- (4) The Minister may make regulations on medical examinations for remote ship operators.

### **Training and qualifications**

- 264.** A remote ship operator shall not operate an autonomous ship unless he
- (a) is trained or certified as competent to perform automated or digital ship functions;

- (b) has successfully completed traditional seafarer training required under the STCW Convention for conventionally manned ships;
- (c) has successfully completed artificial intelligence in shipping required in accordance with international maritime standards for maritime autonomous surface ships;
- (d) has successfully completed training in traditional and automated ship navigation; and
- (e) has successfully completed any other training required by the International Maritime Organization for persons operating maritime autonomous ships or vessels.

**Skills and competencies required for remote ship operators**

**265.** Every remote ship operator shall be skilled and competent in the following areas:

- (a) working with marine computer systems;
- (b) troubleshooting operational issues related to the cyber-physical boundary between the actual ship and the ship's computer network;
- (c) managing several ships in a fleet through remote operation;
- (d) inputting reliable and correct information to a ship;
- (e) data collection, monitoring and evaluation;
- (f) the review and management of automatically generated reports from ships;
- (g) preventing cyber threats; .
- (h) cyber incident response and recovery;
- (i) autonomous solutions applicable to various ship types;
- (j) smart ship navigation and artificial intelligence in shipping; and

- (k) any other areas of skill and competency for remote ship operation mandated by the International Maritime Organization or the International Labour Organization.

### **Recruitment and placement of remote ship operators**

**266.**(1) Every remote ship operator shall have access to an adequate and accountable system for finding employment in a remote control centre designated for the remote operation of ships at sea, without charge to the operator.

(2) A private seafarer recruitment and placement agency operating in Barbados that is engaged in the recruitment and placement of seafarers in remote control centres for remote ship operation locally or abroad shall comply with this Act and any other national law on remote vessel operations employment.

(3) A public or private seafarer recruitment and placement agency operating in Barbados shall not

- (a) maintain any mechanisms or lists intended to prevent or deter seafarers from gaining employment in a remote control centre for which they are qualified; or
- (b) impose on a remote ship operator, directly or indirectly, any fees or other charges for seafarer recruitment or placement or for providing employment, other than the cost of the seafarer obtaining a medical certificate, the national seafarer's book and a passport or other similar personal travel document, other than a visa.

(4) The cost of any required visa shall be borne by the shipowner or the remote control centre.

(5) The Administration shall adopt procedures to

- (a) prevent opportunities for exploitation of remote ship operators arising from the issuance of joining advances or any other financial transaction between a shipowner or remote control centre and the remote ship operators that are handled by the seafarer recruitment and placement services; and

- (b) clearly publicize any costs that a seafarer will be expected to bear in the recruitment process.
- (6) A public or private seafarer recruitment and placement agency operating in Barbados shall maintain
  - (a) an up-to-date register of all remote ship operators recruited or placed through it, that is available for inspection by the Director; and
  - (b) complete records of medical examinations, identity documents and any other information required for a remote ship operators covered by their recruitment and placement system to gain employment, with due regard to the right to privacy and the need to protect confidentiality, including the operator's
    - (i) qualifications;
    - (ii) record of employment;
    - (iii) personal data relevant to employment; and
    - (iv) medical data relevant to employment.
- (7) A seafarer recruitment and placement agency shall
  - (a) inform each remote ship operator of his rights and duties under the employment agreement prior to or in the process of engagement;
  - (b) permit the operator to examine his employment agreement before and after it is signed;
  - (c) provide the operator with a copy of the agreement; and .
  - (d) inform the operator of any conditions in the agreement applicable to remotely operating vessels and of the particular shipowner's or remote control centre's policies relating to his employment.
- (8) A seafarer recruited or placed to work in a remote control centre shall be qualified in accordance with this Act and hold the documents necessary for automated and digital ship operational processes.

(9) A seafarers' employment agreement for a remote ship operator shall comply with all applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement.

(10) A seafarer recruitment and placement agency for a remote ship operator shall

(a) have procedures

(i) to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up-to-date and have not been fraudulently obtained;

(ii) to ensure that employment references are verified;

(iii) to verify that labour conditions in remote control centres where remote ship operators are placed are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative of the remote control centre; and

(iv) to supply seafarers only to remote control centres that offer terms and conditions of employment to seafarers that comply with applicable laws, regulations and collective agreements;

(b) ensure, as far as practicable, that shipowners or owners or agents of a remote control centre have the means to protect remote ship operators from being stranded in a foreign port, where the remote control centre is based in a country that is not the operator's home country;

(c) maintain up-to-date lists of the remote control centres for which it provides operators and ensure that there is a means by which the centres can be contacted in an emergency at all hours;

(d) examine and respond to any complaint concerning its activities and advise the Director of any unresolved complaint;

- (e) ensure that remote ship operators are availed of on-base complaint-handling procedures at the time of recruitment for a remote control centre;
- (f) have procedures that are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline, consistent with national laws and practice and, where applicable, collective agreements; and
- (g) ensure the proper fulfilment by shipowners or remote control centres of the terms of employment agreements concluded with remote ship operators, including establishing a system of protection, by way of insurance or an equivalent appropriate measure, to compensate shore-based seafarers for any monetary loss that they may incur as a result of the failure of the recruitment and placement service, or a shipowner or owner or agent of a remote control centre, to meet its obligations under the operator's employment agreement.

#### **Employment agreement for remote ship operators**

**267.(1)** The employment agreement for a remote ship operator or, where the operator is not an employee, a similar contractual arrangement, shall

- (a) be clearly written and legally enforceable;
  - (b) be signed by the remote ship operator and the remote control centre or a representative of the remote control centre; and
  - (c) provide the operator with decent working conditions.
- (2) A remote ship operator shall be given an opportunity to examine and seek advice on his remote employment agreement before signing it, and be provided with any other facilities that are necessary to ensure that he has freely entered into an agreement with a sufficient understanding of his rights and responsibilities.

- (3) The remote control centre or its representative and the remote ship operator concerned shall each be provided with a signed original of the remote employment agreement.
- (4) Where a collective bargaining agreement forms all or part of a remote employment agreement, a copy of the collective bargaining agreement shall be available on-base or otherwise provided to the remote ship operator.
- (5) The language of a remote employment agreement and collective bargaining agreement shall be English.
- (6) A remote employment agreement for a remote ship operator shall contain the following:
- (a) the remote ship operator's full name, date of birth or age, and birthplace;
  - (b) the remote control centre's name and address;
  - (c) the place where, and the date when, the remote employment agreement was entered into;
  - (d) the capacity in which the remote ship operator is to be employed in the remote control centre;
  - (e) the amount of wages for the remote ship operator or the formula used for calculating them;
  - (f) the amount of paid annual leave or the formula used for calculating it;
  - (g) the manner of termination of the agreement and the conditions for it, including
    - (i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it and a required notice period that is not less for remote control centre than for the remote ship operator; and
    - (ii) if the agreement has been made for a definite period, the date fixed for its expiry;

- (h) the health and social security protection benefits to be provided to the remote ship operator by the shipowner, including information on any mandatory social security contributions;
  - (i) the remote ship operator's entitlement to repatriation, where the operator is stationed in a foreign country;
  - (j) a reference to any applicable collective bargaining agreement; and
  - (k) any other particulars that the Administration requires to be included, after consultation with the owners, or agents of autonomous ships, managing owners or representatives of remote control centres, and remote ship operators' organizations.
- (7) Subject to subsection (8), the minimum notice period to be given by a remote ship operator or remote control centre for the early termination of a remote ship operator's employment agreement is 14 days.
- (8) A notice period shorter than the minimum may be given by a remote ship operator, without penalty, for compassionate or urgent reasons or in other circumstances that are recognized under employment law or practices or in an applicable collective bargaining agreement as justifying termination of the employment agreement at shorter notice or without notice.
- (9) A remote ship operators shall be given a document containing a record of his employment in a remote control centre.
- (10) A record of employment of an operator shall not contain any statement as to the quality of the operator's work or as to his wages.
- (11) A record of employment or seafarers' discharge book of an operator shall contain sufficient information, with a translation in English, to facilitate the acquisition of further work or to satisfy the sea-service requirements for upgrading or promotion.

**Wages**

**268.** A remote ship operator shall be paid at no greater than monthly intervals, and in accordance with the employment agreement for the operator.

**Hours of work for remotely operating seafarers: short-distance shipping**

**269.(1)** Subject to subsection (3), the maximum hours of work for a remotely operating seafarer or remote ship operator operating autonomous ships or vessels on short distance trips between Barbados and other Caribbean states shall not exceed 6 hours per duty period.

(2) During each a 6 hour duty period, a remote ship operator shall be given at least 2 30-minute breaks and shall not be stationed and operating the ship remotely for more than 2 consecutive hours without a break.

(3) In the event of an emergency maritime traffic situation, a remote ship operator shall not be required to work for more than 12 consecutive hours.

(4) A remote ship operator shall be given the hours of rest provided for in the regulations.

(5) The hours of rest for a remote ship operator do not include any 30-minute breaks during duty periods.

(6) Subsections (1) to (5) do not apply in respect of autonomous vessel engaged on long distance trips.

(7) The International Maritime Organization and International Labour Organization guidelines apply in respect of hours of work or rest for remote ship operators carrying out long-distance shipping activities in autonomous mode.

**Health protection, medical care, welfare and social security protection**

**270.** The health protection, medical care, welfare and social security protections afforded to seagoing seafarers by Part VII apply to remote ship operators.

**Age of retirement for remote ship operators**

**271.** The retirement age of a remote ship operator is 57 years of age, but a remote ship operator may continue in service until 67 years of age if

- (a) the operator is certified to be medically fit; and
- (b) the nature of remote ship operations engaged in and other relevant considerations permit.

**Physically manning ship by remote ship operator**

**272.** Where a remote ship operator is required to leave a remote control centre and go to sea to physically man a ship for reasons of safety, security, systems' maintenance or any other reason stipulated by an authority of the remote control centre, the provisions of this Act that apply to seagoing seafarers apply to the remote ship operator for the period that he is physically on board ship.

**Offences and penalties**

**273.(1)** locally operating seafarer recruitment placement agency that contravenes a provision of this Part commits an offence and is liable on summary conviction to a fine of \$350 000.

(2) A remote control centre that contravenes a provision of this Part commits an offence and is liable on conviction on indictment to a fine of \$700 000.

(3) Section 254 applies to a person who contravenes a provision of Part VIII in respect of a remote ship operator who temporarily operates as a seagoing seafarer while at sea for a period of time.

**Autonomous Vessel Operations and Remote Ship Operators**

**274.(1)** National laws on autonomous shipping apply to the extent practical to remote ship operators.

(2) The Administration shall ensure that the Autonomous Vessel Operations Code contains provisions on safety operations, including provisions to safeguard

the physical, social and mental health and well-being of remote ship operators, specific to

- (a) remote ship operators operating Barbados-registered autonomous vessels in any waters; and
- (b) remote ship operators operating foreign-registered autonomous vessels in Barbados waters.

### **Regulations**

**275.** The Minister may make regulations to meet the standards set by the International Maritime Organization and International Labour Organization in respect of autonomous shipping, virtual seafaring and other related matters.

### **Regulations on training and certification for remote ship operators**

**276.** The Administration may, by a marine notice, specify safe training and certification requirements for operators of autonomous vessels.

## PART XI

### MARITIME LABOUR DISPUTE SETTLEMENT

#### **Jurisdiction of Barbados**

**277.** This Part applies to adjudication in relation to the settlement of maritime labour related disputes arising between a seafarer who is a Barbadian citizen and a shipowner of a ship on which the seafarer is employed.

#### **Labour-supply state dispute settlement option**

**278.(1)** Where a claim or dispute involves a Barbadian seafarer and a shipowner of any nationality on whose ship a the seafarer is employed, the parties covered by a collective bargaining agreement shall submit the claim or dispute

to the jurisdiction of a voluntary arbitrator or panel of voluntary arbitrators under that agreement.

(2) If the parties are not covered by a collective bargaining agreement, the parties may submit a claim or dispute to the jurisdiction of either the Employment Rights Tribunal, pursuant to Part III of the *Barbados Employment Rights Act, 2012* (Act 2012-9) or to the jurisdiction of a voluntary arbitrator or panel of arbitrators.

(3) If there is no provision in a collective bargaining agreement, seafarer's employment agreement or any other national instrument relating to maritime labour dispute settlement for a voluntary arbitrator to be appointed by the parties, the arbitrator shall be appointed in accordance with the *Barbados Arbitration Act*, Cap. 110.

### **Maritime Labour Tribunal**

**279.(1)** The Maritime Labour Tribunal is hereby established for the settlement of disputes arising out of violations of recruitment laws, rules or regulations involving employers, agents or contracting partners and Barbadian seafarers.

- (2) The Minister shall appoint as members of the Tribunal
- (a) an attorney-at-law of at least 10 years' standing, as chairman;
  - (b) shipowners' representative, who may be a person from a shipowners' organization;
  - (c) a seafarer representative, who may be a person from a seafarers' organization or a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or an equivalent certificate; and
  - (d) a labour and employment relations specialist with at least 10 years' experience.
- (3) The Maritime Labour Tribunal shall have jurisdiction to hear and decide disciplinary action on cases that are administrative in character, involving or

arising out of violations of recruitment laws, rules or regulations involving employers, agents, contracting partners and Barbadian seafarers.

(4) A shipowner or seafarer may submit a dispute for settlement by the Maritime Labour Tribunal within 30 days from the date on which the dispute arose, if the parties fail to settle the dispute between themselves.

(5) A person may appeal a decision of the Tribunal by an application to the High Court in accordance with the rules of the Supreme Court of Barbados.

(6) On an application under subsection (5), if the High Court is satisfied

(a) that the decision of the Tribunal is not within the powers of this Act;  
or

(b) that the interests of the applicant have been substantially prejudiced,

the Court may quash the decision of the Tribunal, either generally or in so far as it affects the applicant's rights or interests.

(7) Notwithstanding this section, the parties to a maritime labour dispute may seek recourse to other dispute settlement fora, including conciliation and mediation.

#### **Flag state maritime labour dispute settlement option**

**280.** Notwithstanding sections 278 and 279, the state where a ship on which a Barbadian seafarer is employed is registered shall have jurisdiction in relation to the settlement of a maritime labour related dispute, including an unfair or wrongful dismissal, arising between the seafarer and the ship's shipowner, irrespective of the nationality of the shipowner.

#### **Dispute settlement jurisdiction clauses in seafarers' agreements**

**281.** A dispute settlement jurisdiction clause in a seafarers' employment agreement may be agreed upon between the seafarer and shipowner, but shall not reduce the choice of law and choice of forum available to a seafarer for

(a) dispute settlement in Barbados; or

- (b) dispute settlement in the flag state.

### **Non-Barbados seafarers' maritime labour dispute-settlement options**

**282.(1)** A non-national seafarer employed on board a Barbados-registered ship may seek to have a maritime labour related dispute settled by a court, tribunal or other alternative dispute-settlement mechanism in Barbados.

(2) Subject to subsection (3), a non-national seafarer employed on board a ship, irrespective of the flag the ship flies, may, while that ship is in a Barbados port, seek to have a maritime labour related dispute settled in Barbados if the dispute arose while the ship was in the maritime jurisdiction of Barbados.

(3) A court or tribunal, in determining whether to hear a case brought by a non-Barbados seafarer under subsection (2), shall consider

- (a) the place of the wrongful act;
- (b) the law of the ship's flag;
- (c) the nationality or domicile of the seafarer;
- (d) the nationality or domicile of the shipowner;
- (e) the place where the seafarer's employment agreement was concluded;
- (f) the accessibility of the foreign forum;
- (g) the law of the forum; and
- (h) the shipowner's base of operations.

### **Protection of seafarer against discrimination**

**283.(1)** A person may not discharge or discriminate against a seafarer because

- (a) the seafarer in good faith has reported or is about to report to a maritime law enforcement officer or other authorized officer that the seafarer believes that a violation of maritime labour law has occurred;

- (b) the seafarer has refused to perform duties ordered by the seafarer's employer because the seafarer has a reasonable apprehension or expectation that performing such duties would result in serious injury to the seafarer, other seafarers or the public;
  - (c) the seafarer testified in a proceeding brought to enforce a maritime labour law;
  - (d) the seafarer notified, or attempted to notify, the shipowner or master of a work-related personal injury or work-related illness of a seafarer;
  - (e) the seafarer cooperated with a maritime safety investigation by the Administration or an entity authorized by the Administration to cooperate in a safety investigation;
  - (f) the seafarer furnished information to the Administration or any other public official relating to a marine casualty resulting in injury or death to an individual or damage to property occurring in connection with maritime transportation; or
  - (g) the seafarer accurately reported hours of duty under Part V.
- (2) The circumstances causing a seafarer's apprehension of serious injury under subsection (1)(b) shall be of such a nature that a reasonable person, under similar circumstances, would conclude that there is a real danger of an injury or serious impairment of health resulting from the performance of the duties ordered by the seafarer's employer.
- (3) To qualify for protection from the seafarer's employer under subsection (1)(b), the employee shall have sought from the employer, and been unable to obtain, correction of the unsafe condition.
- (4) A seafarer alleging a discharge or discrimination in contravention of subsection (1), or another person at the seafarer's request, may file a complaint in relation to the allegation
- (a) with the Administration, in the case of a Barbados- registered ship; or

- (b) with the competent authority of the flag state, in the case of a foreign-registered ship.

## PART XII

### GENDER MAINSTREAMING, MATERNITY AND PATERNITY

#### **Rights of female seafarers**

**284.** A female seafarer of any nationality working on a Barbados-registered ship and a female seafarer who is a national of Barbados working on a foreign-registered ship has the right

- (a) to equality in maritime career and education opportunities;
- (b) to minimum wages and working conditions at the same level as her male counterparts;
- (c) to the same working hours as her male counterparts, subject to a maximum of 14 hours in any 24-hour period;
- (d) to paid overtime above the stipulated hours of work, as set by the International Labour Organization for all seafarers;
- (e) not to be denied a maritime post on the ship based on her sex;
- (f) not to be discriminated against for any maritime job in any form based on her sex, in terms of equipment, working conditions or facilities;
- (g) in case of maternity, to the same rights as any other profession;
- (h) in case of a pregnant seafarer,
  - (i) to maternity rights and benefits provided for in national laws of Barbados, in respect of health care, paid maternity leave and protection against dismissal from working during and post-gestation;

- (ii) where the ship is sailing with a medical practitioner on board, to be repatriated on the advice of the medical practitioner, without deduction from her wages and at no expense to her, at any time during the pregnancy, giving due consideration to her health and well-being and conditions on board ship;
- (iii) where the ship is sailing without a medical practitioner on board, to be repatriated, without deduction from her wages and at no expense to her, at any time that woman seafarer so desires during pregnancy, having due consideration to her health and well-being and conditions on board ship;
- (iv) to be protected from hazardous conditions while on board;
- (v) to re-employment after maternity leave; and
- (vi) to any other rights accorded under national maternity laws;
- (i) to protection against any form of bullying and harassment on board ship;
- (j) to join seafarers' unions;
- (k) to sanitary facilities, sanitary hygiene products, contraception, including emergency contraception options;
- (l) to access medical assistance onboard and onshore, and confidential medical advice; and
- (m) to safety on board.

### **Violation of rights**

**285.(1)** A person who violates a right afforded to female seafarers under section 284 commits an offence and is liable on summary conviction to a fine of \$700 000.

(2) A woman in respect of whom a right under section 284 has been infringed may bring an action for compensation in a court of competent jurisdiction.

**Maternity and seafarers**

**286.**(1) A pregnant seafarer shall not be considered to be unfit to work on a ship, unless so determined by a duly qualified medical practitioner.

(2) A seafarer recruitment and placement agency that requires pregnancy testing before employing a female seafarer commits an offence and is liable on summary conviction to suspension or cancellation of official recognition granted by the Administration in relation to the agency or to a fine of \$50 000, or to both.

(3) A pregnant seafarer is entitled to work up to 24 weeks of gestation on board a ship, in accordance with medical standards relating to pregnancy set forth in the International Labour Organization and International Maritime Organization Guidelines on the Medical Examinations of Seafarers, subject to any additional medical advice provided to the seafarer and its communication by the seafarer to the ship's master.

(4) An expectant female seafarer is entitled to

(a) for the birth of a single child, either

(i) 14 weeks of maternity leave at the child's birth, with pay; or

(ii) 7 weeks of maternity leave before the child's birth, with pay, and 7 weeks of maternity leave after the child's birth, with pay;

(b) for the birth of 2 or more children, either

(i) 17 weeks of maternity leave at the child's birth, with pay; or

(ii) 8.5 weeks of maternity leave before the child's birth, with pay, and 8.5 weeks of maternity leave after the child's birth, with pay;

(c) extended maternity leave of up to 24 weeks, with income during such leave to be covered by way of

(i) an insurance policy, or an equivalent form of financial security, provided by the seafarer; or

- (ii) otherwise covered under a national insurance and social security scheme;
  - (d) be repatriated at no expense to the seafarer at any time during her pregnancy;
  - (e) where the birth occurs on the vessel, be repatriated with the child at no expense to the seafarer; and
  - (f) be re-employed after maternity leave.
- (5) Subject to an agreement made in respect of section 217(1)(c)(iv), a person is not entitled to maternity leave if she has taken shared parental leave in respect of the child.
- (6) A person who disciplines a female seafarer in any way for becoming pregnant while employed on a Barbados-registered ship, or who so disciplines a female seafarer who is a national of Barbados on a foreign-registered ship, commits an offence and is liable on summary conviction to a fine of \$175 000.
- (7) A person who disciplines a seafarer in any way for exercising maternity rights commits an offence and is liable on summary conviction to a fine of \$700 000.
- (8) A person who prevents a seafarer from exercising maternity rights commits an offence and is liable on summary conviction to a fine of \$700 000.

### **Paternity and seafarers**

- 287.(1)** In this section, “paternal seafarer” means a seafarer who
- (a) is an expectant father; and
  - (b) has been continuously employed for at least 11 months on board the ship from which leave for paternity reasons is to be obtained.
- (2) Subject to an agreement made in respect of section 217(1)(c)(iv), a person is not entitled to paternity leave if he has taken shared parental leave in respect of the child.

- (3) A paternal seafarer is entitled to
- (a) for the birth of a single child,
    - (i) a minimum of 3 weeks and maximum of 6 weeks of paternity leave at the child's birth, with pay; and
    - (ii) to paternity benefit with pay, in the case of pre-birth and post-birth medical complications experienced by the expectant or post-partum mother that necessitate care assistance by the paternal seafarer for part or whole of the period of medical incapacitation of the expectant or post-partum mother, subject to supporting medical documentation in relation to the expectant or post-partum mother's medical situation, and an accompanying statement from the medical practitioner on the duration and type of care assistance required from the paternal seafarer in the circumstances;
  - (b) for the birth of 2 or more children,
    - (i) 12 weeks of paternity leave at the child's birth, with pay; and
    - (ii) to paternity benefit with pay, in the case of pre-birth and post-birth medical complications experienced by the expectant or post-partum mother that necessitate care assistance by the paternal seafarer for part or whole of the period of medical incapacitation of the expectant or post-partum mother, subject to supporting medical documentation in relation to the expectant or post-partum mother's medical situation, and an accompanying statement from the medical practitioner on the duration and type of care assistance required from the paternal seafarer in the circumstances;
  - (c) extended paternity leave of up to 17 weeks, with income during such leave to be covered by way of
    - (i) an insurance policy or an equivalent form of financial security provided by the seafarer; or

- (ii) otherwise covered under a national insurance and social security scheme;
- (d) be repatriated at no expense to the paternal seafarer at any time during the pregnancy or post-gestational period of the paternal seafarer's wife, spouse or partner for serious medical reasons concerning the expectant or post-partum mother, except during a period in which an emergency situation on board requires the paternal seafarer to be on duty, and in such cases, the shipowner or master shall make every effort to relieve the paternal seafarer from duty to be with the expectant or post-partum mother;
- (e) be immediately released for paternity or such other leave granted to the paternal seafarer at the time of birth of the seafarer's infant, except during a period during in which an emergency situation on board requires the paternal seafarer to be on duty, and in such cases, the shipowner or master shall make every effort to relieve the paternal seafarer from duty to be with the post-partum mother; and
- (f) re-employed after paternity leave.

### **Offences in respect of paternity rights**

**288.(1)** A person who violates the paternity rights of a seafarer commits an offence and is liable on summary conviction to a fine of \$700 000.

(2) A person in respect of whom a right under section 287 has been infringed may bring an action for compensation in a court of competent jurisdiction.

(3) A person who disciplines a seafarer in any way for exercising paternity rights commits an offence and is liable on summary conviction to a fine of \$700 000.

(4) A person who prevents a seafarer from exercising paternity rights commits an offence and is liable on summary conviction to a fine of \$700 000.

**Returns of births and deaths of seafarers**

**289.(1)** In the event of a birth or death of a seafarer on board a Barbados-registered ship or a seafarer who is a national of Barbados on board a foreign-registered ship, the master of that ship shall

- (a) make a return to the Administration or proper officer of
  - (i) the birth or death of any seafarer occurring in the ship; and
  - (ii) the birth or death of any person employed in the ship that occurs outside Barbados;
- (b) notify any such birth or death, as the case may be, to the person the deceased seafarer has named to him as his next of kin;
- (c) where he is the master of a ship not registered in Barbados but calls at a port in Barbados in the course of, or at the end of, a voyage make a return to the Administration of any birth or death of a Barbadian seafarer that has occurred in the ship during the voyage;
- (d) request the Administration or proper officer to record such information as may be specified about a birth or death referred to in paragraph (a) where
  - (i) it appears to him that the master of the ship cannot perform his duty under that paragraph because he has himself died or is incapacitated or missing;
  - (ii) the death in question has been the subject of an inquest held by a coroner or an inquiry held in accordance with national merchant shipping laws and the findings of the inquest or inquiry include a finding that the death occurred; or
  - (iii) the deceased's body has been the subject of a postmortem examination and in consequence the coroner is satisfied that an inquest is unnecessary;

- (e) request the Administration or proper officer to send a certified copy of a return or record made under the regulations to the Registrar of Births and Deaths for Barbados; and
  - (f) authorize the registration of the following births and deaths occurring outside Barbados in circumstances where no return is required to be made under regulations
    - (i) the birth or death of a Barbadian seafarer that occurs in a ship not registered in Barbados; and
    - (ii) the death of a Barbadian seafarer or other seafarer who has been employed on a ship not registered in Barbados that occurs elsewhere than on the ship.
- (2) The Administration or proper officer, pursuant to subsection (1), shall
- (a) record all relevant information about a birth or death referred to in paragraph (a) of subsection (1) where
    - (i) it appears to him that the master of the ship cannot perform his duty under that paragraph because he has himself died or is incapacitated or missing;
    - (ii) in the case of a death, the death in question has been the subject of an inquest held by a coroner or an inquiry held in accordance with national merchant shipping laws and the findings of the inquest or inquiry include a finding that the death occurred; or
    - (iii) the deceased's body has been the subject of a postmortem examination and in consequence the coroner is satisfied that an inquest is unnecessary;
  - (b) send a certified copy of a return or record made in relation to a birth or death to the Registrar of the Supreme Court of Barbados;
  - (c) authorize the registration of the following births and deaths in relation to seafarers, occurring outside Barbados in circumstances where no

return is required to be made under regulations or other statutory instrument

- (i) the birth or death of a Barbadian citizen that occurs in a ship not registered in Barbados; and
  - (ii) the death of a Barbadian seafarer or other seafarer who has been employed on a ship not registered in Barbados that occurs elsewhere than on the ship.
- (3) The Registrar of the Supreme Court of Barbados to whom a certified copy of documentation about a birth or death is sent
- (a) shall record the information contained in it in the register; and
  - (b) may record in the register such additional information as appears to him desirable for the purpose of ensuring the completeness and correctness of the register.
- (4) The registration of births and deaths under subsection (3) shall have the same effect as if the register were a register of births or deaths held in another country and as if certified copies of entries in that register had been transmitted to the Registrar in accordance with those laws.
- (5) The Minister may, where it considers it necessary to do so, make regulations relating to births and deaths of seafarers on ships.
- (6) A reference in this section to a birth or death occurring in a ship includes a reference to a death occurring in a ship's boat.
- (7) All deaths of seafarers employed, engaged, or working on board ships are adequately investigated and recorded, and reported, on an annual basis, to the Director-General of the International Labour Office to be published in a global register.

**Gender policy and seafarers**

**290.**(1) The Administration, in consultation with the Bureau of Gender Affairs and other relevant stakeholders, shall develop and maintain gender policies and programs for seafarers related to

- (a) their rights, well-being and welfare on board;
- (b) reducing gender stereotypes within the maritime industry;
- (c) making ships more gender-friendly to the needs of women;
- (d) consistent and improved approaches to seafarer maternity, paternity and sexual health issues;
- (e) sexual harassment and bullying; and
- (f) equality in training, upskilling and maritime employment opportunities.

(2) Gender and development activities specific to seafarers shall be consistent with the IMO's Gender Program, and efforts shall be made to ensure an equitable balancing of opportunities for seafarers, irrespective of their gender.

**PART XIII****PROTOCOLS IN RESPECT OF SEAFARERS DURING PANDEMIC  
OUTBREAKS****Responsibility for seafarers during disease outbreaks**

**291.** Where there is an outbreak of a disease of international concern, the Government shall take responsibility for

- (a) seafarers, irrespective of nationality, serving on board Barbados-registered ships;

- (b) nationals of Barbados, serving on board foreign-registered ships, taking into account the jurisdictional authority of the foreign state concerned; and
- (c) seafarers of any nationality serving on board any ship in Barbados waters, irrespective of the ship's place of registry.

### **Duties of the Minister**

**292.(1)** The Minister shall ensure that measures taken to combat the spread of disease in respect of seafarers working aboard Barbados-registered ships are exercised fairly, humanely and in accordance with international maritime safety, security and humanitarian standards.

(2) The Minister, in consultation with the Director and the Chief Maritime Social Services Officer, shall ensure that seafarers' rights are protected, and their health and safety are prioritized, during outbreaks of a disease of international concern, having regard to the need for seafarers

- (a) to be constantly updated and informed of measures being taken in relation to preventing or minimizing the spread of the disease;
- (b) to be directly engaged in decision-making processes involving their employment, personal liberty and access to their families;
- (c) not to be retained aboard ship after signing off, or be unreasonably denied shore leave, where the seafarer has been tested and certified to be disease-free by health personnel;
- (d) to be afforded proper quarantine arrangements and facilities, where quarantine measures are required;
- (e) not to be abandoned in foreign countries without funds;
- (f) to be paid their wages;
- (g) not to be prevented repatriation to their home countries at the expense of the shipowner, at the request of the seafarer; and

- (h) not to have their seafarers' employment agreements extended without their knowledge and consent.
- (3) The Minister shall ensure the same rights and health and safety measures set out in subsection (2) above are accorded to seafarers who are nationals of Barbados working aboard foreign-registered ships, and to seafarers on board ships in national seaports who are not nationals of Barbados.
- (4) The master of a Barbados-registered ship shall have appropriate crew plan changes in place, for purposes of the maritime safety of the ship, her cargo and seafarers on board, to ensure that a ship is not being operated by a crew that has worked in excess of the hours stipulated under the Maritime Labour Convention in times of outbreak of diseases of international concern.

#### **Duties of ship masters**

**293.** The master of a Barbados-registered ship and the master of a foreign-registered ship calling at a local seaport shall

- (a) have in place a written ship-specific pandemic management plan for the protection of seafarers' health during an outbreak of a disease of international concern;
- (b) ensure that seafarers on board have knowledge of the plan; and
- (c) guide seafarers on effective implementation of the plan.

#### **Elements of the ship-specific pandemic management plan**

**294.** A shipboard outbreak management plan shall include

- (a) pre-boarding measures;
- (b) pre-boarding screening procedures;
- (c) the manner of information dissemination;
- (d) procedures on suspected cases of infection;
- (e) procedures on high risk exposure;

- (f) hygiene measures for seafarers on the ship;
- (g) management of suspect cases;
- (h) precautionary measures at the ship's medical facility;
- (i) procedures for laboratory testing;
- (j) case-handling measures for infection on board the ship;
- (k) isolation measures on board the ship;
- (l) measures for reporting to the next port of call;
- (m) measures for disembarkation of a suspected or confirmed case;
- (n) cleaning, disinfection and waste management procedures;
- (o) management of contacts of a suspected case; and
- (p) regulation and administration of medical supplies and equipment.

#### **Application of the FAL Convention 1965, as amended**

**295.(1)** The amendments to the FAL Convention, 1965, as amended, in respect of key workers during a public health emergency of international concern apply to seafarers falling within the scope of the definition of seafarer at section 2.

(2) Where there is a pandemic disease outbreak, the Government of Barbados shall through partnership and collaboration put effective measures in place to enhance rights and protections of seafarers during public health emergencies.

(3) By virtue of this Act, Seafarers are automatically accorded "key worker" status in the event of a pandemic outbreak.

(4) The rights, protections and any other considerations or benefits extended to seafarers during such pandemic outbreak by the International Maritime Organization, whether singly or jointly with the International Labour Organization and/or the World Health Organization, or any other relevant organization, shall be provided to seafarers to whom this Act and its statutory instruments applies.

**Duties of the Minister**

**296.(1)** The Minister, in consultation with the Director, Chief Maritime Social Services Officer and the chief executive officer of the Port of Bridgetown or any other local seaport, shall ensure that adequate and appropriate measures are put in place during a pandemic disease outbreak to ensure that

- (a) seafarers aboard foreign-registered ships calling at local seaports are protected from the threat of infection by remote personnel, including maritime pilots, officers of customs, immigration or port health, cargo handlers and any other port workers seafarers may need to come in contact with in the course of their duties;
- (b) remote personnel who by virtue of their duties need to come in contact with seafarers are protected from the threat of infection from seafarers calling at local seaports;
- (c) seafarers are not denied shore leave, where the seafarers have been tested and certified to be disease-free by health personnel in port;
- (d) seafarers are afforded proper quarantine arrangements and facilities, where quarantine measures are required;
- (e) port state inspections are conducted to verify that maritime labour abuses are not being suffered by seafarers, in contravention of the requirements of the Maritime Labour Convention;
- (f) supply chains are kept open, and maritime transportation is kept moving, by
  - (i) minimizing excessive administrative burdens on visiting commercial ships to local seaports;
  - (ii) facilitating rapid crew changes, to the extent reasonably practicable in the circumstances; and
  - (iii) facilitating the movement of ships' crews with as few obstacles as possible; and

- (g) appropriate exemptions from local travel restrictions on leaving and joining ship are available, having due regard to public health and the safety of seafarers.
- (2) Every seafarer, on leaving or joining a ship, shall comply with the health, safety and protection measures put in place under subsection (1).
- (3) The master of a Barbados-registered ship that calls at a foreign port, and the master of a foreign-registered ship that calls at a local seaport, during a pandemic disease outbreak shall co-operate with port authorities at the port, to ensure where appropriate that
  - (a) seafarers can be changed;
  - (b) passengers can embark and disembark;
  - (c) shore leave can occur, where safe to do so;
  - (d) cargo operations can be carried out;
  - (e) ships' stores and supplies can be provided to the ship; and
  - (f) required certificates and documentation can be issued in respect of the ship.

#### **Contingency plan for seafarers during pandemic outbreaks**

- 297.(1)** The requirements of this section apply during a pandemic outbreak of a disease of international concern.
- (2) During such an outbreak,
    - (a) seafarers shall be screened on arrival to, and departure from, Barbados;
    - (b) seafarers shall be subjected to all mandatory health checks in port before leaving and rejoining a ship;
    - (c) seafarers' documents shall be electronically produced for checks by authorized officers of customs, immigration and port health;

- (d) expired seafarers' documents shall be accepted as valid, where such documents have expired immediately prior to, or during, the outbreak of the disease;
  - (e) where applicable, digital temporary confirmations shall be issued stating that an expired seafarers' document required under the STCW Convention, Maritime Labour Convention, or a national law is deemed valid for a period of 6 months; and
  - (f) temporary certificates of competency shall be issued, valid for a period of 6 months, for seafarers on board Barbados-registered ships and foreign-registered ships who are unable to complete some or all of updating refresher training requirements for the issuance or revalidation of a seafarer certificate.
- (3) A seafarer may apply to the Administration for a temporary certificate of competency, and shall include
- (a) a scanned copy of the original STCW Convention Safety Training Certificate that is no longer, or that will no longer be, valid; and
  - (b) any applicable self-declaration for STCW Convention training that requires updating or refreshing, in the form set out in the *Sixteenth Schedule*.
- (4) Where the STCW Convention requires a standard to be met prior to the issuance of a new certificate, the Administration shall not issue such a certificate unless this standard has been achieved.
- (5) If a seafarer is unable to complete updating training requirements, but needs to join a ship, he shall send an email to the Administration, attaching
- (a) the company letter confirming the vessel he needs to join and the date he is required to join;
  - (b) scanned copies of the original STCW Convention Safety Training Certificate that will no longer be, or that is no longer, valid; and

- (c) any applicable self-declaration for the STCW Convention training that requires updating or refreshing, in the form set out in the *Sixteenth Schedule*.
- (6) If a seafarer is on board a ship beyond his employment contract for reasons connected with a disease of international concern, the company shall ensure that the seafarer is kept informed of
- (a) the risks of infection;
  - (b) the reasons why he is required to stay on board;
  - (c) any measures being undertaken for his protection; and
  - (d) arrangements being made for his repatriation.
- (7) A valid seafarers' employment agreement shall remain in force until the seafarer is repatriated.
- (8) If the seafarers' employment agreement of a seafarer working on board a Barbados-registered ship or of a Barbadian seafarer working on board foreign-registered ship has expired, it shall be extended by the shipowner, or the shipowner shall issue a new one.
- (9) The seafarer and the shipowner shall retain evidence demonstrating the reason why the seafarer was asked to extend his contract.
- (10) A shipowner shall repatriate seafarers at the first available opportunity, with paid wages and at no expense to the seafarer.

#### **Shipowner liability during pandemic outbreaks**

**298.** On the occurrence of a pandemic outbreak, every shipowner shall contact his financial security provider to confirm that insurance or other financial security is secured for additional costs incurred during the pandemic, including isolation pending repatriation, medical care and any costs of crew transfer for suspected cases.

**Sea-time**

**299.**(1) Sea-time on a Barbados-registered ship during a pandemic outbreak that is fully crewed and operational but not working will be accepted at the full rate towards the issuance or revalidation of a certificate of competence required to be held by seafarers under the STCW Convention.

(2) Seafarers who are directly involved in vessel operations while the vessel is in warm lay-up will have their service accepted at the full rate towards the issuance or revalidation of a certificate of competence required to be held by seafarers under the STCW Convention.

**Survey and certification of Barbados-registered ships during pandemic outbreaks**

**300.** Where, during a pandemic outbreak, a survey is due on a Barbados-registered ship while the ship is overseas, and it becomes difficult for a locally appointed surveyor or a recognized organization to attend,

- (a) a short-term certificate shall be issued in respect of the ship by the Director; or
- (b) where possible, the survey may be conducted virtually and the standard certificate issued in normal circumstances may be issued.

**International health regulations**

**301.** During a pandemic outbreak, protocols and procedures applicable to ships under the International Health Regulations of the World Health Organization shall be observed.

**Seafarers as essential workers during pandemics**

**302.**(1) To maintain the flow of vital goods such as food, clothing and medical supplies, seafarers shall be designated as essential workers during pandemic outbreaks and shall be exempted from travel and other restrictions ordinarily imposed on persons during such crises.

(2) The Minister shall implement relevant International Maritime Organization guidelines and protocols for seafarers working during pandemic outbreaks, and shall coordinate an essential worker support program for seafarers to ensure that the physical and mental health and well-being of seafarers and the maritime labour protections afforded under the Maritime Labour Convention are not compromised.

### **Crew change clauses**

**303.** Every contract in respect of a Barbados-registered ship during a pandemic outbreak, including a ship on charter, shall contain a crew change clause, to enable the ship to deviate to a port so that a working crew can be replaced by a fresh crew, in the interests of safety of life at sea and seafarer well-being.

### **Duty of Minister**

**304.** The Minister shall ensure that the requirements of this Part are complied with by Barbados-registered ships and in respect of seafarers who are nationals of Barbados working on board foreign-registered ships.

## **PART XIV**

### **SEAFARERS SERVING ON BOARD DEEP-SEA MINING WORK VESSELS**

#### **Application 305.**

**305.** This Part applies to

- (a) Barbados-registered deep-sea mining work vessels;
  - (b) foreign-registered deep-sea mining work vessels in Barbados waters;
- and

- (c) deep-sea mining work vessels operating under the sponsorship of Barbados, pursuant to Part VI of the *Maritime and Underwater Heritage Act, 2025* (Act 2025-2);

### **Definitions**

**306.(1)** In this section,

“day off” means a rest period of 24 consecutive hours ashore, calculated from the end of the rest period immediately following the conclusion of the offshore work; Enter your definition here

“deep-sea mining work vessel” means a vessel engaged in the mining of oil, gas or other non-living marine natural resources, including ocean minerals;

“employee” includes a seafarer and any other worker classified as a non-seafarer under this Part, who is engaged in work with a deep-sea mining work vessel;

“employer” means a person directly employing a seafarer or non-seafarer in connection with offshore oil and gas, ocean minerals or other non-living marine natural resources operations;

“installation” means a deep-sea mining work vessel that is attached to the seabed or to a sub-sea structure;

“marine non-living natural resources work” means offshore work specific to

- (a) offshore oil or gas;
- (b) marine renewable energy;
- (c) ocean minerals; or
- (d) other marine non-living natural resources;

“night-time” means the period from 10:00 p.m. to 5:00 a.m., unless another period has been agreed to by the parties concerned in writing;

“night worker” means a seafarer who

- (a) as a normal course, works at least 3 hours of his daily working time during night-time; or
- (b) works at least 300 hours during night-time within a 12-month period;

“offshore work” means

- (a) work performed mainly on or from an installation, connected infrastructure or in connection with pipelines, that directly or indirectly relates to offshore oil and gas, or to ocean mineral operations;
- (b) transportation to and from the installation, from the starting time at the transport terminal scheduled by the employer until arrival at the installation, or from departure from the installation until the employee can leave the transport terminal;
- (c) any additional time period, ashore in Barbados or elsewhere, during which the employee is at the employer’s disposal for work, if the employer has stipulated the location of the employee during the period;
- (d) work ashore in Barbados or elsewhere that has been commenced within 24 hours after the end of the daily rest period following the time at which the employee left the transport terminal;
- (e) time spent on completing training to perform work at installations; or
- (f) time spent on completing other training or education activities, if they are required by the employer; and

“shift work” means a method of organising work in shifts whereby employees succeed each other at the same workstations according to a rotating or other pattern, and that may be continuous or discontinuous, entailing the need for employees to work at different times over a given period of days or weeks;

“transport terminal” means an airport or waiting area for a vessel; and

“working time” means the period during which an employee is at the employer’s disposal and performing work, but does not include time spent at an offshore facility, installation or connected infrastructure when the employee is not performing work that constitutes a rest period.

- (2) For the purpose of paragraph (d) of the definition “offshore work”,
- (a) work that is typically commenced within the 11 hours of rest period and 24 hours after the employee left the transport terminal is offshore work; and
  - (b) a period following the rest period that exceeds 24 hours will be considered a day off, and work performed following this period is not offshore work.

#### **Application of MLC to seafarers working in the offshore industry**

**307.** The Maritime Labour Convention applies to seafarers serving on deep-sea mining work vessels.

#### **Application of MLC to offshore workers not classified as seafarers**

**308.(1)** The Maritime Labour Convention applies to deep-sea mining work vessels that are attached to the seabed or to a sub-sea structure for more than one year.

- (2) Employees on board deep-sea mining work vessels attached to the seabed or a sub-sea structure are non-seafarers to whom
- (a) the International Labour Organization occupational health and safety rules, regulations and guidelines apply; and
  - (b) national occupational health and safety laws, to the extent practicable, apply.
- (3) An employer shall obtain a Maritime Labour Convention Exemption Certificate for non-seafarers.

(4) Where a vessel is detaching from the seabed every 3 months or more to reposition, no Maritime Labour Convention Exemption Certificate shall be granted, and the vessel will be subject to the Maritime Labour Convention.

### **Non-offshore work**

**309.** Work performed for an employer onshore or work offshore that is not offshore work is subject to the International Labour Organization's Occupational Health and Safety rules, regulations and guidelines, and to national occupational health and safety laws to the extent that these laws can be practically applied.

### **Framework agreement relating to marine non-living natural resources work**

**310.(1)** The Administration, in consultation with the Ministry responsible for Labour, the Ministry responsible for Natural Resources and other relevant stakeholders, shall develop a Framework Agreement relating to Marine Non-living Natural Resources Work, which shall serve as a guiding instrument for terms, conditions and other considerations in respect of persons employed in offshore work.

(2) A company or enterprise that has established a contract of employment with an employee shall comply with the Framework Agreement relating to Marine Non-living Natural Resources Work and shall, in accordance with that Agreement,

- (a) ensure that contracts of service or contracts for service are
  - (i) consistent with the Agreement; and
  - (ii) in relation to vessels of 500 GT and above carrying more than 12 industrial personnel, 4 compliant with Chapter XV of the International Convention for the Safety of Life at Sea, 1974, as amended, and the International Code of Safety for Ships Carrying Industrial Personnel, 2024, as may be modified from time to time;

- (b) ensure compliance with requirements of the Agreement relating to
    - (i) days off;
    - (ii) night-time;
    - (iii) night work;
    - (iv) offshore work;
    - (v) rest periods;
    - (vi) shift work; and
    - (vii) any other matters relating to hours of work and rest; and
  - (c) organize the physical framework enabling the execution of the offshore work, and organize the offshore work, in a manner that allows employees access to breaks, undisturbed rest, restitution and rest periods.
- (3) A Framework Agreement relating to Marine Non-living Natural Resources Work shall be developed within 2 years of the entry into force of this Act.
- (4) The Framework Agreement relating to Marine Non-living Natural Resources Work shall enter into force when it is published in the *Official Gazette*.
- (5) The Framework Agreement relating to Marine Non-living Natural Resources Work is binding on all persons engaged in offshore work in Barbados waters.
- (6) A person who contravenes a requirement in the Framework Agreement relating to Marine Non-living Natural Resources Work commits an offence.
- (7) A person who contravenes a requirement in the Framework Agreement relating to Marine Non-living Natural Resources Work shall remedy the breach without delay.

- (8) A person who refuses to remedy a breach in respect of a requirement is liable to
- (a) immediate suspension or revocation of the licence, permit or other instrument in relation to the offshore work being carried out in Barbados waters;
  - (b) payment of an administrative penalty of \$200 000; or
  - (c) on conviction on indictment, a fine of \$700 000 or a term of imprisonment of 5 years, or to both.

## PART XV

### MISCELLANEOUS

#### *Seafarers Certificates, Documentation and Related Matters*

#### **Production of certificates and other documents of qualifications**

**311.(1)** A person serving or engaged to serve in a ship and holding a certificate or other document that is evidence that he is qualified to serve on a ship shall, on demand, produce it to the Director, a surveyor of ships, a proper officer or, if he is not the master, to the master of the ship.

(2) A person who, without reasonable excuse, fails to comply with subsection (1) commits an offence and liable on summary conviction to a fine not exceeding \$50 000.

#### **Crew's knowledge of English**

**312.(1)** Where in the opinion of the Director or a proper officer the crew of a ship includes persons who may not understand orders given to them in the course of their duty because of their insufficient knowledge of English and there are not

adequate arrangements for transmitting orders in a language of which they have sufficient knowledge,

- (a) if the Director or proper officer has informed the master of that opinion, the ship shall not go to sea;
  - (b) if the ship is in Barbados, it may be detained; and
  - (c) if the ship is in another country, the Director may request assistance to detain the ship.
- (2) Where a ship goes to sea or attempts to go to sea in contravention of this section the owner or master commits an offence and is liable on summary conviction to a fine of \$75 000.

#### **Unqualified seafarers going to sea**

**313.** A person who goes to sea as a qualified officer or seafarer without being so qualified commits an offence and is liable on summary conviction to a fine of \$100 000.

#### **Financial assistance**

**314.(1)** The Minister may give a person or body of persons financial assistance in respect of expenses incurred or to be incurred by the person or body in connection with the training of officers and ratings for service in ships, including expenses by a person in connection with undergoing such training.

(2) Assistance under this section may be given by way of a grant or a loan or otherwise, subject to such conditions as the Minister thinks fit, including conditions requiring a grant to be repaid in specified circumstances.

(3) This section is without prejudice to any other power of the Minister to give financial assistance in connection with training referred to in subsection (1).

**National seafarers register**

- 315.** The Director shall keep a national register of seafarers who are
- (a) nationals of Barbados working on foreign-registered international ocean-going ships;
  - (b) foreign seafarers working on Barbados-registered international ocean-going ships; and
  - (c) foreign seafarers working on ships stationed in Barbados, including offshore platforms.

**Relief and repatriation relief costs**

- 316.(1)** Where
- (a) a person employed as a seafarer in a Barbados-registered ship is left behind in a country outside Barbados or is taken to such a country on being shipwrecked; or
  - (b) a person who became so employed under an agreement entered into outside Barbados is left behind in Barbados or is brought to Barbados on being shipwrecked,

the person who last employed him as a seafarer shall provide for his return, and for his relief and maintenance until his return, and make any other provisions required by the regulations.

- (2) Relief under subsection (1) includes the repayment of expenses incurred in bringing a shipwrecked seafarer ashore and maintaining him until he is brought ashore and the payment of the expenses of the burial or cremation of a seafarer who dies before he can be returned.
- (3) The Minister may make regulations
  - (a) providing for the manner in which wages due to any person left behind or taken to a country referred to in subsection (1), and any property of his left on board ship, are to be dealt with;

- (b) for determining the place to which such a person is to be returned;
  - (c) for requiring the master of a Barbados-registered ship to convey such a person to a place determined in accordance with the regulations and for enabling the Director or proper officer to give the master directions for that purpose;
  - (d) for the making of payments in respect of the conveyance of a person in accordance with the regulations; and
  - (e) for the keeping of records and the rendering of accounts.
- (4) Regulations made under subsection (3) may provide that a person who contravenes a provision of the regulations commits an offence punishable on summary conviction by a fine of \$150 000 or a lesser amount specified in the regulations.
- (5) This section applies to a person left behind on being discharged in accordance with this Act, whether or not at the time he is left behind the ship is still a Barbados-registered ship.

#### **Limit of employer's liability**

**317.** Unless otherwise provided by the regulations, where a seafarer referred to in section 316(1) remains in a country outside Barbados for more than 3 months, the person who last employed him as a seafarer is not liable under that section to provide for his return or for any matter arising after the end of that period.

#### **Recovery of expenses from employer incurred for relief return**

**318.** Where expenses are incurred in respect of a matter for which the employer of a seafarer is required to make provision under section 316,

- (a) if the expenses are incurred by the Administration, or are incurred by the government of a foreign country and repaid to it on behalf of the Government, the Administration may recover the expenses from the employer; and

- (b) if the expenses are incurred by a seafarer, he may recover them from the employer unless the employer proves that under the terms of the seafarer's employment agreement the expenses were to be borne by him or that he would not have been left behind but for his own wrongful act or neglect.

### **Recovery of expenses from seafarer**

**319.** Where expenses in relation to a seafarer are incurred by the Administration or are incurred by the government of a foreign country and repaid to it on behalf of the Government

- (a) in respect of any matter for which, but for section 316, the seafarer's last employer would have been required to make provision under section 317; or
- (b) in respect of any matter for which provision is required to be made under section 316(3)(d),

the Administration may recover the expenses from the seafarer or, if he has died, from his personal representatives.

### **Lists of crews**

**320.(1)** The master of every Barbados-registered ship shall maintain a list of the crew containing the particulars required by the regulations.

- (2) The Minister may make regulations
  - (a) specifying the particulars to be entered in a list of the crew;
  - (b) limiting the time for which a list of the crew may remain in force;
  - (c) providing for the maintenance by persons specified in the regulations in the ship or another place specified in the regulations, of one or more copies of each crew list;
  - (d) providing for the notification to any specified persons of changes to a crew list;

- (e) for the production of a crew list to persons, in such circumstances and within such a time, specified in the regulations;
- (f) for the delivery to the Director, a proper officer or the Principal Registrar, in any circumstances specified in the regulations, of a crew list or a copy of it maintained under the regulations and for the notification to him of any changes in such a list;
- (g) exempting from the requirements of the regulations any ship specified in the regulations in specified circumstances; and
- (h) making a contravention of a provision of the regulations an offence punishable on summary conviction by a fine of \$50 000 or a lesser amount.

#### **Handing over of documents by master**

**321.(1)** Where a person ceases to be the master of a Barbados-registered ship during a voyage of the ship, he shall deliver to his successor the documents relating to the ship or its crew that are in his custody.

(2) The master of such a ship who, without reasonable excuse, fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$50 000.

#### **Passport-level status of seafarers' identity document**

**322.(1)** Subject to national immigration laws, for the purposes of this Act, a seafarers' identity document shall be accepted as a valid travel document with the same standing as a passport or other form of personal identification, and a seafarer of any nationality may come ashore in Barbados using a seafarers' identity document as an identity document.

(2) A seafarer who is a national of Barbados shall, before engaging in employment on a ship, apply to the Administration to obtain a seafarers' identity document.

- (3) The Administration shall issue a seafarers' identity document on payment of the fee established under section 381.
- (4) A seafarers' identity document shall be renewed every 5 years.
- (5) The Administration shall renew a seafarers' identity document on payment of the fee established under section 381.
- (6) A seafarer shall keep his seafarers' identity document in proper condition at all times.
- (7) The Administration shall re-issue a seafarers' identity document to replace one that is lost, mutilated or defaced on payment of the fee established under section 381.

#### **Seafarer's entry requirements**

- 323.**(1) A non-national seafarer who is not engaged in paid activities in Barbados and who enters Barbados with a seafarers' identity document may be granted immigration authorization to enter and remain in Barbados for a period not exceeding 90 days.
- (2) A seafarer may apply for an extension of a permit under subsection (1) that has expired.
  - (3) Subject to subsection (4), a seafarer employed or on duty on a ship or on a cruise ship sailing along the Barbadian coast who seeks to enter Barbados is exempt from the requirement for a visa if the seafarer is carrying a valid seafarers' identity document issued by a member country of the International Labour Organization.
  - (4) A seafarer who is in possession of a seafarers' identity document and not employed or on duty on board a ship is subject to the same entry requirements as an ordinary passenger.

**Restriction of assignment of and charge upon wages**

**324.**(1) Wages due or accruing to a seafarer employed in a Barbados-registered ship

- (a) shall not be subject to attachment; and
- (b) shall not be assigned before they have accrued.

(2) An assignment referred to in subsection (1)(b) does not bind the seafarer and the payment of wages to the seafarer is valid notwithstanding any previous assignment or charge.

(3) A power of attorney or authority for the receipt of a seafarer's wages shall not be irrevocable.

(4) This section does not affect the provisions of this Part with respect to allotment notes.

(5) This section does not apply to the application of wages

- (a) in the payment of contributions to a fund specified by the regulations;  
or
- (b) in the payment of contributions in respect of the membership of a body specified by the regulations.

**Award of interest on wages due other than under a crew agreement**

**325.** In any proceedings by the master of a ship or a person employed in a ship other than under a seafarers' employment agreement for the recovery of a sum due to him as wages, the court may, notwithstanding any other law, order to be paid, in addition to the sum due, interest on it at a rate not exceeding 20 per cent per annum, for the period beginning 7 days after the sum became due and ending when the sum is paid, unless it appears to the court that the delay in paying the sum was due to

- (a) a mistake;

- (b) a reasonable dispute as to liability;
- (c) the act or default of the person claiming the amount; or
- (d) a cause that is not the wrongful act or default of the person liable to make the payment or his servant or agent.

**Allotment notes**

**326.(1)** Subject to subsection (2), a seafarer may, by means of an allotment note issued in accordance with the regulations, allot to another person part of the wages to which the seafarer will become entitled in the course of his employment in a Barbados-registered ship.

(2) A seafarer's right to make an allotment is subject to any limitations imposed by the regulations.

(3) The Minister may make regulations for the purposes of this section

- (a) prescribing the form of an allotment note;
- (b) limiting the circumstances in which allotments may be made;
- (c) limiting, by reference to an amount or to a proportion, the portion of wages that may be allotted and the number of persons to whom it may be allotted and prescribing the method by which that portion is to be calculated;
- (d) limiting the persons to whom allotments may be made to specified persons or persons in specified relationships to a seafarer; and
- (e) prescribing the times and the intervals at which payments under allotment notes are to be made.

(4) Regulations under subsection (3) may establish different requirements in relation to different types of seafarers and different circumstances.

**Right of person named in allotment to sue in his own name**

**327.(1)** A person to whom any part of a seafarer's wages has been allotted by an allotment note issued in accordance with the regulations may recover that part in his own name, and for that purpose shall have the same remedies as the seafarer has for the recovery of his wages.

(2) In any proceedings brought by a person to whom any part of a seafarer's wages has been allotted, it shall be presumed, unless the contrary is shown, that the seafarer is entitled to the wages specified in the note and that the allotment has not been varied or cancelled.

**Right or loss of right to wages**

**328.(1)** Subject to subsection (3), where a Barbados-registered ship is wrecked or lost, a seafarer whose employment in the ship is thereby terminated before the date contemplated in the seafarer's employment agreement is entitled to wages at the rate payable under the agreement at the date of the wreck or loss for every day on which he is unemployed in the 2 months following that date.

(2) Subject to subsection (3), where a Barbados-registered ship is sold while outside Barbados or ceases to be a Barbados-registered ship and a seafarer's employment in the ship is thereby terminated before the date contemplated in the seafarer's employment agreement, unless it is otherwise provided in the agreement, he is entitled to wages at the rate payable under the agreement at the date on which his employment is terminated for every day on which he is unemployed in the 2 months following that date.

(3) A seafarer is not entitled to wages under subsection (1) or (2) for a day on which he was unemployed, if it is shown

- (a) that the unemployment was not due to the wreck or loss of the ship or the termination of his employment on the sale of the ship or its ceasing to be a Barbados-registered ship, as the case may be; or

(b) that the seafarer was able to obtain suitable employment for that day but unreasonably refused or failed to take it.

(4) This section applies to a master in the same manner as it does to a seafarer.

### **Protection of rights and remedies**

**329.(1)** A seafarer's lien, remedies for the recovery of his wages, right to wages in case of the wreck or loss of his ship or any right he may have or obtain in the nature of salvage shall not renounced by an agreement.

(2) Subsection (1) does not affect the terms of an agreement made with a seafarer employed on a ship on salvage service regarding the remuneration to be paid to him for salvage services rendered by that ship.

### **Trade disputes involving seafarers**

**330.(1)** Notwithstanding an agreement, a seafarer employed in a Barbados-registered ship that is securely moored to a safe berth in port may terminate his employment in the ship by leaving the ship in contemplation or furtherance of a labour dispute, after giving to the master not less than 48 hours' notice of his intention to do so, and shall not be compelled, unless the notice is withdrawn, to go to sea in the 48 hours following the giving of such a notice.

(2) For the purposes of subsection (1), "labour dispute" means a dispute

(a) between

- (i) an employer, or a trade union on an employer's behalf, and one or more seafarers, or a trade union on his or their behalf; or
- (ii) between seafarers, or a trade union on their behalf, and other seafarers or another trade union on their behalf; and

(b) relating wholly or mainly to one or more of the following:

- (i) the terms and conditions of employment, or the physical conditions in which seafarers are required to work;

- (ii) the engagement or non-engagement, or termination or suspension of employment, of one or more seafarers; or
- (iii) the allocation of work as between seafarers or groups of seafarers; or
- (iv) a procedure agreement,

other than a matter that was the subject of a complaint that has been settled by a labour inspector or determined by the Employment Tribunal under the *Employment Rights Act, 2012* (Act 2012-9).

### **Remedies of master for remuneration, disbursements and liabilities**

**331.** The master of a ship is entitled to the same lien for his remuneration, and disbursements or liabilities properly made or incurred by him on account of the ship, as a seafarer has for his wages.

### **Certifying authority**

**332.** Certificates and other documents required under this Act or the regulations may be certified by

- (a) the Minister;
- (b) the Director; or
- (c) a recognized organization appointed by the Minister in consultation with the Director.

**Certificates in respect of non-Barbados seafarers and non-Barbados-registered ships**

**333.(1)** The Minister may, when requested by another contracting government of the STCW Convention or Maritime Labour Convention in respect one of its seafarers or ships,

- (a) cause a survey to be carried out in respect of the ship the seafarer is or will be serving on, to verify that the ship complies with the STCW Convention and Maritime Labour Convention;
- (b) verify that the seafarer's standard of training and certification complies with the STCW Convention; and
- (c) on completion of such a survey and payment of any prescribed fee, issue or endorse in respect of the seafarer any required STCW Convention or Maritime Labour Convention certification.

(2) Where a survey under subsection (1) reveals that a ship does not comply with the STCW Convention or Maritime Labour Convention, the Minister

- (a) shall not issue a certification until the vessel is brought into compliance with that Convention, or until measures have been put in place by the shipowner to bring the ship into compliance; and
- (b) shall communicate the reasons for refusing to issue the certification.

(3) Documentation issued under subsection (1)

- (a) shall be in English;
- (b) shall be in the form set out in this Act, the regulations or the applicable Convention; and
- (c) has the same effect as if it had been issued by the contracting government that made the request.

- (4) The Minister shall, as soon as possible, send to the requesting contracting government a copy of
- (a) the STCW Convention or Maritime Labour Convention documentation issued; and
  - (b) the survey report.
- (5) Subject to subsections (6) and (8), the Minister shall not issue STCW Convention or Maritime Labour Convention documentation in respect of a seafarer who will be serving on board a ship that
- (a) is registered in a country whose government is not a contracting government of that Convention; or
  - (b) is not registered in, but is entitled to fly the flag of, a country whose government is not a contracting government of that Convention.
- (6) The Minister may, at the request of the administration of a non-contracting government, ascertain compliance with the STCW Convention and Maritime Labour Convention in accordance with this Act and the regulations and issue STCW Convention and Maritime Labour Convention certificates accordingly.
- (7) A certificate issued under subsection (6) shall be endorsed to the effect that it has been issued at the request of the government of the state whose flag the ship is or will be flying, and a copy of the certificate shall be transmitted to the requesting government as soon as possible.
- (8) At the request of an owner of a foreign-registered ship flying the flag of a state whose government is not a contracting government, the Minister may issue a STCW Convention or Maritime Labour Convention certificate to the ship stating that it is for use only in Barbados waters.

**Issuance of certificates by another government in respect of Barbados-registered ships**

**334.(1)** The Minister may request a contracting government to survey a Barbados-registered ship, or to issue certification in respect of a seafarer to whom this Act applies, and to

- (a) issue, or authorize the issuance of; or
- (b) endorse, or authorize the endorsement of;

a STCW Convention or Maritime Labour Convention certificate, in accordance with that Convention, in respect of that ship or seafarer, if the contracting government is satisfied that the ship or seafarer, as the case may be, complies with the requirements of the that Convention.

(2) Where a certificate is issued under subsection (1),

- (a) the Minister is to be treated as the certifying authority in relation to it; and
- (b) any reference in this Act to the certifying authority that issued the certificate is to be treated as a reference to the Minister.

**Seafarers' documentation**

**335.(1)** The Administration may issue, renew, refuse to renew, approve, extend, grant an exemption from, endorse, suspend, revoke, modify, vary, approve, extend or endorse, as the case may be, any maritime documentation or instrument by it in the execution of its functions under this Act or its statutory instruments.

(2) Subsection (1) applies *mutatis mutandis* to the Ministry responsible for Labour, where the functions specified under subsection (1) in relation to the Administration has been transferred in accordance with section 10(3) to the Ministry responsible for Labour.

**STCW Convention certification of CARICOM and non-CARICOM seafarers**

**336.**(1) A certificate of competency, proficiency, endorsement or endorsement of recognition issued, by or under the authority of a CARICOM national maritime authority, to a seafarer who is a national of a CARICOM State party to the STCW Convention shall be recognized in accordance with Regulation I/10 of that Convention and the regulations to enable the CARICOM seafarer to serve on board a Barbados-registered ship.

(2) A certificate of competency, proficiency, endorsement or endorsement of recognition issued, by or under the authority of a state party to the STCW Convention, to a seafarer who is not from a CARICOM state shall be recognized in accordance with Regulation I/10 of the STCW Convention and the regulations.

**Suspension, cancellation or revocation STCW Convention certification**

**337.**(1) The Director, after consultation with the Minister and after proper investigation and inquiry has been carried out, may, in relation to a STCW Convention certification issued to a seafarer serving on board a Barbados-registered ship or a seafarer who is a national of Barbados serving on board a foreign-registered ship,

- (a) cancel the certificate, if an action resulting from incompetency of the seafarer leads to a maritime accident involving injury, death of a person, or damage to the ship's property;
- (b) temporarily suspend the certificate pending further investigation, if the seafarer is found guilty of an act of misconduct that results in damage to the ship, including abandonment, collision or stranding;
- (c) permanently revoke the certificate, if the seafarer intentionally provided misleading information that results in a shipping casualty or injury or the death of a person;

- (d) permanently revoke the certificate, if as a result of the seafarer being under the effect of alcohol a major shipping accident involving loss of life or property has occurred;
  - (e) suspend or permanently revoke the certificate, if the seafarer is found guilty of an act involving violence, misbehaviour with fellow seafarers or physical harassment that has led to the serious injury or death of a person or damage to the ship; or
  - (f) suspend or permanently revoke the certificate, if the seafarer makes a statement that he knows to be false or recklessly makes a statement that is false in a material particular for the purpose of obtaining for himself or another person a certificate or other document issued under this Act or the regulations, or under any other instrument in relation to seafarers.
- (2) Where a certificate is cancelled under subsection (1)(a), after the expiry of one year after the accident, the seafarer may apply and train for a new certificate of competency.
- (3) An order for suspension, cancellation or revocation of a certificate of competency shall be made only after a seafarer has been given a reasonable opportunity to provide an explanation for the wrong-doing in question.
- (4) A seafarer whose certificate of competency has been ordered to be suspended, cancelled or revoked may appeal the order to a court of competent jurisdiction within 30 days after the order is given.

### **Offences by seafarers**

**338.(1)** A seafarer employed in a Barbados-registered ship, and a Barbadian seafarer employed on a foreign-registered ship, commits an offence if the seafarer

- (a) to disobey a lawful command that is required to be obeyed at a time while the ship is at sea;
- (b) to neglect a duty that is required to be discharged at such a time; or

- (c) to impede, at such a time, the progress of a voyage or the navigation of the ship.
- (2) A seafarer who commits an offence under subsection (1) is liable
  - (a) on summary conviction, to a fine of \$50 000; or
  - (b) on conviction on indictment, to a fine of \$100 000 or imprisonment for a term of 2 years, or to both.
- (3) In respect of offences by Barbadian seafarers on foreign-registered ships, such seafarers shall be subject to the laws of the flag State in which the ship is registered.
- (4) In respect of subsection (3), where the flag State in which the ship is registered has no laws relating to offences by seafarers or equivalent provisions, then the fines at subsection (2) may be applied in respect of offences by Barbadian seafarers on a foreign-registered ship, subject to agreement between the Government of Barbados and the government of the flag State.
- (5) For the purpose of subsection (1),
  - (a) a reference to a time when a ship is at sea does not include any time when she is securely moored in a safe berth;
  - (b) the neglect of a duty, except in relation to a master, includes any disobedience to a lawful command; and
  - (c) a reference to a duty
    - (i) in relation to a master or seafarer, means a duty falling to be discharged by him in his capacity as such; and
    - (ii) in relation to a master, includes his duty with respect to the good management of his ship and the safety of operation of his ship and her machinery and equipment.

*Duties, Offences and Disciplinary Matters***General duty of seafarers**

**339.** Every seafarer has a duty to keep check of his actions while on a ship to ensure that no action results or will result in harm to the ship or her crew members or passengers.

**Disciplinary matters**

**340.(1)** The Minister may make regulations for the purpose of maintaining discipline on board Barbados-registered ships, having due regard to the fundamental principles and rights contained in Articles III and IV of the Maritime Labour Convention.

(2) Regulations made under subsection (1) may make different provisions for different circumstances.

(3) Nothing in the regulations or done under the regulations shall be construed as affecting any power to institute, prosecute, entertain or determine proceedings, including criminal proceedings, under any other enactment or at common law.

**Offences for which no penalty provided**

**341.(1)** A person who commits an offence under this Act or the regulations for which no specific penalty is provided is liable on summary conviction to a fine of \$3 000 000.

(2) Where an offence under this Act or the regulations is a continuing one and no other penalty is provided in respect of its continuance, a person who commits the offence is liable, in addition to any other penalty, to a fine of \$3 000 dollars for every day or part of a day during which the offence continues after conviction.

**Bribery**

**342.(1)** No person shall

- (a) without the authority to do so, give or promise to give, directly or indirectly, a reward to a person who is employed by the Government, or upon whom a duty is imposed or to whom any function is entrusted by or under this Act, in respect of the performance or non-performance by that person of his employment, duty or function; or
- (b) agree with or propose to any such person to do or permit anything in contravention or evasion of this Act.

(2) A person referred to in subsection (1)(a) shall not

- (a) demand or receive, except from or through the Government or in accordance with the provisions of this Act, a reward in respect of the performance or non-performance of his employment, duty or function; or
- (b) by any wilful act, neglect or default, do, permit or agree to do anything in contravention or evasion of this Act.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$250 000 or to imprisonment for a term of 3 years or to both.

**Administration may impose penalty upon admission of guilt**

**343.(1)** If a person

- (a) admits to the Administration that he has contravened a provision of this Act or has failed to comply with such a provision that it was his duty to comply with;
- (b) agrees to abide by the decision of the Administration; and

- (c) deposits with the Administration a sum required by the Administration, not exceeding the maximum fine that may be imposed upon a conviction for the contravention or failure in question,

the Administration may, after any enquiry it considers necessary, determine the matter summarily and may, without legal proceedings, order by way of penalty that the whole or any part of the deposit be forfeited.

(2) A person may appeal to the Minister from a determination or order by the Administration under subsection (1) under which a penalty exceeding \$3 000 is imposed, within 3 months from the date of the determination or order.

(3) The imposition of a penalty under subsection (1) shall not be deemed to be a conviction of a criminal offence, but no prosecution for the same offence shall subsequently be pursued.

(4) Nothing in this section shall in any way affect a liability to forfeiture of a ship, shares in a ship or goods.

#### **Release from forfeiture or mitigation of penalties**

**344.(1)** The Administration may, on such conditions as it thinks proper,

- (a) release or deliver to the owner a ship, a share in a ship or goods detained, seized or forfeited under this Act; or
- (b) mitigate or remit a penalty incurred under this Act that is not a sentence imposed after conviction by a court of law.

(2) The owner of a ship, share or goods referred to in subsection (1) who accepts any conditions imposed shall not subsequently institute or maintain an action or other proceedings for damages on account of the detention, seizure or forfeiture.

#### **Forgery and other fraudulent acts**

**345.(1)** No person shall

- (a) forge a document issued under this Act or its statutory instruments;

- (b) make a false representation for the purpose of procuring the issuance of a document, or of inducing a person to do an act that he is authorized to do, under the Act or its statutory instruments;
  - (c) produce or otherwise put off a forged document purporting to be a document issued under this Act or its statutory instruments, if he knows the document is forged;
  - (d) knowingly produce or otherwise use a document issued under this Act or its statutory instruments that has been cancelled or suspended, that has expired or to which he is not entitled;
  - (e) make in a document, produced or delivered to a person authorized to receive it under this Act or its statutory instruments, a statement that he knows is untrue in any particular;
  - (f) produce or deliver a document that contains a statement that he knows is untrue in any particular to a person authorized to receive it under this Act or its statutory instruments; or
  - (g) lend to a person who he knows is not entitled to it a document issued under this Act or its statutory instruments, or allow any such document to be used by such a person.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$250 000 or to imprisonment for a term of 3 years or to both.

### **Obstructing administration of the act**

**346.(1)** No person shall

- (a) damage, destroy, conceal or dispose of a ship or goods to prevent its detention, forfeiture or seizure under this Act;
- (b) rescue, damage or destroy a ship or goods detained, forfeited or seized under this Act;

- (c) knowingly receive or have in his possession any vessel or goods forfeited under the Act;
  - (d) insult, resist, hinder or mislead a person or court upon whom a duty is imposed or a power is conferred, or to whom a function is entrusted, by or under this Act in the discharge of that duty, the exercise of that power or the performance of that function;
  - (e) refuse or fail to give all reasonable assistance, when called upon to do so, to such a person or court in the discharge, exercise or performance of a function referred to in paragraph (d), or hinder or prevent another person from rendering such assistance;
  - (f) hinder or prevent a witness from attending in obedience to a summons issued under this Act; or
  - (g) hinder or prevent the service of a document under this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$250 000 or to imprisonment for a term of 3 years or to both.
- (3) The owner or master of a ship that has been detained under this Act, or any other person under his control, shall not cause or permit the ship to proceed to sea without the permission of a proper officer.
- (4) The master of a ship proceeding to sea shall not wrongfully take to sea an officer authorized to detain the vessel or a surveyor or other officer on board the vessel in the execution of his duty.
- (5) The owner or master of a ship who contravenes subsections (3) and (4) commit an offence and is liable on summary conviction to a fine of \$375 000 or to imprisonment for a term of 3 years or to both.

### **Protection from personal liability**

**347.** No liability shall lie personally against an authorized officer or authorized official who, or authorized entity that, acting in good faith and with

reasonable care, does or omits to do anything in the execution or purported execution of this Act or the regulations.

### **Conveyance of deserter on board ship**

**348.** If a seafarer or apprentice-officer of a Barbados-registered ship or of a ship flying the flag of an International Maritime Organization member state is convicted by a court of Barbados, or if a seafarer or apprentice-officer of a Barbados-registered ship is convicted by a court of a treaty country other than Barbados, of desertion, absence without leave or any other breach of discipline, the court may, if a voyage has not yet been completed and if the master, a ship's officer or the shipowner so requests, instead of imposing a fine or sentence of imprisonment, cause the seafarer or apprentice-officer to be conveyed on board for the purpose of proceeding on the voyage.

### **Inquiry into fitness or conduct of officer**

**349.(1)** Where it appears to the Director that an officer

- (a) is unfit to discharge his duties, including by reason of incompetence or misconduct; or
- (b) has been seriously negligent in the discharge of his duties,

the Director may cause an inquiry to be held by one or more persons appointed by the Human Element in Shipping Care Inspectorate and may suspend, pending the outcome of the inquiry, any certificate issued to the officer and require the officer to deliver it to him.

(2) Where a certificate issued to an officer has been suspended under subsection (1), the suspension may, on the application of the officer, be terminated by a court, and the decision of the court on such an application shall be final.

(3) An inquiry under this section shall

- (a) be conducted in accordance with rules made under this Act by the Minister; and

- (b) be held with the assistance of one or more assessors
- (4) A person holding an inquiry under this section into the fitness or conduct of an officer
  - (a) may, if satisfied of a matter referred to in subsection (1)(a) or (b) of, cancel or suspend a certificate issued to him under the regulations or censure him;
  - (b) may make an order with regard to the costs of the inquiry; and
  - (c) shall make a report on the case to the Director.
- (5) If a certificate is cancelled or suspended, the officer shall deliver it without delay to the person holding the inquiry or to the Director, unless he has earlier delivered it under subsection (1).
- (6) Any costs that a person is ordered to pay under subsection (4)(b) may be recovered from him by the Director.

#### **Disqualification of holder of certificate**

- 350.(1)** Where it appears to the Director that a person who holds a certificate of competence or other certificate issued under the regulations, other than one certifying that a person is qualified as an officer, is unfit to hold such a certificate, including by reason of incompetence or misconduct, the Director may give the holder notice in writing that he is considering the suspension or cancellation of the certificate.
- (2) The notice shall state the reasons why it appears to the Director that the person is unfit to hold the certificate and shall state that, within a period specified in the notice or such longer period as the Director may allow, the person may make written or oral representations to the Director.
  - (3) After considering any representations made under subsection (2), the Director shall decide whether to suspend or cancel the certificate and shall give the holder of it written notice of his decision.

- (4) Where the Director decides to suspend or cancel a certificate, the notice shall state the date from which the cancellation is to take effect, or the date from which the suspension is to take effect, and shall require the holder to deliver the certificate to the Director not later than the date specified, unless before that date the holder requires the case to be dealt with by an inquiry under section 351.
- (5) Where an inquiry is to be held under section 351, the suspension or cancellation shall not take effect except as ordered pursuant to the inquiry.
- (6) The Minister may make regulations prescribing the procedure to be followed with respect to
- (a) the making and consideration of representations under this section;
  - (b) the form of any notice to be given under this section; and
  - (c) the period to be specified in any such notice as the period within which any steps are to be taken.

#### **Inquiry into fitness or conduct of seafarer**

- 351.(1)** Where a person has, under section 350(4), required his case to be dealt with by an inquiry under this section, the Minister shall cause an inquiry to be held by one or more persons appointed by him.
- (2) An inquiry under this section shall be conducted in accordance with rules made under section 353.
- (3) A person holding an inquiry under this section
- (a) may confirm the decision of the Director and cancel or suspend the certificate accordingly;
  - (b) may, where the decision of the Director was to cancel the certificate, suspend it instead;
  - (c) may, where the decision of the Director was to suspend the certificate, suspend it for a different period;

- (d) may, instead of confirming the decision of the Director, censure the holder of the certificate or take no further action;
  - (e) may make an order with regard to the costs of the inquiry; and
  - (f) shall make a report on the case to the Minister.
- (4) If a certificate is cancelled or suspended under subsection (1), it shall be delivered without delay to the person holding the inquiry or to the Director.
- (5) Any costs that a person is ordered to pay under subsection (3)(e) may be recovered from him in such a manner as the Minister shall direct.

### **Re-hearing and appeal from inquiry**

**352.(1)** A person in respect of whom an inquiry has been held under section 349 or 351 may apply to the Minister for an order that the whole or part of the case be reheard.

- (2) The Minister shall make an order under subsection (1) if
- (a) new and important evidence that could not be produced at the inquiry has been discovered; or
  - (b) there appear to the Minister to be other grounds for suspecting that a miscarriage of justice may have occurred.
- (3) An order under subsection (1) may provide for the re-hearing to be held by a court.
- (4) Where on an inquiry the certificate of a person has been cancelled or suspended, or where the inquiry has found a person to be at fault, if no application for an order under subsection (1) has been made or such an application has been refused, the person or any other person with an interest in the inquiry who has appeared at the hearing and is affected by the decision or finding may appeal to a court.

### **Rules as to inquiries and appeals**

**353.**(1) The Minister may make rules for the conduct of inquiries under sections 349 or 351 and for any re-hearing under section 352.

(2) The rules shall require the persons holding the inquiry to hold it with the assistance of one or more assessors and may include rules providing for

- (a) the appointment and summoning of assessors;
- (b) the manner in which facts may be proved;
- (c) the persons allowed to appear; and
- (d) notices to be given to persons affected.

### **Failure to deliver cancelled or suspended certificate**

**354.** A person who fails to deliver a certificate as required under section 349, 350 or 351, commits an offence and is liable on summary conviction to a fine of \$50 000.

### **Power to restore certificate**

**355.** Where a certificate has been cancelled or suspended under sections 349, 350, 351 or 352, if the Director is of the opinion that the merit of the case requires it, he may

- (a) re-issue the certificate;
- (b) reduce the period of suspension and return the certificate; or
- (c) grant a new certificate of the same or a lower grade in place of the cancelled or suspended certificate.

**Power to summon witness to inquiry**

- 356.(1)** A person holding an inquiry under section 349 or 351 may
- (a) by summons, require a person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control that relate to a matter in question at the inquiry;
  - (b) take evidence on oath; and
  - (c) administer oaths or require the person examined to make a solemn affirmation.
- (2) On the failure of a person to attend an inquiry in answer to a summons under subsection (1), the person holding the inquiry may issue a warrant to arrest the summoned person and bring him before the inquiry at a time and place specified in the warrant, if
- (a) the person holding the inquiry is satisfied by evidence on oath that
    - (i) the summoned person is likely to be able to give material evidence or produce a document that relates to a matter in question at the inquiry;
    - (ii) the person has been duly served with the summons; and
    - (iii) a reasonable sum has been paid or tendered to him for costs and expenses; and
  - (b) it appears to the person holding the inquiry that there is no just excuse for the failure.

**Refusal to give evidence to inquiry**

**357.(1)** Where an person attending or brought before an inquiry refuses without just excuse to be sworn or give evidence, or to produce a document, the person holding the inquiry may

- (a) commit him to custody for a period not exceeding one month or until he gives evidence or produces the document, whichever occurs first; or
- (b) impose on him a fine of \$7 000.

(2) A fine imposed under subsection (1)(b), shall be treated for the purposes of its collection, enforcement and remission as having been imposed by a court, and the person holding the inquiry shall, as soon as practicable after imposing the fine, give particulars of it to the Registrar of the court or tribunal.

**Civil liability for absence without leave**

**358.(1)** This section applies with respect to the liability of a seafarer employed in a Barbados-registered ship to damages for being absent from his ship at a time when he is required under his contract of employment to be on board.

(2) Where a seafarer proves that his absence was due to an accident, mistake or some other cause beyond his control and that he took all reasonable precautions to avoid being absent, his absence shall not be treated as a breach of contract.

(3) In any other case,

- (a) if no special damages are claimed, the seafarer's liability shall be \$150; and
- (b) if special damages are claimed, his liability shall not be more than \$500.

**Civil liability for smuggling**

**359.** Where a seafarer employed in a Barbados-registered ship is found in civil proceedings before a court in Barbados to have committed an act of

smuggling, whether within or outside Barbados, he shall be liable to make good any loss or expense that the act has caused to another person.

### **Civil liability for fines under immigration laws**

**360.(1)** This section applies where, at a time when a Barbados-registered ship is in the internal waters or the territorial seas of a foreign country, a seafarer employed in the ship is absent without leave and present in that country in contravention of that country's laws.

(2) Where, by reason of the contravention, a penalty is incurred under those laws by the seafarer's employer, the penalty shall be treated as being attributable to his absence without leave and may, subject to section 358, be recovered from him as special damages for breach of contract.

(3) Where, by reason of the contravention, a penalty is incurred under those laws by another person, the lesser of the amount of the penalty and \$300 may be recovered by him from the seafarer.

### **Defence**

**361.** It is a defence for a person charged with an offence under this Act or the regulations that the person took all reasonable steps to avoid commission of the offence.

### *Maritime Labour Notices*

### **Marine notices**

**362.(1)** Subject to section 10(3), the Minister, in consultation with the Minister responsible for Labour, may publish in a maritime labour notice any information required under this Act or its statutory instruments.

- (2) The Administration may
- (a) issue marine guidance notices notes, in order to communicate significant advice and guidance relating to the improvement of maritime social and labour conditions; and
  - (b) issue marine information notices to a specific group in relation to time-limited information on maritime social and labour matters.

### **Criteria for maritime labour notices**

**363.** A maritime labour notice issued in relation to this Act or the regulations shall

- (a) be prefaced with the acronym 'MLN';
- (b) be sequenced with a number;
- (c) be suffixed with the letter of the type of vessel to which it relates;
- (d) be in a form prescribed by the Minister;
- (e) be made official by the Minister's signature, stamp or seal;
- (f) contain only mandatory information required;
- (g) have an issuance date; and
- (h) contain a title that indicates the matter to which the notice relates.

### **Validity of maritime labour notices**

**364.(1)** A maritime labour notice made by the Minister under the Act or regulations is valid until it is

- (a) amended or revoked by a subsequent maritime labour notice;
- (b) amended or revoked by a provision of this Act or its statutory instruments to which the notice relates; or
- (c) otherwise rendered invalid by the Minister.

(2) Where a maritime labour notice amends or revokes a previous notice, the notice that it amends or revokes shall be identified within it.

### **Sources of information for maritime labour notices**

**365.** A maritime labour notice made in relation to this Act or the regulations shall contain information only from the following sources:

- (a) the STCW Convention;
- (b) the Maritime Labour Convention;
- (c) other seafarer-related guidelines or other instruments of the International Labour Organization and International Maritime Organization; and
- (d) information specified in the regulations to be contained in a maritime labour notice.

### **Criteria for maritime labour guidance notice**

**366.** A marine labour guidance note made in relation to this Act or the regulations shall

- (a) be prefaced with the acronym 'MLGN';
- (b) be sequenced with a number;
- (c) be suffixed with the letter of the type of vessel to which it relates;
- (d) be in the form prescribed by the Director;
- (e) be made official by an issuing authority referred to in section 373;
- (f) be advisory in nature;
- (g) have an issuance date; and
- (h) contain a title that indicates the matter to which the note relates.

**Validity of marine labour guidance notes**

**367.(1)** A marine labour guidance note issued in relation to this Act or the regulations is valid until it is

- (a) amended or revoked by a subsequent marine labour guidance note;
- (b) amended or revoked by a maritime labour notice to which it relates; or
- (c) otherwise rendered invalid by the Director.

(2) Where a marine labour guidance note amends or revokes a previous note, it shall identify the note that it amends or revokes.

**Sources of information for marine labour guidance notes**

**368.** A marine labour guidance note made in relation with this Act or the regulations shall contain information only from the following sources:

- (a) the sources referred to in section 365;
- (b) Human Element, Training and Watchkeeping guidelines provided by the International Maritime Organization's Sub-Committee on Human Element, Training and Watchkeeping;
- (c) International Labour Organization guidelines on matters related to seafarers; and
- (d) information specified in the regulations to be contained in a marine labour guidance note.

**Criteria for marine information notes**

**369.** A maritime labour information note made in relation to this Act or the regulations shall

- (a) be prefaced with the acronym 'MLIN';
- (b) be sequenced with a number;
- (c) be suffixed with the letter of the type of vessel to which it relates;

- (d) be in the form prescribed by the Director;
- (e) be made by an issuing authority referred to in section 373;
- (f) be information-specific for the target audience;
- (g) contain information that will only be useful for a short time period;
- (h) have an issuance date;
- (i) have a cancellation date; and
- (j) contain a title that indicates the matter to which the marine information note relates.

#### **Validity of marine information notes**

**370.(1)** A marine information note issued in relation with this Act or the regulations is valid only for 12 months from the date of publication of the note.

(2) Where, within the 12-month period following issuance of a marine information note, a subsequent note is published amending or revoking the previously issued note, the note shall identify the note that it amends or revokes.

#### **Sources of information for marine information notes**

**371.** A marine information note made in relation to this Act or the regulations shall contain information only from the following sources:

- (a) the sources referred to in section 365;
- (b) the Administration;
- (c) maritime law enforcement;
- (d) maritime industry stakeholders to whom the specific information relates; and
- (e) any other source endorsed by the Administration and officially publicized by it.

**Issuance of maritime labour notices**

**372.** A maritime labour notice shall be issued only by the Minister.

**Issuance of marine labour guidance notes and marine information notes**

**373.** The following persons may issue marine labour guidance notes and marine information notes in relation to this Act or the regulations:

- (a) the Administration;
- (b) the Ministry responsible for Labour;
- (c) the Chief Maritime Social Services Officer;
- (d) the Fisheries Division, in relation to fishing vessel personnel working on board vessels; or
- (e) the Barbados Immigration Department, in respect of immigration related seafaring affairs.

**Issuance of marine information notes**

**374.** Principals or directors of local marine educational and training institutions may publish marine information notes pertaining to seafarers concerning matters relevant to their institutions that in their determination should be publicized to the shipping industry.

**Compliance and enforcement**

**375.(1)** Every person shall comply with any requirements specified in a maritime labour notice.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to \$200 000.

**MLC exemption certificates**

**376.(1)** When an exemption is granted to a ship in accordance with the Act, a Maritime Labour Convention exemption certificate shall be issued in addition to any certificate issued under this Act or the regulations.

(2) A Maritime Labour Convention exemption certificate shall be issued for a period of validity that is not longer than the period of validity of the certificate to which it refers.

(3) A Maritime Labour Convention exemption certificate shall be subject to the same extension and other provisions as the certificate to which it refers.

(4) Where a Maritime Labour Convention exemption certificate has been issued, a statement to this effect shall be included on the certificate to which it refers.

(5) The fee payable for a Maritime Labour Convention exemption certificate for a ship of less than 200 GT is the fee established under section 381.

(6) The fee payable for a Maritime Labour Convention exemption certificate for a ship above 200 GT but less than 500 GT is the fee established under section 381.

**Repeal**

**377.** The

(a) *Shipping (Safe Manning, Watchkeeping and Hours of Work) Regulations, 2001* (S.I. 2001 No. 44); and

(b) *Shipping (Endorsement) Regulations, 2001* (S.I. 2001 No. 45)

are repealed.

**Conventions prevail**

**378.** Where this Act or its statutory instruments conflict with the STCW Convention or the Maritime Labour Convention, those conventions and any

international regulations made under them prevail to the extent of the inconsistency.

### **Travaux préparatoires**

**379.** Where there is any need for further clarity in respect of a provision of the STCW Convention or Maritime Labour Convention incorporated under this Act or the regulations, the travaux préparatoires of those instruments may be consulted.

### **Allocation of monies**

**380.** Fifty per cent of the proceeds of fees generated, and fines imposed, under this Act or the regulations shall be allocated to, and apportioned between, any seafarer funds commissioned by the Human Element in Shipping Care Inspectorate.

### **MLC-related fees**

**381.(1)** The Administration may, in a maritime labour notice, specify the following fees for Barbados-registered ships engaged on international voyages:

- (a) issuance of an initial maritime labour certificate;
- (b) issuance of a 5-year renewal maritime labour certificate;
- (c) issuance of a declaration of maritime labour compliance – Part I;
- (d) issuance of an interim maritime labour certificate;
- (e) assessment and issuance of a temporary dispensation;
- (f) issuance of an national declaration, accompanied by maritime labour certificate and declaration of maritime labour compliance;
- (g) review of request for a Maritime Labour Convention exemption or the equivalent;
- (h) annual issuance of a Maritime Labour Convention statement of acceptance of financial security;

- (i) a request to a foreign government for the performance of a service referred to in paragraphs (a) to (h);
  - (j) services referred to in paragraphs (a) to (h) in relation to Barbados-registered commercial yachts and Barbados-registered private yachts on which seafarers are employed;
  - (k) inspections under section 255(1);
  - (l) issuance of a certificate of compliance for private seafarer recruitment and placement services;
  - (m) issuance of a seafarers' identity document;
  - (n) renewal of a seafarers' identity document;
  - (o) issuance of a maritime labour convention exemption certificate for a ship of less than 200 GT;
  - (p) issuance of a maritime labour convention exemption certificate for a ship above 200 GT but less than 500 GT;
  - (q) issuance of a licence to provide seafarer training and educational services; and
  - (r) any other fees in respect of seafaring industry related services.
- (2) The Minister or the Minister responsible for Labour, as the case may be, subject to section 10(3), may partially or wholly waive fees in respect of seafaring industry related services.
- (3) Notwithstanding any fees specified in this Act or its statutory instruments made under this Act,
- (a) modifications or additions to fees in respect of seafaring industry related services;
  - (b) discounts;
  - (c) waivers; or
  - (d) other fee-related matters,

may be specified in a Seafaring Industry (Fee) Notice.

(4) The Minister responsible for Immigration shall be responsible for setting fees in respect of seafarers' identity documents required for seafarers' international travel. Such fees shall be specified in a Seafaring Industry (Fee) Notice.

### **Regulations**

**382.** The Minister may make regulations generally for carrying out the purposes of this Act.

### **Amendment of Schedules**

**383.** The Minister may by order amend the *First to Sixteenth Schedules* to this Act.

### **Standards adopted after the commencement of this Act**

**384.(1)** Standards and measures in respect of seafarers adopted by the International Maritime Organization or International Labour Organization after the commencement of this Act shall supersede standards and measures specified in this Act, any statutory instruments made under this Act, or in any other enactment, where those standards and measures are inconsistent with the standards and measures adopted by the International Maritime Organization or International Labour Organization after the commencement of this Act.

(2) The Administration shall publish in a marine notice the relevant requirements in respect of such standards and measures in respect of seafarers.

### **Consequential amendments**

**385.** The enactment set out in Column 1 of the *Seventeenth Schedule* are amended in the manner specified in Column 2 of the *Seventeenth Schedule*.

**FIRST SCHEDULE***(Sections 2, 210, 237 and 238)*

## Shipowners' and Seafarers' Organizations

**Shipowners' organizations to be consulted:**

1. International Maritime Organization (IMO)
2. International Chamber of Shipping (ICS)
3. European Community Shipowners' Association (ECSA)
4. Intertanko (International Tanker Owners Association)
5. International Parcel Tankers Association (IPTA)
6. World Shipping Council (WSC)
7. Intercargo (International Association of Dry Cargo Shipowners)
8. BIMCO (Baltic and International Maritime Council)
9. Cruise Lines International Association (CLIA)
10. Any other shipowners' organizations specified in a maritime labour notice
11. International Labour Organization (ILO)
12. International Maritime Organization (IMO)
13. International Transport Workers' Federation (ITF)
14. International seafarers Welfare and Assistance Network (ISWAN)
15. Sailors Helpline
16. Apostleship of the Sea (Aos)
17. International Christian Maritime Association (ICMA)
18. Seafarers UK
19. Sailors' Society
20. Maritime Piracy – Humanitarian Response Program (MPHRP)
21. Nautilus International
22. Any other seafarers' organizations specified in a maritime labour notice

**SECOND SCHEDULE***(Section 46)*

Activities of work likely to jeopardize the health  
or safety of seafarers under 21 years of age

Seafarers under 21 years of age are prohibited from the following types of work on board a ship:

1. Working in the ship's engine room.
2. Working in the ship's pressure cabins.
3. Working with dangerous substances and materials, such as
  - (a) substances and materials used on board ships that are marked with the following danger symbols or designations:
    - (i) Tx - very toxic;
    - (ii) T - toxic;
    - (iii) C - caustic; or
    - (iv) E - explosive;
  - (b) substances and materials marked with the following risk phrases:
    - (i) R39 - Danger of very serious irreversible effects;
    - (ii) R45 - May cause cancer;
    - (iii) R46 - May cause heritable genetic damage; or
    - (iv) R60 - May cause harm to the unborn child;

*Second Schedule - (Cont'd)*

- (c) substances and materials that are marked with the danger symbol and danger designation Xn, meaning harmful to health, and that are also marked with at least one of the following risk phrases:
    - (i) R40 - possible risks of irreversible effects;
    - (ii) R42 - may cause sensitization by inhalation;
    - (iii) R48 - danger of serious damage to health by prolonged exposure;
    - (iv) R62 - possible risk of impaired fertility; or
    - (v) R63 - possible risk of harm to the unborn child;
  - (d) substances and materials marked with the danger symbol and danger designation Xi, meaning irritant, and that are also marked with the risk phrase "R43 - may cause sensitization by skin contact"; or
  - (e) substances and materials marked with the phrase "R12 - extremely flammable".
4. Cargo lashing/securing.
  5. Working with technical aids, installations or hazardous working processes, such as
    - (a) mechanically driven technical aids, such as machines with fast cutting tools, machines with piston-like movements, machines with open rollers or worms, mixing, painting, grinding and chopping machines, cutting machines, tearing machines and centrifuges, beating tools, apparatuses for cleaning, painting, rust protection treatment or the like, with a working pressure of more than 7 Mpa, i.e. 70 bars;
    - (b) engine-driven machinery, such as industrial trucks, fork stackers or fork trucks, as a driver or operator; or
    - (c) mechanically driven lifting devices or transporters, lifts, cranes, working platforms, suspended scaffolds, winches and otter boards, other than operating push-button lifts.
  6. Any type of work that involves a high degree of hazard or risk of accidents.
  7. Work involving exposure to noise and vibrations at levels that may present a danger to their health.

*Second Schedule - (Concl'd)*

8. Work requiring physical strain that may be harmful to health or development in the short or long-term, including loads carried or lifted by an individual seafarer weighing more than 25 kg and, to the widest extent possible, carrying loads of more than 12 kg, except in connection with work taking place under ergonomically appropriate conditions.
9. Piece work, work where the pace is decided by a machine.
10. Work on tasks where there is a risk of items falling or collapsing, unless such dangers are effectively secured against by means of technical aids that do not involve the use of personal protective equipment.
11. Work in surroundings that may present a danger to safety due to extremely high or extremely low pressures.
12. Work where the seafarer is exposed to ionizing radiation or any other form of radiation.
13. Work associated with a high risk of high voltage shocks.
14. Work where there is a risk of suffocation due to lack of oxygen.
15. Work involving the recharging of pressure cylinders.
16. Work encompassing processes that may involve a risk of explosion, unless effective technical measures have been taken to prevent personal injury.
17. Work where breathing masks are required to be used, for more than 4 hours per day.
18. Work on their own if the work may involve a special risk of being exposed to violence.

**THIRD SCHEDULE**

*(Sections 204 and 206)*

Compensation in the event of the death  
or long-term disability

In the event of death or long-term disability of a seafarer, shipowners shall cover the following:

1. Wages

Payment of full wages, inclusive of bonuses. The shipowner shall pay basic wages to incapacitated seafarers whilst onboard or put ashore up to the time they recover, or if/when repatriated, 16 weeks have elapsed since the date of the injury or commencement of sickness. After repatriation, the shipowner's liability is only to meet the difference between state benefits paid and the level of basic wages.

2. Compensation in case of Loss or Foundering

The maximum amount the shipowner will pay as compensation for loss in such circumstances shall be specified in the seafarer's Employment Agreement.

3. Financial Security

The shipowner shall provide financial security, a contract of insurance or other security adequate to ensure that the shipowner will meet any liabilities under national law or under seafarer employment agreements, to provide compensation in the event of death or long term disability to seafarers arising from occupational injury, illness or hazard.

4. Burial and Cremation

The shipowner shall meet any expenses reasonably incurred in the cost of burial or cremation of a deceased seafarer, wherever this takes place, except

- (a) if the seafarer dies ashore in their country of residence; or
- (b) to the extent the expenses are met by a public authority.

*Third Schedule - (Concl'd)*

## 5. Medical Care

The shipowner shall ensure that the seafarer is provided with medical care onboard, so far as is practicable, and meet the cost of surgical, medical, dental and optical treatment, while the seafarer is employed or onboard, board and lodging away from home when not onboard the ship, up to the time the seafarer has recovered, been repatriated or the incapacity has been declared of a permanent nature. Shipowners should note that if, following the incapacity being declared of a permanent nature by an approved doctor, the seafarer lodges a successful appeal against this decision, and the shipowner's obligation towards the seafarer will be re-instated as if it had continued without interruption. This obligation is limited to 16 weeks from the date of sickness injury occurring, and does not apply when those expenses are met by a public authority.

## 6. Expiry of seafarers' Employment Agreement Prior to the end of Liability Period

Where a seafarer's seafarer employment agreement expires during the period in which the above liabilities are payable, the liabilities continue to be payable as if the agreement continued to be in force during this period.

## 7. Exceptions

The shipowner obligations in wages, burial and medical care do not apply if

- (a) the seafarer is injured when not at work;
- (b) if sickness or injury was due to the seafarer's wilful misconduct; or
- (c) the seafarer concealed an existing sickness or incapacity from the shipowner when he entered into the seafarer's employment agreement.

**FOURTH SCHEDULE***(Sections 204 and 206)*

## Social Security Scheme

The social security scheme for seafarers who are nationals of Barbados shall cover the following contingencies:

1. Sickness benefit: The contingency covered includes incapacity for work resulting from a morbid condition and involving suspension of earnings.
2. Unemployment benefit: The contingency covered includes suspension or loss of earnings due to inability to obtain suitable employment.
3. Old-age benefit: The contingency covered is survival beyond 50 years of age.
4. Employment injury benefit: The contingencies covered include a morbid condition, incapacity for work, invalidity or a loss of faculty due to an industrial accident or a prescribed occupational disease.
5. Maternity benefit: The contingencies covered are the medical care required by pregnancy, confinement and their consequences and the resulting suspension of earnings.
6. Paternity benefit: The contingencies covered are financial payment to the father, allowing him to take time off work to assist in caring for the newborn child, and the resulting suspension of earnings.
7. Invalidity benefit: The contingency covered is the inability to engage in any gainful activity where such inability is likely to be permanent or persists after the period during which the beneficiary is entitled to benefit from temporary incapacity.
8. Survivors' benefit: The contingency covered is the loss of support suffered by the widow or children as a result of the death of the breadwinner.
9. Medical benefit: The contingencies covered include any morbid condition, whatever its cause and the medical care required as a result, as well as the medical care necessitated by pregnancy, confinement and their consequences; medical care of a preventive nature is also covered.
10. Family benefit: the contingency covered is the responsibility for the maintenance of children under school-leaving age or under 15 years of age.

**FIFTH SCHEDULE**

*(Sections 225 and 237)*



*Seafarers Act, 2026*  
(Act 2026- )

Form for the Maritime Labour Certificate

*(Note: This Certificate shall have a declaration of maritime labour compliance attached)*

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 under the authority of the Government of Barbados by the Ministry of Maritime Affairs and the Blue Economy under the provisions of the *Seafarers Act, 2026* (Act 2026- ).

**Particulars of the Ship**

Name of Ship: \_\_\_\_\_  
\_\_\_\_\_

Distinctive number or letters: \_\_\_\_\_

Port of registry: \_\_\_\_\_  
\_\_\_\_\_

Date of registry: \_\_\_\_\_ Gross tonnage: \_\_\_\_\_

*Fifth Schedule - (Cont'd)*

Name and address of shipowner: \_\_\_\_\_

\_\_\_\_\_

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Maritime Labour Convention, and the provisions of the attached declaration of maritime labour compliance.
2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention in respect of:
  - (a) minimum age;
  - (b) medical certification;
  - (c) qualifications of seafarers;
  - (d) seafarers' employment agreements;
  - (e) use of any licensed or certified or regulated private recruitment and placement service;
  - (f) hours of work or rest;
  - (g) manning levels for the ship;
  - (h) accommodation;
  - (i) on-board recreational facilities;
  - (j) food and catering;
  - (k) health and safety and accident prevention;
  - (l) on-board medical care;

*Fifth Schedule - (Cont'd)*

- (m) on-board complaint procedures; and
- (n) payment of wages,

were found to correspond to Barbados' national requirements implementing the Maritime Labour Convention, 2006. These national requirements are summarized in the declaration of maritime labour compliance, Part I.

This Certificate is valid until \_\_\_\_\_ subject to inspections in  
*(Day/Month/Year)*

accordance with Standards A 5.1.3 and A 5.1.4 of the Maritime Labour Convention, 2006.

This Certificate is valid only when the declaration of maritime labour compliance is issued at \_\_\_\_\_ on \_\_\_\_\_ is attached.  
*(Place)* *(Day/Month/Year)*

Completion date of the inspection on which this Certificate is based was \_\_\_\_\_ .  
*(Day/Month/Year)*

Issued at \_\_\_\_\_  
*(Place)*

on \_\_\_\_\_ .  
*(Day/Month/Year)*

Signed: \_\_\_\_\_  
*(Signature of duly authorized official)*

*(Seal or stamp of duly authorized official, as appropriate)*

*Fifth Schedule - (Cont'd)*

*Endorsements for mandatory intermediate inspection, and if required, any additional inspection*

This is to certify that the ship was inspected in accordance with Standards A 5.1.3 and A 5.1.4 of the Maritime Labour Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Maritime Labour Convention were found to correspond to Barbados' requirements implementing the Convention.

Intermediate inspection:  
(to be completed between the  
second and third anniversary dates)

Signed: \_\_\_\_\_  
*(Signature of duly authorized official)*

Place: \_\_\_\_\_  
*(Place)*

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized official, as appropriate)*

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the *Seafarers Act, 2026* (Act 2026- ) implementing the Maritime Labour Convention, 2006 as required by Standard A 3.1, paragraph 3 of that Convention (re-registration or substantial alteration of accommodation) or for other reasons.

*Fifth Schedule - (Concl'd)*

Additional inspection:  
(if required )

Signed: \_\_\_\_\_  
*(Signature of duly authorized official)*

Place: \_\_\_\_\_  
*(Place)*

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized official, as appropriate)*

Additional inspection:  
(if required )

Signed: \_\_\_\_\_  
*(Signature of duly authorized official)*

Place: \_\_\_\_\_  
*(Place)*

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized official, as appropriate)*

**SIXTH SCHEDULE***(Section 222)*

*Seafarers Act, 2026*  
 (Act 2026- )

Form for Part I of Declaration of Maritime Labour Compliance

**Declaration of maritime labour compliance – Part I**

*(Note: This Declaration must be attached to the ship's maritime labour certificate)*

Issued under the authority of the Government of Barbados

With respect to the provisions of the Maritime Labour Convention, 2006, and of the *Seafarers Act, 2026* (Act 2026- ) the following referenced ship:

Name of Ship	IMO number	Gross tonnage

is maintained in accordance with Standard A 5.1.3 of the Maritime Labour Convention.

*Sixth Schedule - (Cont'd)*

The undersigned declares, on behalf of the Government of Barbados, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
  - (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided when necessary;
  - (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided under the corresponding national requirements listed below;
  - (d) any exemptions granted by the Director of Ocean Affairs, in consultation with the Minister, in accordance with Title 3 of the Maritime Labour Convention are clearly indicated in the section provided for this purpose below; and
  - (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.
1. Minimum age (section 42)
  2. Medical certification (section 43)
  3. Qualifications of seafarers (section 58)
  4. Seafarers' employment agreements (section 79)
  5. Use of any licensed or certified or regulated private recruitment and placement service (section 255)
  6. Hours of work or rest (section 123)
  7. Manning levels for the ship (section 161)
  8. Accommodation (sections 174 to 182)
  9. On-board recreational facilities (section 187)

*Sixth Schedule - (Cont'd)*

- 10. Food and catering (section 188)
- 11. Health and safety and accident prevention (section 208)
- 12. On-board medical care (section 208)
- 13. On-board complaint procedures (section 230)
- 14. Payment of wages (section 89)

Name: \_\_\_\_\_  
*(Full name)*

Title: \_\_\_\_\_  
*(Position)*

Signature: \_\_\_\_\_  
*(Signature)*

Place: \_\_\_\_\_  
*(Place)*

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized official, as appropriate)*

*Sixth Schedule - (Cont'd)*

Substantial equivalencies

*(Note: Strike out the statement which is not applicable)*

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Maritime Labour Convention, except where stated above, are noted (insert description if applicable):

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No equivalency has been granted.

Name: \_\_\_\_\_  
*(Full name)*

Title: \_\_\_\_\_  
*(Position)*

Signature: \_\_\_\_\_  
*(Signature)*

Place: \_\_\_\_\_  
*(Place)*

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized official, as appropriate)*

*Sixth Schedule - (Concl'd)*

Exemptions

*(Note: Strike out the statement which is not applicable)*

The following exemptions granted by the Director of Ocean Affairs, in consultation with the Minister as provided in Title 3 of the Maritime Labour Convention are noted:

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No exemption has been granted.

Name: \_\_\_\_\_  
*(Full name)*

Title: \_\_\_\_\_  
*(Position)*

Signature: \_\_\_\_\_  
*(Signature)*

Place: \_\_\_\_\_  
*(Place)*

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized official, as appropriate)*

**SEVENTH SCHEDULE**

*(Section 222(6))*



*Seafarers Act, 2026*  
(Act 2026- )

**Form for Part II of Declaration of  
Maritime Labour Compliance**

*Measures to be adopted to ensure ongoing compliance between inspections*

The following measures have been drawn up by the shipowner, named in the maritime labour certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

*(State below the measures drawn up to ensure compliance with each of the items in Part I)*

1. Minimum age (Regulation 1.1, MLC)

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2. Medical certification (Regulation 1.2, MLC)

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*Seventh Schedule - (Cont'd)*

3. Qualifications of seafarers (Regulation 1.3, MLC)

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4. Seafarers' employment agreements (Regulation 2.1, MLC)

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5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4, MLC)

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6. Hours of work or rest (Regulation 2.3, MLC)

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7. Manning levels for the ship (Regulation 2.7, MLC)

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8. Accommodation (Regulation 3.1, MLC)

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*Seventh Schedule - (Cont'd)*

9. On-board Recreational Facilities (Regulation 3.1, MLC)

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10. Food and catering (Regulation 3.2, MLC)

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11. Health and Safety and Accident Prevention (Regulation 4.3, MLC)

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12. On-board medical care (Regulation 4.1, MLC)

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13. On-board complaint procedures (Regulation 5.1.5, MLC)

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14. Payment of wages (Regulation 2.2, MLC)

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I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

*Seventh Schedule - (Cont'd)*

Name of shipowner: \_\_\_\_\_  
*(Full name)*

Company address: \_\_\_\_\_  
*(Address)*

Name of the authorized signatory: \_\_\_\_\_  
*(Full name)*

Title: \_\_\_\_\_  
*(Position)*

Signature of the authorized signatory: \_\_\_\_\_  
*(Signature)*

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized official, as appropriate)*

The above measures have been reviewed by (insert name of competent authority or duly recognized organization) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A 5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

*Seventh Schedule - (Concl'd)*

Name: \_\_\_\_\_  
*(Full name)*

Title: \_\_\_\_\_  
*(Position)*

Signature: \_\_\_\_\_  
*(Signature)*

Place: \_\_\_\_\_  
*(Place)*

Date: \_\_\_\_\_  
*(Day/Month/Year)*

*(Seal or stamp of duly authorized officer, as appropriate)*

**EIGHTH SCHEDULE**

*(Section 224)*



*Seafarers Act, 2026*  
(Act 2026- )

**Interim Maritime Labour Certificate**

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention under the authority of the Government of Barbados by

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*(Full designation and address of the duly recognized organization duly authorized by the Government of Barbados to inspect international ocean-going ships flying the Barbados flag)*

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**Particulars of the Ship**

Name of Ship: \_\_\_\_\_

Distinctive number or letters: \_\_\_\_\_

Port of registry: \_\_\_\_\_

Date of registry: \_\_\_\_\_

Gross tonnage: \_\_\_\_\_

Name and address of shipowner: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*Eighth Schedule - (Concl'd)*

This is to certify, for the purposes of Standard A 5.1.3, paragraph 7, of the Maritime Labour Convention, 2006 that:

- (a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Maritime Labour Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the recognized organization that the ship has adequate procedures to comply with the Maritime Labour Convention;
- (c) the master is familiar with the requirements of the Maritime Labour Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the Director of Ocean Affairs or the recognized organization to produce a declaration of maritime labour compliance.

This Certificate is valid until \_\_\_\_\_ subject to inspections in accordance with Standards A 5.1.3 and A 5.1.4.  
*Day/Month/Year*

Completion date of the inspection on which this Certificate is based was \_\_\_\_\_ .  
*Day/Month/Year*

Issued at \_\_\_\_\_  
*(Place)*

on \_\_\_\_\_ .  
*Day/Month/Year*

Signed: \_\_\_\_\_  
*(Signature of issuing authority, as appropriate)*

N.B. The maritime labour certificate and declaration of maritime labour compliance are only required for ships:

- (a) 500 GT or over, engaged in international voyages; and
- (b) 500 GT or over, flying the flag of Barbados and operating from a port or between ports in another country;
- (c) any ship flying the flag of a MLC Member state and is not covered by paragraph 1 Regulation 5.1.3 MLC, at the request of the shipowner to the Member concerned.

**NINTH SCHEDULE***(Section 238(4))*

*Seafarers Act, 2026*  
(Act 2026- )

General areas subject to a detailed inspection  
under the Maritime Labour Convention

The general areas that are subject to a detailed inspection by an authorized officer in any local seaport carrying out a port state inspection pursuant to Standard A 5.2.1, and as outlined under Appendix A5-III of the Maritime Labour Convention are:

- (a) minimum age;
- (b) medical certification;
- (c) qualifications of seafarers;
- (d) seafarers' employment agreements;
- (e) use of any licensed or certified or regulated recruitment and placement service;
- (f) hours of work or rest;
- (g) manning levels for the ship;
- (h) accommodation;
- (i) on-board recreational facilities;
- (j) food and catering;
- (k) health and safety and accident prevention;
- (l) on-board medical care;
- (m) on-board complaint procedures; and
- (n) payment of wages.

**TENTH SCHEDULE***(Section 240)*

*Seafarers Act, 2026*  
(Act 2026- )

Declaration of Maritime Labour Compliance  
for ships less than 500 GT but above 150 GT - Part I

*(Note: This Declaration shall be attached to the ship's maritime labour certificate)*

Issued under the authority of: **The Ministry responsible for Shipping in Barbados**

With respect to the provisions of the Maritime Labour Convention, the following referenced ship:

Name of Ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a)* the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b)* these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c)* the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided \*[under the corresponding national requirement listed below] \*[in the section provided for the purpose below]
- (d)* any exemptions granted by the competent authority in accordance with Title 3, Maritime Labour Convention are clearly indicated in the section provided for this purpose below; and
- (e)* any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

\*Delete statement that is not applicable

*Tenth Schedule - (Cont'd)*

1. Minimum age (Regulation 1.1, Maritime Labour Convention)

*Seafarers Act* (cite any applicable regulations)

Minimum ages are those referred to in the Act.

*Night means a period from ( ), unless the Administration approves a different period. Examples of hazardous work restricted to 18 year olds or over are listed in a schedule hereto. In the case of cargo ships, no one under 18 may work in the areas marked on the ship's plan (to be attached to this Declaration) as "hazardous area".*

2. Medical Certification (Regulation 1.2, Maritime Labour Convention)

*Seafarers Act*

*Medical certificates shall conform to the STCW Convention requirements, where applicable; in other cases, the STCW Convention requirements are applied with any necessary adjustments. Qualified opticians on list approved by the Administration may issue certificates concerning eyesight.*

*Medical examinations follow the International Labour Organization/WHO Guidelines referred to in Maritime Labour Convention Guideline B1.2.1*

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*Tenth Schedule - (Concl'd)*

DECLARATION OF MARITIME LABOUR COMPLIANCE - PART II

*Measures adopted to ensure ongoing compliance between inspections*

The following measures have been drawn up by the shipowner, named in the maritime labour certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

*(State below the measures drawn up to ensure compliance with each of the items in Part I)*

1. Minimum age (Regulation 1.1, MLC)

*Date of birth of each seafarer is noted against his/her name on the crew list. The list is checked at the beginning of each voyage by the master or officer acting on his or her behalf ("competent officer"), who records the date of such verification. Each seafarer under 18 receives, at the time of engagement, a note prohibiting him/her from performing night work or the work specifically listed as hazardous (see Part I section I above) and any other hazardous work, and requiring him/her to consult the competent officer in case of doubt. A copy of the note, with the seafarer's signature under "received and read", and the date of the signature, is kept by the competent officer.*

2. Medical certification (Regulation 1.2, Maritime Labour Convention)

*The medical certificates are kept in strict confidence by the competent officer, together with a list, prepared under the competent officer's responsibility and stating for each seafarer on board:*

- (a) the functions of the seafarer;*
- (b) the date of the current medical certificate(s) and the health status noted on the certificate concerned.*

*In any case of possible doubt as to whether the seafarer is medically fit for a particular function or functions, the competent officer consults the seafarer's doctor or another qualified practitioner and records a summary of the practitioner's conclusions, as well as the practitioner's name and telephone number and the date of the consultation.*

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**N.B. The DMLC Part II shall be certified and endorsed by the recognized organization after ship inspection.**

**ELEVENTH SCHEDULE**

*(Section 47(2))*



*Seafarers Act, 2026*  
(Act 2026- )

Form of Seafarers' Medical Certificate

**Guidance on Assessment of the Minimum Entry Level and in-Service**

**Physical Abilities for Seafarers**

**Seafarers' Medical Examination Form**

**CONFIDENTIAL**

Pre-Sea Exam

Periodic Exam

Name (last, first, middle): \_\_\_\_\_

Date of birth: \_\_\_\_\_ Sex: Male  Female   
*(Day/Month/Year)*

Nationality: \_\_\_\_\_

Home address: \_\_\_\_\_

Seafarers' Identity Document No: \_\_\_\_\_

Type of Ship (e.g. container, tanker, passenger, etc.): \_\_\_\_\_

Trade area (e.g. coastal, tropical, worldwide): \_\_\_\_\_

*Eleventh Schedule - (Cont'd)***Examinee's Personal Declaration***(Assistance should be offered by medical personnel)*

Have you ever had any of the following conditions:

<b>Condition</b>	<b>Yes</b>	<b>No</b>
1. Eye vision problem	<input type="checkbox"/>	<input type="checkbox"/>
2. High blood pressure	<input type="checkbox"/>	<input type="checkbox"/>
3. Heart/vascular disease	<input type="checkbox"/>	<input type="checkbox"/>
4. Heart surgery	<input type="checkbox"/>	<input type="checkbox"/>
5. Varicose veins	<input type="checkbox"/>	<input type="checkbox"/>
6. Asthma/Bronchitis	<input type="checkbox"/>	<input type="checkbox"/>
7. Blood disorder	<input type="checkbox"/>	<input type="checkbox"/>
8. Diabetes	<input type="checkbox"/>	<input type="checkbox"/>
9. Thyroid Problem	<input type="checkbox"/>	<input type="checkbox"/>
10. Digestive disorder	<input type="checkbox"/>	<input type="checkbox"/>
11. Kidney problem	<input type="checkbox"/>	<input type="checkbox"/>
12. Skin problem	<input type="checkbox"/>	<input type="checkbox"/>
13. Allergies	<input type="checkbox"/>	<input type="checkbox"/>
14. Loss of memory	<input type="checkbox"/>	<input type="checkbox"/>
15. Balance problem	<input type="checkbox"/>	<input type="checkbox"/>

*Eleventh Schedule - (Cont'd)*

<b>Condition</b>	<b>Yes</b>	<b>No</b>
16. Severe headaches	<input type="checkbox"/>	<input type="checkbox"/>
17. Ear/nose/throat problems	<input type="checkbox"/>	<input type="checkbox"/>
18. Restricted mobility	<input type="checkbox"/>	<input type="checkbox"/>
19. Back problems	<input type="checkbox"/>	<input type="checkbox"/>
20. Amputation	<input type="checkbox"/>	<input type="checkbox"/>
21. Fractures/dislocations	<input type="checkbox"/>	<input type="checkbox"/>
22. Have you ever been signed off as sick or repatriated from a ship?	<input type="checkbox"/>	<input type="checkbox"/>
23. Have you ever been hospitalized?	<input type="checkbox"/>	<input type="checkbox"/>
24. Have you ever been declared unfit for sea duty?	<input type="checkbox"/>	<input type="checkbox"/>
25. Has your medical certificate ever been restricted or revoked?	<input type="checkbox"/>	<input type="checkbox"/>
26. Are you aware that you have any medical problems, diseases or illness?	<input type="checkbox"/>	<input type="checkbox"/>
27. Do you feel healthy and fit to perform the duties of your designated position/occupation?	<input type="checkbox"/>	<input type="checkbox"/>
28. Are you allergic to any medications?	<input type="checkbox"/>	<input type="checkbox"/>
29. Are you taking any non-prescription or prescription medications?	<input type="checkbox"/>	<input type="checkbox"/>

If any of the above questions were answered "yes", please provide details:

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*Eleventh Schedule - (Cont'd)***Medical Exam**

	<b>Normal</b>	<b>Abnormal</b>
Head	<input type="checkbox"/>	<input type="checkbox"/>
Sinuses, nose, throat	<input type="checkbox"/>	<input type="checkbox"/>
Mouth/teeth	<input type="checkbox"/>	<input type="checkbox"/>
Ears	<input type="checkbox"/>	<input type="checkbox"/>
Tympanic membrane	<input type="checkbox"/>	<input type="checkbox"/>
Eyes	<input type="checkbox"/>	<input type="checkbox"/>
Ophthalmoscopy	<input type="checkbox"/>	<input type="checkbox"/>
Pupils	<input type="checkbox"/>	<input type="checkbox"/>
Eye movement	<input type="checkbox"/>	<input type="checkbox"/>
Lungs and chest	<input type="checkbox"/>	<input type="checkbox"/>
Breast examination	<input type="checkbox"/>	<input type="checkbox"/>
Heart	<input type="checkbox"/>	<input type="checkbox"/>
Skin	<input type="checkbox"/>	<input type="checkbox"/>
Varicose veins	<input type="checkbox"/>	<input type="checkbox"/>
Vascular (incl. pedal pulses)	<input type="checkbox"/>	<input type="checkbox"/>
Abdomen and viscera	<input type="checkbox"/>	<input type="checkbox"/>
Hernia	<input type="checkbox"/>	<input type="checkbox"/>
Anus (not rectum)	<input type="checkbox"/>	<input type="checkbox"/>

*Eleventh Schedule - (Cont'd)*

**Medical Exam**

	<b>Normal</b>	<b>Abnormal</b>
G-U system	<input type="checkbox"/>	<input type="checkbox"/>
Upper and lower extremities	<input type="checkbox"/>	<input type="checkbox"/>
Spine (C/S, T/S and L/S)	<input type="checkbox"/>	<input type="checkbox"/>
Neurologic (full brief)	<input type="checkbox"/>	<input type="checkbox"/>
Psychiatric	<input type="checkbox"/>	<input type="checkbox"/>
General appearance	<input type="checkbox"/>	<input type="checkbox"/>

Chest x-ray: not performed       Performed  \_\_\_\_\_  
*(Day/Month/Year)*

Results: \_\_\_\_\_

Other diagnostic test(s) and result(s):

Test: \_\_\_\_\_

Result: \_\_\_\_\_

Medical practitioner's comments:

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Vaccination status recorded:  Yes

No



*Eleventh Schedule - (Cont'd)*

**SEAFARER MEDICAL CERTIFICATE OF FITNESS**

**Issued under the authority of the Government of Barbados**

*This medical certificate has been issued in accordance with the provisions of the (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended (STCW) Regulation 1/9, Maritime Labour Convention, 2006 (MLC 2006) Regulation 1.2 and [state section of Seafarers Act] as applicable.*

**SEAFARER INFORMATION**

Surname: \_\_\_\_\_ Given name(s): \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Nationality: \_\_\_\_\_

Gender: \_\_\_\_\_ ID Document No.: \_\_\_\_\_

Capacity that the seafarer will serve on board in: \_\_\_\_\_  
*(Deck, Engineer, GMDSS, Rating, Catering, Other)*

*Eleventh Schedule - (Cont'd)*

**DECLARATION OF APPROVED MEDICAL PRACTITIONER**

I confirm that identification documents were checked:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the seafarer's hearing meet medical standards?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is unaided hearing satisfactorily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Vision acuity meets medical standards?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Colour vision meets medical standards?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Date of last colour vision test? _____	<i>(Day/Month/Year)</i>	
Is the seafarer for lookout duties:	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not applicable
Is the seafarer free from any medical condition likely to be aggravated by service at sea or render the seafarer unfit for such service or to endanger the health of persons on board?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the seafarer fit for service?	<input type="checkbox"/> Yes	No <input type="checkbox"/>
Are there any limitations or restrictions on fitness? If so, specify the limitation.		
I hereby confirm that the medical examination has been carried out in accordance with the ILO/IMO Guidelines on the Medical Examinations of Seafarers and in accordance with the <i>Seafarers) Act, 2026 (Act 2026-</i> ).		
Name of Approved Medical Practitioner: _____	<i>(Full name)</i>	
Signature of Approved Medical Practitioner: _____	<i>(Signature)</i>	
Date of examination: _____	<i>(Day/Month/Year)</i>	
<i>(Stamp or seal of medical practitioner)</i>		
Expiry date of Certificate: _____	<i>(Day/Month/Year)</i>	

*Eleventh Schedule - (Concl'd)*

**SEAFARER ACKNOWLEDGEMENT**

I, \_\_\_\_\_, confirm that I have been informed of the  
*(Name of seafarer)*  
content of the medical certificate and the right to get a review.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Signature)* *(Day/Month/Year)*

**TWELFTH SCHEDULE**

*(Section 62(8))*



*Seafarers Act, 2026*  
(Act 2026- )

Certificate of Accreditation for  
Private Maritime Training Providers of STCW Training

**Issued under the authority of the Ministry responsible for Shipping, in accordance with the  
*Seafarers Act, 2026 (Act 2026- )***

*This is to certify that:*

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*(Name of private maritime training provider)*

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*(Address of private maritime training provider)*

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1. is verified by the Administration as competent to, and having the capacity to, deliver STCW training to the level detailed in the addendum annexed to this Certificate;
2. the STCW training program was reviewed and verified by the Administration and the syllabus/syllabi is consistent with the STCW Convention and STCW Code; and
3. pursuant to the above verifications, the \_\_\_\_\_  
*(Name of private maritime training provider)*  
is accredited and recognized as an STCW instructor/STCW training institution.

*Twelfth Schedule - (Concl'd)*

Certificate issued this \_\_\_\_\_  
*(Day/Month/Year)*

Signature of issuing official: \_\_\_\_\_  
*(Signature of official)*

*(Seal or stamp of the Director of Ocean Affairs, as appropriate)*

**Notes:**

1. This Certificate is subject to periodic audits.
2. This Certificate will be renewed following periodic audits.

**THIRTEENTH SCHEDULE**

*(Section 63(4))*



*Seafarers Act, 2026*  
(Act 2026- )

Certificate of Accreditation for  
Public Maritime Training Providers of STCW Training

**Issued under the authority of the Ministry responsible for Shipping, in accordance with the  
*Seafarers Act, 2026 (Act 2026- )***

*This is to certify that:*

\_\_\_\_\_

*(Name of public maritime training provider)*

\_\_\_\_\_

\_\_\_\_\_

*(Address of public maritime training provider)*

\_\_\_\_\_

1. is verified by the Administration as competent to, and having the capacity to, deliver STCW training to the level detailed in the addendum annexed to this Certificate;
2. the STCW training program was reviewed and verified by the Administration and the syllabus/syllabi is consistent with the STCW Convention and STCW Code; and
3. pursuant to the above verifications, the \_\_\_\_\_  
*(Name of public maritime training provider)*  
is accredited and recognized as an STCW training institution.

*Thirteenth Schedule - (Concl'd)*

Certificate issued this \_\_\_\_\_  
*(Day/Month/Year)*

Signature of issuing official: \_\_\_\_\_  
*(Signature of official)*

*(Seal or stamp of the Director of Ocean Affairs, as appropriate)*

**Notes:**

1. This Certificate is subject to periodic audits.
2. This Certificate will be renewed following periodic audits.

**FOURTEENTH SCHEDULE**

*(Section 255(3))*



*Seafarers Act, 2026*  
(Act 2026- )

Certificate of Compliance for Private Seafarer Recruitment  
and Placement Services

**Issued under the Authority of the Ministry responsible for Shipping in accordance with the  
*Seafarers Act, 2026 (Act 2026- )***

This is to certify that \_\_\_\_\_ ,  
*(Name of seafarer recruitment and placement agency)*

\_\_\_\_\_  
*(Address of seafarer recruitment and placement agency)*

\_\_\_\_\_ has been inspected pursuant to section 255 of the Act and

1. is a registered seafarer recruitment and placement agency operating in Barbados;
2. recruits and places seafarers using means and mechanisms that are consistent with the Maritime Labour Convention, *Seafarers Act, 2026 (Act 2026- )* and regulations;
3. charges no fees or other charges for seafarer recruitment or placement services for seafarers or for providing employment to seafarers, either in whole or in part, other than the cost of the national seafarers' identity document and a passport or other similar travel documents, excluding costs of visas to be borne by the shipowner;
4. maintains and avails for inspection an up-to-date register of all seafarers recruited or placed by it;

*Fourteenth Schedule - (Concl'd)*

5. informs seafarers of their rights and duties under their employment agreements prior to or in the process of engagement and made proper arrangements for seafarers to examine their employment agreements before and after seafarers signed such agreements, and issued a certified copy of the agreement to seafarer(s);
6. verifies that seafarers recruited or placed by it are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with the *Seafarers Act, 2026* (Act 2026- ) and any statutory instruments made thereunder;
7. has a system of verification to ensure as far as practicable, that shipowners for whose ships they recruit and place seafarers have a means to protect seafarers from being stranded in a foreign port;
8. has a system for examining and responding to any seafarer complaints in respect of ships for which they recruit and place seafarers; and
9. is in all other respects operating in compliance with the Maritime Labour Convention, *Seafarers Act, 2026* (Act 2026- ) and any statutory instruments made thereunder.

Name: \_\_\_\_\_  
(Full name)

Title: \_\_\_\_\_  
(Position)

Signature: \_\_\_\_\_  
(Signature)

Place: \_\_\_\_\_  
(Place)

Date: \_\_\_\_\_  
(Day/Month/Year)

*(Seal or stamp of the Director of Ocean Affairs, as appropriate)*

**FIFTEENTH SCHEDULE**

*(Section 153(9))*



*Seafarers Act, 2026  
(Act 2026- )*

**Model Receipt and Release Form**

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*(Ship's name)*

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*(Port of Registry)*

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*(IMO number)*

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*(Date of incident)*

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*(Place of incident)*

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*\*(Name of seafarer/legal heir and/or dependent)*

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*(Name of shipowner)*

**\*(Delete where not applicable)**

*Fifteenth Schedule - (Concl'd)*

I, [\_\_\_\_\_]  
*\*(Seafarer, seafarer's legal heir and/or dependent)*] hereby acknowledge receipt of the sum of [\_\_\_\_\_] in satisfaction of the shipowner's obligation to pay contractual compensation for personal injury and/or death under the terms and conditions of my seafarer's employment and I hereby release the shipowner from their obligations under the said terms and conditions. The payment is made without admission of liability of any claims and is accepted without prejudice to [\_\_\_\_\_] right to pursue any claim in law in respect of negligence, tort, breach of statutory duty or any other legal redress available and arising out of the above incident.  
*\*(Name of seafarer's legal heir and/or dependent's)*

Dated: \_\_\_\_\_  
*(Day/Month/Year)*

Seafarer/legal heir and/or dependent: \_\_\_\_\_  
*\*(Name of seafarer's legal heir and/or dependent's)*

Signed: \_\_\_\_\_  
*(Signature)*

For acknowledgement:

Shipowner/Shipowner representative:

Signed: \_\_\_\_\_  
*(Signature)*

Financial security provider:

Signed: \_\_\_\_\_  
*(Signature)*

\*(Delete where not applicable)

**SIXTEENTH SCHEDULE***(Sections 297(3) and (5))*

## Self-Declaration Form for STCW Convention Proficiency

STCW Proficiency Area/Program	Completed all permitted on board training	Approved remote training course
Personal Survival Techniques	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detail course hours
Proficiency in Survival Craft and Rescue Boats	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detail course hours
Fast Rescue Boat	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detail course hours
Fire Prevention and Firefighting	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detail course hours
Advanced Firefighting	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detail course hours
All areas of STCW training detailed in the STCW 2010 Manila Amendments (as amended)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detail course hours

I declare that I \_\_\_\_\_ am competent in \_\_\_\_\_  
*(Name of seafarer)* *(State area/areas of competency)*  
 and declare for the purposes of \_\_\_\_\_ that I am competent to continue  
*(Name section of the Act)*  
 working on \_\_\_\_\_ in the capacity of \_\_\_\_\_  
*(State name of ship)* *(State capacity in which seafarer is employed)*  
 in lieu of my expired \_\_\_\_\_ .  
*(State name of certificate/document that is expired)*

Seafarer's signature: \_\_\_\_\_  
*(Signature)*

Date: \_\_\_\_\_  
*(Day/Month/Year)*

## SEVENTEENTH SCHEDULE

*(Section 385)*

## Consequential Amendments

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Shipping (Domestic Vessels) Act, 2024 (Act 2024-22)</i>	<p>1. In section 2, delete the definition of the words "private maritime training school or institution" and substitute the following:</p> <p style="padding-left: 40px;">"private maritime training school or institution" means a private school or institution</p> <p style="padding-left: 40px;">(a) established by persons in the domestic shipping industry; and</p> <p style="padding-left: 40px;">(b) accredited by the Administration; or</p> <p style="padding-left: 40px;">(c) accredited by the Barbados Accreditation Council;".</p> <p>2. Delete section 154 and substitute the following:</p> <p style="padding-left: 40px;"><b>"154.(1)</b> Subject to subsection (2), maritime training or educational programs of a private maritime training school or institution shall be accredited by the Administration.</p> <p style="padding-left: 40px;">(2) Depending on the nature of the maritime training or educational program, maritime training programs of a private maritime training school or institution shall be accredited by the Barbados Accreditation Council.</p>

*Seventeenth Schedule - (Concl'd)*Consequential Amendments - *(Concl'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Shipping (Domestic Vessels) Act, 2024 (Act 2024-22) - (Concl'd)</i>	<p>(3) The Administration shall issue guidelines clarifying the kinds of maritime training or educational programs requiring accreditation by the Administration or by the Barbados Accreditation Council, as the case may be."</p> <p>3. Delete section 156(1) and substitute the following:</p> <p style="text-align: center;"><b>"Audit report</b></p> <p><b>156.(1)</b> The Administration shall issue an audit report on completion of the audit process."</p> <p>4. Sections 150(1)(b), 150(3), 151(1), 152, 156(3), 160(a) and 164(a) are amended by inserting the word "and" immediately after the word "Training".</p>
2. <i>Sustainable Fisheries Management and Development Act, 2025 (Act 2025-10)</i>	Amend section 121(1) by deleting the phrase "Pursuant to Article II (2) of the Maritime Labour Convention" and substituting the phrase "Pursuant to Article II (4) of the Maritime Labour Convention".

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2026.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2026.

**President**

