

## **OBJECTS AND REASONS**

This Bill would make provision for

- (a)* a regulatory framework for the management, operation and development of national seaports;
- (b)* promotion of an economically viable, ecologically sustainable, and socially and culturally responsive national seaport industry;
- (c)* effective shore-side support for the maritime transport sector; and
- (d)* support an integrated approach to shipping, particularly at the ship-port interface.

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## **BARBADOS**

A Bill entitled

An Act to provide for the regulation of the management, operations and development of the seaport industry.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Seaport Industry (Management, Operations and Development) Act, 2025*.

**Definitions**

2. In this Act,

“Administration” means the Barbados Maritime Transport Administration, established under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“Barbados Ocean Minerals Secretariat” has the same meaning as in the *Maritime and Underwater Heritage Act, 2025* (Act 2025- );

“Barbados Port Inc.” has the same meaning as in the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act, Cap. 285B*;

“Harbour directive” means a directive issued by the Harbour Master which shall be complied with by harbour users, and any reference to a particular harbour directive includes a reference to a harbour directive amending or replacing that directive;

“Local Customs and border protection officials” mean Customs and border protection officials who are nationals, citizens or permanent residents of Barbados;

“Maritime Law Enforcement Officer” means

- (a) a person who is responsible for
  - (i) enforcing and monitoring maritime activities;
  - (ii) detecting, preventing and investigating offences;

(iii) maintaining and promoting public order and safety under this Act or its statutory instruments; and

(b) includes

(i) officers of the Barbados Police Service;

(ii) officers and enlisted members of the Barbados Defence Force; and

(iii) officers and enlisted members of the Marine Police Unit of the Barbados Police Service;

“Maritime Single Window” has same meaning as in the *Facilitation of International Maritime Traffic Act, 2024* (Act 2024-2);

“Mineral fingerprinting” means the use of geochemical and isotopic signatures of minerals and metals to enable identification of, and trace the history, location, distribution and application of the product, part, and material in the supply chain;

“Minister” means the Minister with responsibility for Seaports;

“Ocean minerals” has the same meaning as in the *Maritime and Underwater Heritage Act, 2025* (Act 2025- );

“Plans” means a seaport industry and sustainability plan referred to under section 10;

“Port areas” includes

(a) areas specified in the *First Schedule* of the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B;

(b) any areas within and surrounding Barbados Port Inc., which are owned or operated by Barbados Port Inc.;

(c) any areas within and surrounding a seaport established within Barbados;

(d) areas specially designated for port development; and

(e) any other area designated as such by order;

“Port facility” means any stationary or mobile facility owned or operated by Barbados Port Inc., and includes

- (a) aids to navigation;
- (b) autonomous port equipment, machinery or other infrastructure;
- (c) docks;
- (d) harbours;
- (e) lighthouses;
- (f) piers;
- (g) pilotage, tug and towage machinery and equipment;
- (h) quays;
- (i) wharves; and
- (j) any other port facility;

“Regulatory and Sustainability Affairs Division of Barbados Port Inc.” means the Division established under section 7(3) of the Act, and a reference to the Division in this Act or in any other enactment, includes a reference to such other departments or other entities subsumed under the Division;

“Seaport directive” means a directive issued by Barbados Port Inc. which shall be complied with by port users, and any reference to a particular seaport directive includes a reference to a seaport directive amending or replacing that directive;

“seaport industry” means that industry within the maritime sector, the activities of which are oriented around

- (a) commerce and trade at the land-sea interface;
- (b) coastal and shoreside activities connected to maritime transport;
- (c) ship-to-shore and shoreside services;

- (d) offshore maritime activities directly and indirectly linked to seaports, trade, logistics and supply chains;
- (e) service providers and other interests directly and indirectly engaged in, and benefiting from, activities at the ship-port intersection;

“Seaport Industry Notice” means a notice issued by Barbados Port Inc. to communicate certain information and any reference to a particular Seaport Industry Notice includes a reference to a Seaport Industry Notice amending or replacing that Notice;

“STCW certified” means certified in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and having at the minimum, training and certifications in the

- (a) Personal Survival Techniques (A-VI/1-1 of the STCW Code);
- (b) Firefighting and Fire Prevention (A-VI/1-2 of the STCW Code);
- (c) Elementary First Aid (A-VI/1-3 of the STCW Code);
- (d) Personal Safety and Social Responsibility (A-VI/1-4 of the STCW Code);
- (e) Proficiency in Security Awareness (A-VI/6-1 of the STCW Code).

### **Purposes**

- 3.** The purposes of this Act are to
- (a) provide a regulatory framework for the management, operation and development of national seaports;
  - (b) promote an economically viable, ecologically sustainable and socially and culturally responsive national seaport industry;
  - (c) ensure effective shore-side support for the maritime transport sector;
- and

- (d) support an integrated approach to shipping, particularly at the ship-port interface.

**Act binds the State**

- 4. This Act shall bind the State

**PART II**

**SEAPORT ADMINISTRATIVE FRAMEWORK**

**Powers of Barbados Port Inc.**

- 5.(1) Barbados Port Inc. shall have the following powers within port areas:
  - (a) management, operation and development of
    - (i) the Port of Bridgetown;
    - (ii) any other seaport established under the auspices of Barbados Port Inc.; and
    - (iii) any other seaport developed at the request of the Minister;
  - (b) to prohibit, control or regulate persons, organizations, vessels and vehicles in any port facility;
  - (c) to enter into any agreement necessary to support continual management, operation and development of the seaport industry;
  - (d) to enter into service agreements, including but not limited to
    - (i) provision of construction services on or above the seabed within the jurisdiction of a port facility; and
    - (ii) provision of any other management, operational, development or maintenance services within port areas or a port facility;



- (e) setting of payment, collections, dues or apportionment of any rates arising from the provision of port-specific services;
- (f) adjusting charges and fees not specified in the official tariff;
- (g) to issue debentures or debenture stock in an effort to raise capital for port-oriented activities;
- (h) to enter onto any land, premises, areas, facilities owned, operated by Barbados Port Inc., or otherwise specified for port use, and to claim compensation for any damage in relation to them;
- (i) sell by auction any cargo remaining in Barbados Port Inc. or any other seaport established under the auspices of Barbados Port Inc. for more than 30 days, owing to
  - (i) non-payment;
  - (ii) poor documentation;
  - (iii) an absence of clearance from appropriate regulatory agencies; and
  - (iv) for any other reason specified by Barbados Port Inc., provided such reason is justifiable in the circumstances;
- (j) to ensure compliance and enforcement in relation to activities conducted within port areas or a port facility;
- (k) to impose administrative penalties, in an amount not exceeding \$100 000, in respect of contraventions of
  - (i) a Seaport directive; or
  - (ii) permit or licence requirements, or requirements contained in any other instrument whereby Barbados Port Inc. authorizes activities;
- (l) to establish port-centric activities on any land owned by Barbados Port Inc. outside of port-defined areas;
- (m) to designate special areas for port development;

- (n) to designate Port-owned areas, sites or property as maritime-heritage protected;
  - (o) to issue directives to port users, and take necessary steps to enforce the same;
  - (p) to issue licences, permits or other instruments in respect of port-specific activities carried out by persons or external entities;
  - (q) to suspend or revoke a licence, permit or other instrument issued;
  - (r) to adopt or create incentive schemes for the benefit of seaport industry stakeholders and the national seaport industry; and
  - (s) to do anything necessary for the effective performance of its functions, and for the proper execution of this Act and statutory instruments made thereunder.
- (2) Barbados Port Inc. in the exercise of its powers under this Act or under any other enactment in which any powers are specified in relation to Barbados Port Inc., shall exercise its powers in a manner that supports national, regional and international maritime trade and commerce.
- (3) An administrative penalty notice issued pursuant to section 5(1)(k) shall be in the format provided in the *First Schedule*.
- (4) Notwithstanding subsection (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.
- (5) The amount of an outstanding administrative penalty constitutes a debt to the State and is recoverable in civil proceedings before a magistrate's court.

### **Duties of Barbados Port Inc.**

- 6.** Barbados Port Inc. shall
- (a) exercise its functions and carry out activities in a safe, secure and environmentally sound manner;
  - (b) ensure its internal policies align with international best practices specific to ports, international best practices at the ship-port interface, and overarching national maritime transport policy;
  - (c) comply with port-specific obligations specified in
    - (i) the United Nations Convention on the Law of the Sea, 1982;
    - (ii) various instruments of the International Maritime Organization;
    - (iii) maritime-specific instruments of the International Labour Organization, including the Maritime Labour Convention; and
    - (iv) other applicable international and regional maritime instruments;
  - (d) comply with requirements specified in relation to ports in national maritime laws;
  - (e) assist the Administration in respect of port State control activities specified under the various instruments of the International Maritime Organization and the Caribbean Memorandum of Understanding on Port State Control;
  - (f) assist the Administration in developing the Autonomous Vessel Operations Code for Ships and Ports under the *Merchant Shipping Act, 2024* (Act 2024-28);
  - (g) report to the Administration regarding its fulfilment of port-specific obligations specified in the international maritime instruments on maritime safety, maritime security, protection of the marine environment and maritime labour protection;

- (h) assist in coastal and marine environmental protection and preservation efforts, including but not limited to
  - (i) ensuring the prevention, reduction and control of marine pollution in port areas and by port facilities;
  - (ii) ensuring the safe and environmentally sound anchorage of vessels; and
  - (iii) contributing, where necessary or requested, to marine environmental restoration and rehabilitation efforts, particularly in nearshore areas;
- (i) regulate, in consultation with stakeholders, matters relating to seaport partnerships, home porting, provisioning, stevedoring, and any other seaport affairs necessitating formal arrangements between Barbados Port Inc. and external entities, with a view to strengthening relations between Barbados Port Inc. and external entities in respect of these matters, and with a view to ensuring fairness, transparency and equitable benefit sharing;
- (j) comply with any marine spatial planning requirements specific to ports and shipping;
- (k) undertake any physical development activities, consistent with national physical development laws and any recommendations made pursuant to the relevant Environmental and Social Impact Assessment;
- (l) provide and maintain
  - (i) port areas;
  - (ii) port facilities; and
  - (iii) port services;
  - (iv) services and amenities to facilitate timely and efficient ship and cargo handling;

- (v) systems to support safe and efficient performance of its functions as bailee, and to ensure proper receipt, storage and delivery of cargo to consignees;
- (m) formulate national seaport policy, legislation, standards, codes of practice and guidelines in consultation with stakeholders;
- (n) maintain a viable port community system, giving due regard to the need for efficiency and continued economic growth in the maritime trade and transport sectors;
- (o) develop and promote plans, initiatives, strategies and activities that support a safe, secure, environmentally sustainable, economically viable, socially and culturally responsive seaport industry;
- (p) integrate corporate social responsibility initiatives into its business model, as part of corporate self-regulation, to properly account for its wider-ranging and longer-term responsibilities to the public beyond the short and medium-term financial interests of financial stakeholders;
- (q) incorporate into its work program critical areas cross-cutting seaport governance, including but not limited to
  - (i) port-specific measures to facilitate autonomous vessels and accommodate other port-related autonomous maritime activities;
  - (ii) climate change;
  - (iii) the environment;
  - (iv) ports, gender and development; and
  - (v) thematic areas promoted by the International Association of Ports and Harbours, to the extent practical;
  - (vi) activities of the International Organization for Marine Aids to Navigation;
  - (vii) any other relevant critical areas, in the interest of holistic seaport governance; and

- (*r*) ensure the continued sustainable development of Barbados' seaport industry.

### PART III

#### NATIONAL SEAPORT INDUSTRY SUSTAINABILITY PROGRAM

##### **Establishment of National Seaport Industry Sustainability Program**

7.(1) There is established a program to be known as the National Seaport Industry Sustainability Program for the adoption of measures by national seaports to achieve continued sustainable development in the seaport industry.

- (2) The National Seaport Industry Sustainability Program shall
  - (*a*) outline short, medium and long-term sustainability goals for the seaport industry;
  - (*b*) enhance the economic, social and cultural value of the seaport industry;
  - (*c*) promote the adoption of measures to protect the marine environment and surrounding atmosphere from seaport industry activities;
  - (*d*) support climate resilience, energy efficiency, creation of a circular economy, attainment of carbon-neutral status in line with global climate targets;
  - (*e*) deploy green growth technology and innovation in the seaport industry and wider shipping sector;
  - (*f*) facilitate sustainable development-oriented projects, activities and initiatives within the seaport industry and the wider shipping sector;
  - (*g*) promote cooperation across the seaport value chain and overall contribute to making the maritime supply chain more sustainable;
  - (*h*) set industry-specific sustainability standards, to enable national seaport industry reporting on economic, environmental and people impacts in

a credible way, thereby increasing transparency of seaports to sustainable development;

- (i) facilitate effective streamlining of sustainability factors in seaport industry investment decision-making;
- (j) develop industry-specific sustainability frameworks and operational regimes to stimulate investment, and make such investment and seaport industry sustainability goals mutually supportive;
- (k) support the undertaking of any other action in fulfilment of sustainable growth and development in the national seaport industry;
- (l) be consistent with the sustainable development trajectory of the World Ports Sustainability Program, while yet factoring in local circumstances.

(3) The National Seaport Industry Sustainability Program shall be administered and managed by a Division to be known as the Regulatory and Sustainability Affairs Division of Barbados Port Inc.

(4) The Regulatory and Sustainability Affairs Division of Barbados Port Inc. shall also lead the administration and management of all other regulatory and sustainability related affairs

- (a) under this Act and its statutory instruments;
- (b) specified in other enactments in relation to Barbados Port Inc.; and
- (c) arising out of the normal course of operation of Barbados Port Inc.

### **Seaport industry sustainability plans**

**8.** The Port Chief Executive Officer shall ensure that Barbados Port Inc. and any other seaport under the authority and management of Barbados Port Inc. adopt or develop such number of seaport industry sustainability plans, as may be necessary, to implement one or more aspects of the National Seaport Industry Sustainability Program.

**Compatibility of sustainability plans with port's master and business plan**

**9.** Any seaport industry sustainability plan adopted or developed pursuant to the Act shall be compatible, to the extent practicable, with the

- (a) port master plan, as required by section 8 of the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B; and
- (b) port business plan required by section 9 of the *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B.

**Plans adoption, modification and revocation**

**10.(1)** After considering any submissions in relation to a seaport industry sustainability plan, Barbados Port Inc. shall submit the draft plan to the Administration for review and comment.

(2) The Port Chief Executive Officer may

- (a) approve the Plan with or without amendment; or
- (b) refuse to approve the Plan and direct a further amendment to the Plan.

(3) The Port Chief Executive Officer shall

- (a) publish notice of the approval of a Plan in a Seaport Industry Notice; and
- (b) where relevant, publish any requirements to be complied with by port users in relation to the Plans in a port directive.

(4) A seaport industry sustainability plan comes into force on the date on which the notice under subsection (3) is published in a Seaport Industry Notice.

**Plan duration and periodic review**

**11.(1)** The Port Chief Executive Officer shall cause a review to be made of the Plan no later than 5 years after its entry into force.



- (2) After review of the Plan, the Port Chief Executive Officer may approve the amendment of the Plan.

### **Binding effect of plan**

- 12.(1)** All persons are bound by an in-force seaport industry sustainability plan.
- (2) All port-related activities shall be carried out in accordance with the Plans.
- (3) A seaport industry sustainability plan may be deviated from where
  - (a) it is necessary for saving a life;
  - (b) protecting the marine environment; or
  - (c) as directed in writing by the Port Chief Executive Officer.
- (4) Where the Port Chief Executive Officer gives written direction that a seaport industry sustainability plan is to be deviated from, he shall provide reasons in writing and written instructions on an alternative course of action.

### **Withdrawal of plans**

- 13.(1)** The Port Chief Executive Officer may withdraw a seaport industry sustainability plan, where he considers it appropriate to do so.
- (2) Where the Port Chief Executive Officer withdraws a plan, he shall publish a notice of the withdrawal in the *Official Gazette* and in a Seaport Industry Notice, and the plans cease to have effect on the date of such publication.
- (3) The Port Chief Executive Officer shall also take such further steps as he considers appropriate to ensure that the withdrawal of a plan is brought to the attention of interested persons.
- (4) Following the withdrawal of a plan, the Port Chief Executive Officer shall ensure the adoption of a new plans, so that the existing plans is not withdrawn unless a prospective ones are prepared and implementation-ready.

- (5) In this section “interested persons” mean
- (a) any persons appearing to Barbados Port Inc. to be likely to be interested in, or affected by, the withdrawal of the Plans;
  - (b) members of the general public.

## PART IV

### ACTIVITIES REQUIRING LICENCES, PERMITS OR OTHER INSTRUMENTS

#### *Permits*

#### **Activities requiring licence, permits, etc.**

- 14.(1)** Barbados Port Inc. shall specify, in a Seaport Directive, activities requiring a licence, permit or other instrument to be obtained from it, prior to carrying out those activities.
- (2) Barbados Port Inc. shall not require a licence, permit or other instrument for which a licence, permit or other instrument is required by the Barbados Maritime Transport Administration, and shall consult with the Administration to avoid duplication.

#### **Permitting requirements**

- 15.(1)** No person shall engage in an activity requiring a permit from Barbados Port Inc., unless the relevant permit in respect of that activity has been obtained.
- (2) A person seeking a permit shall apply to Barbados Port Inc. and pay the specified application fee.
- (3) An applicant for a permit shall file with Barbados Port Inc., an application that contains
- (a) applicant’s details;

- (b) supporting documentation in relation to the activity for which the permit is sought;
  - (c) as applicable, an Environmental and Social Impact Assessment (ESIA) report; and
  - (d) any other information requested by Barbados Port Inc.
- (4) Barbados Port Inc. may
  - (a) suspend the consideration of a permit until the matters identified by Barbados Port Inc. as requiring rectification are addressed to the satisfaction of Barbados Port Inc.;
  - (b) approve the application and grant the permit; or
  - (c) deny the application for a permit.
- (5) Where Barbados Port Inc. suspends consideration of an application for a permit, it shall notify the person in writing of the matters that must be rectified for the applicant to qualify for the permit.
- (6) Barbados Port Inc. shall notify the person of a decision to deny or approve an application in writing, and where decision is to grant a permit, the instrument in writing shall notify the person that the permit will be issued on the payment of the specified fees.
- (7) Where a person receives an instrument in writing denying an application for a permit that person may make a written request for the reason for the denial of the application in accordance with section 14 of the *Administrative Justice Act*, Cap. 109B.
- (8) Where the specified fee has been paid, Barbados Port Inc. shall issue the permit to the applicant.
- (9) A permit issued in accordance with this section shall be subject to such terms or conditions as Barbados Port Inc. specifies.

(10) A permit granted under this Act, is not transferable, and may be renewed by a further application made under this section, and that application may be made at least one month before the expiration of the permit.

(11) A person who contravenes the requirements of this section is guilty of offence and is liable to

- (a) have his permit suspended or revoked; or
- (b) an administrative penalty.

**Conditions may be imposed in permits, etc.**

**16.** Barbados Port Inc. may in respect of

- (a) the issue of a permit;
- (b) the grant of any approval; or
- (c) the authorisation of any matter,

in connection with activities related to the requisite permit, require such information and impose such conditions as it considers appropriate in the circumstances.

**Permit extensions**

**17.** Where Barbados Port Inc. is satisfied that a permit holder has shown good grounds for the extension of a permit, Barbados Port Inc. may grant the extension for such period as it considers appropriate.

**Suspension of activities in relation to a permit**

**18.(1)** Barbados Port Inc. may, in the event of a major environmental incident, major hazard, major health and safety incident or an emergency, partially or totally suspend the activities in relation to which a permit was granted, for a specified period.

(2) A holder of a permit may, in the event of a major environmental incident, major hazard, major health and safety incident or an emergency, partially or

totally suspend the activities in relation to which the permit was granted with the approval of Barbados Port Inc.

(3) Notwithstanding subsection (2), where it is impractical or unreasonable in the circumstances for the permit holder to obtain the approval of Barbados Port Inc. for the suspension of the activities in relation to which the permit was granted, the permit holder

(a) may suspend the activities; and

(b) shall notify Barbados Port Inc. as soon as practicable of the suspension.

(4) Barbados Port Inc. may extend a period of suspension of a permit where necessary.

(5) Where the activities of a permit holder are suspended under this section, the permit holder shall not, by virtue of the suspension, be taken to be in breach of this Act or a term or condition of the permit.

#### **Suspension of activities for *force majeure***

**19.** Where the activities in relation to which a permit was granted are partially or totally suspended as a result of a *force majeure* event, Barbados Port Inc. shall extend the permit for the lesser of the following periods

(a) a period that corresponds to the length of time for which the activities were suspended; or

(b) 2 years.

#### *Licences*

#### **Licence requirements**

**20.(1)** No person shall engage in any commercial activities for which a licence is required by Barbados Port Inc. without first obtaining the relevant licence from Barbados Port Inc.

- (2) A person seeking a license in respect of an activity requiring a licence, shall apply in the specified form to Barbados Port Inc., pay the specified application specified fee.
- (3) An application for a licence shall file with Barbados Port Inc., an application that contains
  - (a) applicant's details;
  - (b) supporting documentation in relation to the activity for which the licence is sought;
  - (c) as applicable, an Environmental and Social Impact Assessment (ESIA) report; and
  - (d) any other information requested by Barbados Port Inc.
- (4) Barbados Port Inc. may
  - (a) suspend the consideration of a licence until the matters identified by Barbados Port Inc. as requiring rectification are addressed to the satisfaction of Barbados Port Inc.;
  - (b) approve the application and grant the licence; or
  - (c) deny the application for a licence.
- (5) Where Barbados Port Inc. suspends consideration of an application for a licence, it shall notify the applicant in writing of the matters that must be rectified for the applicant to qualify for the licence.
- (6) Barbados Port Inc. shall notify the person of a decision to deny or approve an application in writing, and where the decision is to grant the licence, the instrument in writing shall notify the person that the licence will be issued on the payment of the specified fees.
- (7) Where a person receives an instrument in writing denying an application for a licence, that person may make a written request for the reason for the denial of the application in accordance with section 14 of the *Administrative Justice Act*, Cap. 109B.

- (8) Where the specified fee has been paid, Barbados Port Inc. shall issue the licence.
- (9) A licence issued in accordance with this section shall be subject to such terms or conditions as Barbados Port Inc. specifies.
- (10) A licence granted under this Act, may be transferred in accordance with the Act.
- (11) A person who contravenes the requirements of this section is guilty of an offence and is liable to
  - (a) have his licence suspended or revoked; and/or
  - (b) an administrative penalty.

**Conditions may be imposed in licenses, etc.**

**21.** Barbados Port Inc. may in respect

- (a) the issue of a licence;
- (b) the grant of any approval; or
- (c) the authorisation of any matter,

in connection with the activities in respect of which the licence was granted, require such information and impose such conditions as it considers appropriate in the circumstances.

*Transfer, Surrender, Suspension or Cancellation of Licences*

**Transfer of licence**

**22.(1)** A person granted a licence by Barbados Port Inc., in accordance with the Act shall not, without the approval of Barbados Port Inc., transfer, wholly or partially, the rights and obligations of the licensee under the requisite license or licences held by the licensee.

- (2) A licensee may within 90 days of a proposed transfer, and upon payment of the specified fee, apply to Barbados Port Inc. for approval for the transfer.
- (3) Barbados Port Inc. shall, within 30 days of receipt of the application, notify the licensee in writing of the decision to approve or not approve the transfer.
- (4) A licensee shall ensure that a transfer is
  - (a) in writing and executed by the licensee and the assignee; and
  - (b) submitted to Barbados Port Inc. for it to endorse on the transfer its approval of the transfer.
- (5) A licensee is not, by virtue of a transfer under this section, be relieved of any obligations and liabilities which the licensee incurred prior to the transfer.
- (6) A person who contravenes subsection (1) is guilty of an offence and is liable to
  - (a) have his licence suspended or revoked; and/or
  - (b) an administrative penalty.

**Surrender of license, etc.**

- 23.(1)** A licensee shall not, without the approval of Barbados Port Inc., surrender a licence or the whole or a part of a licence area.
- (2) A licensee may, within 90 days prior of a proposed surrender and upon payment of the specified fee, apply to Barbados Port Inc. for approval for the surrender.
- (3) Barbados Port Inc. shall, within 30 days of receipt of the application, notify the licensee in writing of the decision whether to approve the surrender.
- (4) Barbados Port Inc. shall not approve a surrender unless a licensee has, to the satisfaction of Barbados Port Inc.,
  - (a) satisfied any monetary obligations incurred before the surrender or made arrangements for the satisfaction of those obligations;



- (b) provided for the protection, restoration and management of the marine environment in the area to be surrendered, where applicable;
  - (c) made good any damage caused by the activity in relation to which the licence was granted;
  - (d) provided information that should have been, but was not, previously provided to Barbados Port Inc.;
  - (e) where applicable, removed or caused to be removed from the area to be surrendered all property brought into the area by the licensee or made arrangements with respect to that property; and
  - (f) done anything requested in writing by Barbados Port Inc. prior to the surrender.
- (5) Where a licensee surrenders a part of the licence area, the license shall continue in force in respect of the remainder of the license area, subject to any modification of the conditions of the licence specified by the Barbados Port Inc. in its approval of the surrender.
- (6) Where a licensee proposes to surrender a license, the licensee shall perform or discharge any outstanding obligations under the license prior to the surrender.
- (7) Barbados Port Inc. shall specify the effective date of a surrender.
- (8) A person who contravenes subsection (1) is guilty of an offence and is liable to
- (a) suspension or revocation of the licence; and/or
  - (b) an administrative penalty.

#### **Suspension of license by agreement**

**24.** Barbados Port Inc. may, by a written agreement with a licensee, suspend a licence

- (a) for a specified period; and
- (b) on specified terms.

**Disciplinary power to suspend license**

**25.(1)** Barbados Port Inc. may, by a written notice to a licensee, suspend a licence where the licensee

- (a) has failed to comply with
  - (i) this Act;
  - (ii) a requirement, obligation or other provision contained in any policy, plan, directive, standards or code of practice approved by Barbados Port Inc. in relation to the licensee; or
  - (iii) any guidelines issued, approved or adopted by Barbados Port Inc.; or
- (b) has breached a condition of the license.

(2) Where Barbados Port Inc. intends to suspend a licence, Barbados Port Inc. shall, prior to the suspension, issue to the licensee a notice of default which

- (a) specifies the default of the licensee;
- (b) in the case of a default that is
  - (i) capable of remedy, requires the licensee to remedy the default within a specified period; or
  - (ii) incapable of remedy, requires the licensee to provide good grounds within a specified period as to why the license should not be suspended; and
- (c) states the action that Barbados Port Inc. proposes to where
  - (i) the default is not remedied; or
  - (ii) good grounds are not provided,
 within the specified period.

- (3) Where Barbados Port Inc. is satisfied that a licensee has failed to
  - (a) remedy a default; or
  - (b) provide grounds as to why the proposed action should not be taken,
 Barbados Port Inc. may suspend the license of the licensee.
- (4) Barbados Port Inc. shall specify the effective date of the suspension in the notice.
- (5) A licensee shall not, by virtue of the suspension of a license, be relieved of any obligations and liabilities incurred by the licensee prior to or during the period of suspension.
- (6) Barbados Port Inc. may, for the purpose of subsection (3), suspend the license of a licensee
  - (a) for a specified period or until the licensee remedies a default that is capable of remedy; or
  - (b) indefinitely.

**Suspension of marine development operations for emergencies, etc.**

- 26.(1) Barbados Port Inc. may, in the event of a major environmental incident, major hazard, major health and safety incident or emergency, partially or totally suspend the activities of a licensee for a specified period.
- (2) A licensee may, in the event of a major environmental incident, major hazard, major health and safety incident or an emergency, partially or totally suspend activities
  - (a) with the approval of Barbados Port Inc.; and
  - (b) for a period of time agreed upon by the licensee and Barbados Port Inc..

(3) Notwithstanding subsection (2)(a), where it is impractical or unreasonable in the circumstances for a licensee to obtain the approval of the Barbados Port Inc. for the suspension of the marine development operations, the licensee

- (a) may suspend the activities; and
- (b) shall notify Barbados Port Inc. as soon as practicable of the suspension.

(4) Barbados Port Inc. may extend a period of suspension, where necessary.

(5) Where the activities of a licensee are suspended by virtue of this section, the licensee shall not, by virtue of the suspension, be taken to be in breach of this Act or a term or a condition of the license.

### **Suspension of marine development operations for *force majeure***

**27.** Where the activities of a licensee are partially or totally suspended as a result of a *force majeure* event, Barbados Port Inc. shall extend the license for the lesser of the following periods

- (a) a period which corresponds to the length of time for which the activities were suspended; or
- (b) 2 years.

### **Cancellation of license**

**28.(1)** Barbados Port Inc. may, by written notice to a licensee, cancel the whole or part of the licence if the licensee

- (a) fails to comply with
  - (i) this Act;
  - (ii) a requirement, obligation or other provision contained in a policy, plan, directive, standard or code of practice approved by Barbados Port Inc., in relation to the licensee; or
  - (iii) any guidelines issued, approved or adopted by Barbados Port Inc.; or

- (b) breaches a term or condition of the license;
  - (c) knowingly provides false or misleading information, or omits to provide material information, to Barbados Port Inc., in respect of the application for the license or any requirement of this Act;
  - (d) is declared bankrupt or placed into liquidation or where a receiver is appointed; or
  - (e) does not pay an amount payable by him pursuant to this Act within 90 days from the date on which the amount becomes payable.
- (2) Where Barbados Port Inc. intends to cancel the license under subsection (1)(a) or (b), Barbados Port Inc. shall, prior to the cancellation, issue to the licensee a notice of default which
- (a) specifies the default of the licensee;
  - (b) in the case of a default that is
    - (i) capable of remedy, requires the licensee to remedy the default within a specified period; or
    - (ii) incapable of remedy, requires the licensee to provide good grounds, within a specified period, as to why the license should not be cancelled; and
  - (c) states the action that Barbados Port Inc. proposes to take where
    - (i) the default is not remedied; or
    - (ii) such grounds are not provided,
 within the specified period.
- (3) Where Barbados Port Inc. is satisfied that a licensee has failed to
- (a) remedy the default; or
  - (b) provide grounds as to why the proposed action should not be taken,

Barbados Port Inc. may cancel the license.

(c) Barbados Port Inc. shall specify the effective date of the cancellation in the notice.

(4) A licensee shall not, by virtue of a cancellation of a license, be relieved of any obligations and liabilities incurred by the licensee prior to the cancellation.

**Restrictions on grant of permits, licenses, etc.**

**29.(1)** A permit, licence or other instrument shall not be issued or endorsed as valid to an applicant who is under the age of 18 years.

(2) Notwithstanding anything contained in the Act or any statutory instruments made thereunder, no permit, license or other instrument shall be issued to a person, the results of whose Environmental and Social Impact Assessment (ESIA) shows negative impacts which

(a) are irreversible;

(b) no alternatives have been identified in order that the activity or project may proceed via an alternative means, so that the negative impacts may be avoided;

(c) has significant difficulties in adequately dealing with uncertainties; and

(d) for other reasons, specified in writing by Barbados Port Inc.,

would not be in the best interest of Barbados.

(3) Notwithstanding anything contained in the Act or any statutory instruments made thereunder, no permit, licence or other instrument shall be issued to a person who lacks the financial capacity and technical competence required to successfully carry out the activities or projects to which the application relates, the effect of which, in the opinion of Barbados Port Inc., makes it undesirable that he be issued with a permit, licence or other instrument.

(4) Notwithstanding anything contained in the Act or any statutory instruments made thereunder, no permit, licence or other instrument shall be issued to a person

who has an unsatisfactory track record in performance or execution of activities or projects the effect of which, in the opinion of Barbados Port Inc., makes it undesirable that he be issued with a permit, license or other instrument.

(5) In respect of subsection (4), Barbados Port Inc. may require at the time of any application submitted to it, that a reference or testimonial from such number of persons or entities whom the applicant previously undertook similar activities or a similar project be submitted along with the application to Barbados Port Inc.

## PART V

### SEAPORT INDUSTRY RESEARCH AND DEVELOPMENT

#### **National seaport industry research and development program**

**30.(1)** There is hereby established the National Seaport Industry Research and Development Program for the adoption of measures and coordination of activities to develop and sustain Barbados' seaport industry and marine transport activities at the ship-port interface.

(2) The Program shall

- (a) provide supporting platform for research on the development of the seaport industry, adopting as necessary relevant sub-programs for special research projects;
- (b) assist technology and innovation development on various scales, to continuously improve on seaport industry development;
- (c) promote port-specific investment research;
- (d) support capacity building in shipping and port logistics, maritime trade and commerce, port-oriented training and education and other port-related areas; and

- (e) facilitate attracting research funding, partnership fostering, developing and implementing strategies that increase national seaport industry competitiveness.

### **Seaport research for development Committee**

**31.(1)** There is established a Committee to be known as the Seaport Research for Development Committee.

(2) The Committee shall develop and implement the National Seaport Industry Research and Development Program under section 30.

(3) The rules in the *Second Schedule* shall have effect with respect to the constitution of the Committee and otherwise in relation thereto.

### **Functions of the Committee**

**32.** The functions of the Committee are as follows:

- (a) assist in developing and implementing national seaport policy and planning activities;
- (b) coordinate programs and sub-programs adopted pursuant to section 31 and ensure the avoidance of duplication of activities across programs and sub-programs of Barbados Port Inc., the Administration and other ocean-focused agencies;
- (c) coordinate public-private partnerships and collaboration in carrying out the National Seaport Industry Research and Development Program and any sub-programs adopted under it;
- (d) identify opportunities for joint research and development programs and development of economies of scale between
  - (i) seaport development technologies; and
  - (ii) other seaport industry programs, projects or initiatives, and the activities of the wider seaport community; and



- (e) perform any other function necessary for the fulfilment of the National Seaport Industry Research and Development Program adopted under section 30 and any sub-programs adopted within that Program.

## PART VI

### PORT ARRANGEMENTS

#### *Sister and Friendship port Arrangements*

#### **Entry into sister and friendship port arrangements**

**33.(1)** Barbados Port Inc. may, through memoranda of understanding or other appropriate means enter into

- (a) sister port arrangements; or
- (b) friendship port arrangements,

to strengthen the economic and commercial bond between any Barbados-based seaport and a foreign-based seaport and promote cooperation for maritime trade vitalization and service improvement.

(2) Prior to concluding any sister or friendship port arrangement, Barbados Port Inc. shall submit all documentation regarding the arrangement to the Minister for review.

(3) The Minister may make recommendations on the arrangements, in the interests of Barbados.

(4) Barbados Port Inc. shall take into account the recommendations of the Minister and, where the recommendations cannot be integrated, provide written reasons and an alternative recourse.

*Home porting Arrangements***Entry into home porting arrangements**

**34.** Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into home porting arrangements to facilitate the use of national seaports by vessels as their home, regardless of their port of registry.

**Requirements for home porting vessels**

**35.(1)** Home-porting vessels shall

- (a) comply with applicable national and international shipping laws on safety, security, protection of the marine environment and maritime labour when in Barbados;
- (b) hire, where practicable, a percentage of STCW-certified Barbadians to serve on board porting vessels, in accordance with the *Third Schedule*; or
- (c) where practicable, directly train or partner with a local institution to train, a percentage of Barbadians
  - (i) that do not have STCW basic proficiency training and are desirous to obtain such to pursue a career at sea; or
  - (ii) provide advanced STCW training to Barbadians holding basic level STCW certifications.

(2) The hiring percentages specified in the *Schedule* referred to in section 35(1) (b) reflect a minimum, which the parties to a home porting arrangement may negotiate upwards or downwards, depending on the circumstances of the case.

(3) Where one or more home porting vessels cannot comply with the requirements at subsection (1), they

- (a) shall notify the Port Chief Executive Officer in advance; and

- (b) indicate if at all, an alternative arrangement may be made to enable Barbadians to benefit from home porting activities.
- (4) At the end of the home-porting period, submit to the Port Chief Executive Officer a report detailing
  - (a) vessel particulars (vessel name, type, place of registry, IMO #, etc., home-porting duration);
  - (b) the specific number of Barbadians who were employed as part of the home-porting arrangement;
  - (c) the type of service or training, as the case may be, in which Barbadians were engaged as part of the home-porting arrangement;
  - (d) any other information as may be requested by the Port Chief Executive Officer or the Administration.
- (5) Barbados Port Inc. shall ensure that home-porting vessels adhere to the requirements of subsection (1).

#### *Provisioning Arrangements*

##### **Entry into provisioning arrangements**

**36.** Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into provisioning arrangements to support the local provisioning of food and beverage supplies to home-porting vessels.

#### *Stevedoring Arrangements*

##### **Entry into stevedoring arrangements**

**37.** Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into stevedoring arrangements, to support the development of the stevedoring industry and sustain livelihoods dependent on stevedoring.

*Special Arrangements***Entry into special arrangements**

**38.** Barbados Port Inc. may, through memoranda of understanding or other appropriate means, enter into any other special arrangements in relation to

- (a) port areas;
- (b) port facilities; or
- (c) port projects or initiatives.

**PART VII****TRANSSHIPMENT AND PORT-CENTRIC LOGISTICS PROGRAM***Barbados Transshipment and Port-Centric Logistics Program***Establishment of Barbados transshipment and port-centric logistics program**

**39.(1)** There is established a Program to be known as the Barbados Transshipment and Port-Centric Logistics Program.

(2) The Program shall

- (a) create and maintain the enabling conditions necessary for Barbados to become a transshipment hub;
- (b) set standards for improving maritime trade coordination and efficiency, generally and specifically in relation to supply chains;
- (c) guide the development of transshipment activities, port centric logistics activities and related services;

- (d) promote the development of logistics facilities and industrial infrastructure, as part of seaport operations, to enable a wide range of value-added services to be performed;
  - (e) as part of its continued effective implementation, undertake measures that will continually add value to ships and cargo while waiting in port;
  - (f) outline a strategic plan for Barbados to efficiently, effectively and continuously meet the ever-changing demands for logistics services; and
  - (g) undertake within it any other actions or initiatives to ensure continued economic and other forms of development and benefits from transshipment and port-centric logistics activities.
- (3) For the purposes of section 39(1), port-centric logistics means logistics and distribution services based at the port where goods arrive, whereby shipments can be stored at the port hence reducing the number of handling stages throughout the storage and distribution process.
- (4) Efforts shall be undertaken within the Program to
- (a) integrate where beneficial, multimodal transport logistics, in furtherance of the objectives of the *Merchant Shipping (Multimodal Transport) Act, 2024* (Act 2024-29); and
  - (b) implement section 15 of the *Merchant Shipping (Multimodal Transport) Act, 2024*.

**Plans in support of Barbados transshipment and port-centric logistics program**

**40.** The Port Chief Executive Officer may, where he deems it necessary in the circumstances of the case, develop a general plan or specific plans, to implement one or more aspects of the Barbados Transshipment and Port-Centric Logistics Program.

**Plan compatibility with port's master and business plan**

**41.** Any plan adopted or developed as part of the Barbados Transshipment and Port-Centric Logistics Program shall be compatible, to the extent practicable, with the

- (a) port master plan, as required by section 8 of *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*, Cap. 285B; and
- (b) port business plan, as required by section 9 of *Barbados Port Inc. (Transfer of Management and Vesting of Assets) Act*.

**Plan adoption, modification and revocation**

**42.(1)** After considering any submissions in relation to a plan pertaining to the Barbados Transshipment and Port-Centric Logistics Program, Barbados Port Inc. shall submit the draft Plan to the Administration for review and comment.

(2) The Port Chief Executive Officer may

- (a) approve the Plan with or without amendment; or
- (b) refuse to approve the Plan and direct further amendment to the Plan.

(3) The Port Chief Executive Officer shall

- (a) publish notice of the approval of the Plan in a Seaport Industry Notice;
- (b) where relevant, publish any requirements to be complied with by port users in relation to the Plans, in a seaport directive.

(4) A plan pursuant to the Barbados Transshipment and Port-Centric Logistics Program comes into operation on a date on which the notice under subsection (3) is published in a Seaport Industry Notice.

**Plan duration and periodic review**

**43.(1)** The Port Chief Executive Officer shall cause a review to be made of the Plan no later than 3 years after its entry into force.

- (2) After review of the Plan, the Port Chief Executive Officer may approve the amendment of the Plan.

**Binding effect plan**

**44.(1)** All persons are bound by an in-force plan relating to the Barbados Transshipment and Port-Centric Logistics Program.

- (2) All transshipment and related activities shall be carried out in accordance with the plan.

(3) A plan relating to the Barbados Transshipment and Port-Centric Logistics Program may be deviated from where

- (a) necessary for saving life;
- (b) protecting the marine environment; or
- (c) as directed in writing by the Port Chief Executive Officer.

(4) Where the Port Chief Executive Officer gives written direction that a plan relating to the Barbados Transshipment and Port-Centric Logistics Program should be deviated from, he shall provide reasons in writing and written instructions on an alternative course of action.

**Withdrawal of plan**

**45.(1)** The Port Chief Executive Officer may withdraw a plan relating to the Barbados Transshipment and Port-Centric Logistics Program, where he considers it appropriate to do so.

(2) Where the Port Chief Executive Officer withdraws a plan, he shall publish a notice of withdrawal in the *Official Gazette* and in a Seaport Industry Notice, and the plan ceases to have effect on the date of such publication.

(3) The Port Chief Executive Officer shall also take such further steps as he considers appropriate to ensure that the withdrawal of the plan is brought to the attention of interested persons.

(4) Following the withdrawal of the plan, the Port Chief Executive Officer shall ensure the adoption of a new plan, so that the existing plan is not withdrawn unless a prospective one is prepared and implementation-ready.

(5) In this section “interested persons” mean

- (a) any persons appearing to Barbados Port Inc. to be likely to be interested in, or affected by, the withdrawal of the Plans;
- (b) members of the general public.

#### *Transshipment Incentive Scheme*

### **Incentives**

**46.(1)** Barbados Port Inc. shall develop and manage a transshipment incentive scheme to bolster transshipment and related services at the Port of Bridgetown or any other seaport established under the auspices of Barbados Port Inc.

(2) In developing the Scheme, Barbados Port Inc. shall engage relevant stakeholders.

(3) Particulars in relation to the incentives shall be detailed within the Scheme.

(4) Details as to the entry into force and operation of the Scheme shall be officially publicized.

## **PART VIII**

### **SEAPORT PRE-CLEARANCE**

#### **Customs and border protection pre-clearance**

**47.(1)** Subject to

- (a) consultation with the Minister;



- (b) a memorandum of understanding or other written agreement between the Government of Barbados and the Government of the foreign country, and Cabinet's approval of the same; and
- (c) collaboration with the Comptroller of Customs,

Barbados Port Inc. may facilitate the stationing of customs and border protection personnel of a foreign country at the Port of Bridgetown, or any other seaport established or managed under the auspices of Barbados Port Inc., for the purposes specified in subsection (2).

(2) Subject to subsection (1)(a), customs and border protection personnel of a foreign country may be stationed at the Port of Bridgetown, or any other seaport established or managed under the auspices of Barbados Port Inc., to facilitate the undertaking of all agricultural, customs and immigration inspections at such seaport in Barbados.

#### **Establishment of pre-clearance locations**

**48.** The port chief executive officer shall ensure that pre-clearance locations are established at the Port of Bridgetown or any other seaport established or managed under the auspices of Barbados Port Inc. to facilitate the undertaking of all agricultural, customs and immigration inspections at such seaport in Barbados.

#### **Effect of seaport pre-clearance**

**49.** Where, seaport pre-clearance activities are carried out in Barbados in accordance with

- (a) the terms of a memorandum of understanding or other written agreement; and
- (b) this Act or any statutory instrument made thereunder,

passengers and cargo, including agricultural products, shall be accorded the pre-clearance benefits outlined in the memorandum of understanding or other written agreement.

**Pre-clearance reciprocity****50.(1)** Subject to

- (a) consultation with the Minister
- (b) a memorandum of understanding or other written agreement between the Government of Barbados and the Government of a foreign country, and Cabinet's approval of the same; and
- (c) collaboration with the Comptroller of Customs,

local customs and border protection officials may be stationed at designated pre-clearance locations in a foreign seaport of which the customs and border protection officials of that foreign seaport are stationed at the Port of Bridgetown, or any other seaport established under the auspices of Barbados Port Inc. for the purposes of subsection (2).

(2) Passengers and cargo, including agricultural products, destined for Barbados, shall be reciprocally accorded the pre-clearance benefits enjoyed by passengers and cargo, including agricultural products, destined for countries outside Barbados, as specified in the memorandum of understanding or other written agreement.

**PART IX****UNCLAIMED GOODS OR UNPAID FEES****Unclaimed goods**

**51.(1)** Where goods in the possession of Barbados Port Inc. are not claimed within 30 days by the owner or any other person who appears to the Chief Executive Officer of the Port to be entitled to them, the Chief Executive Officer of the Port shall, if the owner or that person is known, serve a notice upon him,

within 14 days of the expiry of the 30-day period, requiring him to remove the goods.

(2) If the owner of goods referred to in paragraph (1) is not known and no person appears entitled to them, or if the owner of, or a person entitled to, goods referred to in paragraph (1) is known but a notice under subsection (1) cannot be served, the Chief Executive Officer of the Port may immediately sell the goods by public auction

(3) If the owner of, or person entitled to, goods referred to in paragraph (1) is known and a notice under subsection (1) has not been complied with, the Chief Executive Officer of the Port may,

(a) immediately sell any perishable goods by public auction; and

(b) after one month, sell any other goods by public auction.

(4) The Chief Executive Officer of the Port shall apply the proceeds of the auction in the discharge of customs duties and of the expenses incurred in the sale of the goods and shall pay the balance, if any, into the Seaport Industry Fund.

(5) If any goods offered for sale in accordance with this section cannot be sold for a sum sufficient to pay the expenses incurred in the sale, they may be destroyed, or otherwise disposed of as the Chief Executive Officer of the Port directs.

### **Unpaid duties**

**52.** Where customs duties or any other duty or charge payable in respect of goods in the possession of Barbados Port Inc. remain unpaid for a period of one month or more, the goods may be disposed of as unclaimed goods under section 51.

### **Apportionment of proceeds**

**53.** Where the proceeds of a sale conducted under section 51(3) or 52 are insufficient to pay all customs duties and the expenses incurred in the sale, they shall be apportioned at the rate of

- (a) 60 per cent payable to Barbados Port Inc. for the port charges and expenses incurred by Barbados Port Inc. in respect of the sale; and
- (b) 40 per cent payable to the Customs Department for the customs duties owing in respect of the goods sold.

### **Protection from demurrage claims**

**54.** Barbados Port Inc. is not liable for any demurrage that may occur or be due on any ship, however the demurrage may have been caused.

## **PART X**

### **RESPONSIBLE SUPPLY CHAIN MANAGEMENT OF MINERALS AND PRECIOUS METALS**

#### **Application of this Part**

**55.** This Part applies to minerals and precious metals mined

- (a) from Barbados waters; and
- (b) mined from the Area under Barbados' sponsorship,

in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ).

**Mandatory delivery of ocean minerals and precious metals to Port of Bridgetown**

**56.(1)** Except where authorized or directed otherwise in writing by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat), all minerals and precious metals

- (a) recovered from within Barbados waters under a licence issued in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ); or
- (b) recovered from the Area under Barbados' sponsorship, in accordance with the *Maritime and Underwater Heritage Act, 2025*,

shall be delivered to the Port of Bridgetown for documentation, fingerprinting, and certification, in accordance with this Part, prior to such minerals or precious metals being released on the local, regional or international market.

(2) Where an authorization or direction is given to deliver minerals and precious metals at a place other than the Port of Bridgetown, the Barbados Ocean Minerals Secretariat shall notify the Chief Executive Officer of Barbados Port Inc.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine of \$700 000 or to a term of imprisonment of 5 years or to both.

(4) Minerals and precious metals mined from the ocean in contravention of the *Maritime and Underwater Heritage Act, 2025*, shall be confiscated by Customs Authority, and thereafter handled as directed by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat).

**Documentation, Fingerprinting and Clearance of Minerals**

**57.(1)** The owner, agent or master of vessels, or the licensee in respect of whom the minerals and precious metals are concerned, shall submit an Ocean Minerals and Precious Metals Declaration Form through the Maritime Single Window.

(2) The Declaration referred to in subsection (1) shall be in the form set out in the *Fifth Schedule*.

(3) The minerals and precious metals shall be fingerprinted or otherwise appropriately recorded for tracking and verification purposes, and thereafter shall be inspected by inspectors designated by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat).

(4) Where following an inspection by

(a) inspectors designated by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat); and

(b) Customs authorities, in accordance with section 186 of the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ),

the minerals and precious metals described in the Declaration are verified to correspond with the minerals and precious metals delivered to the Port of Bridgetown, the Comptroller of Customs shall issue a Certificate of Clearance in the form specified in the *Sixth Schedule*.

(5) In respect of minerals and precious metals for export, a Certificate of Clearance shall not be issued unless a person holds a licence to export in accordance with section 184 of the *Maritime and Underwater Heritage Act, 2025*.

(6) Where a Certificate of Clearance is issued in accordance with subsection (4), the minerals and precious metals may enter the local, regional or international market, subject to any other applicable trade or supply chain compliance requirements.

(7) A person who submits a false Declaration Form is liable

(a) to the payment of an administrative penalty in an amount of \$250 000, and seizure by Customs authorities of the minerals and precious metals;

(b) on conviction on indictment to a fine of \$3 000 000 or imprisonment for 7 years or to both;

- (c) suspension or revocation of applicable permit or licence, as the case may be, issued under Part VI of the *Maritime and Underwater Heritage Act, 2025*.
- (8) A person who seeks to evade tax on minerals and precious metals by
  - (a) placing the incorrect value of such minerals and precious metals on export or import documents or other documentation;
  - (b) using misleading descriptions such as “low-value scrap” or other descriptions to evade tax;
  - (c) any other fraudulent means,

is guilty of an offence and is liable on conviction on indictment to a fine of \$3 000 000 or to imprisonment for 5 years or to both.

### **Ocean Minerals and Precious Metals Supply Chain Management Code**

**58.(1)** Barbados Port Inc., in consultation with the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat), and in collaboration with the Administration, shall develop a Code to be known as the Barbados Ocean Minerals and Precious Metals Supply Chain Management Code.

(2) The overarching objective of the Code shall be the adoption of due diligence measures to ensure responsible and sustainable supply chains of minerals and precious metals sourced and recovered from the sea, in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ).

- (3) The tenets of the Code shall be guided by
  - (a) Organization for Economic Co-operation and Development (OECD) Due Diligence Guidance in the Mineral Supply Chain;
  - (b) Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains;
  - (c) Protocol against the Illegal Exploitation of Natural Resources;

- (d) International Conference of the Great Lakes Region (ICGLR) Mineral Tracking and Certification System;
  - (e) German Federal Institute for Geosciences and Natural Resources Certified Trading Chains and Analytical Fingerprint Technology; and
  - (f) any other relevant international framework or best practice guidance for minerals, precious metals and responsible supply chains management.
- (4) The Code shall set out mandatory requirements for
- (a) ensuring independent verification that exports of ocean minerals and precious metals from Barbados, from mine site to export, are in compliance with:
    - (i) the *Maritime and Underwater Heritage Act, 2025*, and its statutory instruments; and
    - (ii) the Code;
  - (b) safeguarding against risks in the mineral and precious metals supply chain, taking into consideration the OECD's Five-step Framework for Risk-based Due Diligence in the Mineral Supply Chain;
  - (c) safeguarding against fraud in mineral certification schemes, and ensuring mineral certification schemes or initiatives adopted or developed by Barbados are supported by an appropriate audit verification process;
  - (d) preventing illicit trafficking in minerals and precious metals to
    - (i) protect Barbados-based companies engaged in ocean mineral activities;
    - (ii) protect against hindrances to socio-economic development of Barbados;



- (iii) protect local communities, including artisanal and small-scale sea mining communities, from risks associated with illicit trafficking in minerals and precious metals;
    - (iv) build resilience of the minerals and precious metal's supply chain against the infiltration of transnational organized crime and other cross-border crimes;
  - (e) ensuring equitable participation by, and fair and proper regulation of, artisanal and small-scale sea miners in ocean minerals and precious metals trade and commerce;
  - (f) effective and holistic regulation all other aspects of minerals and precious metals in a supply chain management context.
- (5) The mandatory requirements in the Code shall be supported by related standards and recommended practices to assist in managing safety, including environmental safety, and security risks associated with trade in minerals and precious metals.
- (6) The Code shall enter into force by publication in the *Official Gazette*.
- (7) The Code shall be binding on all persons and vessels engaged in ocean mineral activities, as specified in the Code.
- (8) The Code may be amended from time to time as may be necessary to keep abreast of developments in the realm of minerals, precious metals and supply chain management.
- (9) Supporting compliance and enforcement mechanisms, including directives and guidelines may be issued pursuant to the Code.
- (10) Directive and guidelines developed in relation to the Code shall be developed by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat), in consultation with Barbados Port Inc. and the Administration.

(11) For the purposes of this section “Code” means the Barbados Ocean Minerals and Precious Metals Supply Chain Management Code, and a reference to this Code means this Code as may be amended from time to time.

### **Artisanal and Small-scale Sea Miners Associations**

**59.(1)** Individuals, groups or small businesses, including members of local coastal and fishing communities may form Artisanal and Small-scale Sea Miners Associations to sustain or supplement their livelihoods from ocean mineral activities.

(2) Artisanal and Small-scale Sea Miners Associations shall be registered with the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat) in order to engage in ocean minerals and precious metals trade and commerce.

(3) Artisanal and Small-scale Sea Miners Associations shall be participants in a supply chain management certification scheme

(a) managed by Barbados Port Inc.; or

(b) managed by a recognized local, regional or international organization and endorsed by Barbados Port Inc.,

as part of responsible supply chain management activities relating to trade in minerals and precious metals through Artisanal and Small-scale Sea Miners Associations.

### **Application of the Fairtrade and Fairmined Standard**

**60.** To the extent practicable, the Fairtrade and Fairmined Standard for Gold for Artisanal and Small-scale shall be integrated into, and adapted for, standard setting in respect of artisanal and small-scale sea miners, irrespective of the minerals or precious metals concerned.

### **Specific Standards for Artisanal and Small-scale Sea Miners**

**61.** Giving due consideration to local circumstances, the characteristics of the ocean mineral sector, and inputs by Artisanal and Small-scale Sea Miners Associations, specific standards shall be tailored for artisanal and small-scale sea miners, including minimum certification requirements to

- (a) support involvement of individuals, groups, coastal and fishing communities and small business in ocean minerals trade and commerce through Artisanal and Small-scale Sea Miners Associations; and
- (b) address labour conditions, health and safety, economic, environmental, social and cultural aspects, in fulfillment of the overarching objectives of the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ).

### **Application of section 234 Maritime and Underwater Heritage Act**

**62.** Section 234 of the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ) applies *mutatis mutandis* to any person, group, coastal and fishing community or small business wishing to make a proposal in respect of the ocean minerals and precious metals supply chain management process.

### **Ancillary support by small vessels to ocean mineral activities**

**63.(1)** Owners of

- (a) small vessels of 150 GT and below, registered under the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22); and
- (b) vessels above 150 GT but not exceeding 300 GT, classified as small vessels by the Minister responsible for Shipping, pursuant to section 1480 of the *Merchant Shipping Act, 2024* (Act 2024-28), for sole operation in Barbados waters,

may register their vessels with the Administration as ocean mineral tender vessels.

- (2) Owners and operators of ocean mineral tender vessels shall hold a Barbados Small Vessel Operator's Licence or licence Endorsement, in accordance with the *Shipping (Domestic Vessels) Act, 2024*.
- (3) The Administration shall communicate to the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat) all owners and operators of small vessels registered with it as ocean mineral tender vessels.
- (4) Owners and operators of ocean mineral tender vessels are restricted to providing support or other services to vessels engaged in ocean mineral activities.
- (5) Owners and operators of ocean mineral tender vessels wishing to engage in ocean mineral activities shall
  - (a) join an Artisanal and Small-scale Sea Miners Association and apply through such Association; or
  - (b) otherwise obtain the requisite permit or licence in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ).
- (6) Registration as an ocean mineral tender vessel shall not affect any other registration status of a small vessel under any other register managed by the Administration.
- (7) For the purposes of this section "ocean mineral tender vessel" means a small vessel that supports or services other vessels engaged in ocean mineral activities

#### **Allocation of minerals and precious metals to support the Green Transition**

- 64.(1)** The Minister responsible for Natural Resources, in consultation with relevant agencies and stakeholders may by Order allocate a percentage of minerals and precious metals recovered from the sea to support
  - (a) the green transition of shipping, in furtherance of the international shipping decarbonization agenda, as enshrined in the *Marine Transport*

*(Emissions Control) Act, 2024* (Act 2024-25) and its associated statutory instruments; and

- (b) other transport sectors and renewable-based industries reliant on minerals and precious metals to fulfill their green objectives.
- (2) Notwithstanding subsection (1), the Minister responsible for Natural Resources, in consultation with relevant agencies and stakeholders, may by Order specify other sectors for which a percentage of minerals and precious metals recovered from the sea should be allocated, to support development in those other sectors.
- (3) Mineral and precious metal allocations specified in an Order made in relation to subsections (1) and (2) shall be applied in a manner that does not amount to a restriction in trade in ocean minerals and precious metals or otherwise negatively impact the wider minerals and precious metals sectors, and related sectors.

#### **Protection of Maritime Cultural and Natural Heritage at the border**

**65.(1)** Barbados Port Inc., in consultation with relevant agencies and stakeholders shall coordinate a plan of action for protection and management of maritime heritage at national borders, especially in relation to tangible forms of maritime cultural and natural heritage being imported into or exported out of Barbados.

- (2) In furtherance of subsection (1), guidance and best practices shall be adopted from the World Customs Organization Cultural Heritage Program, and tailored to the extent practical to natural heritage.

## PART XI

## COMPLIANCE AND ENFORCEMENT

*Regulatory Oversight of the Administration***Regulation-making powers of the Administration in relation to Seaports**

- 66.** The Administration may make regulations in relation to
- (a) ensuring compliance by any seaport in Barbados with port-specific maritime safety, security, marine environmental protection and maritime labour protection requirements;
  - (b) ensuring that
    - (i) vessels in a seaport in Barbados comply with national and international maritime laws; and
    - (ii) seaport authorities promote and facilitate compliance and enforcement activities in relation to vessels in port; and
  - (c) any other port-related activities, to be regulated by the Administration, in accordance with international maritime law.

**Seaport compliance audits**

- 67.(1)** In exercising its regulatory functions, the Administration shall conduct every 2 years, seaport compliance audits to determine the extent to which the Port of Bridgetown or any other national seaport meets its obligations regarding maritime safety, security, marine environmental protection and maritime labour protection under the Act and under international maritime law.
- (2) The Administration shall submit its audit findings to Barbados Port Inc. within 3 months of completing the audit.

- (3) Where, after an audit, one or more deficiencies are found, Barbados Port Inc. shall take steps to remedy the deficiency, and shall submit a corrective action plan to the Administration.

*Regulatory Oversight of Barbados Port Inc.*

**Regulatory activities of Barbados Port Inc.**

- 68.** Barbados Port Inc. shall have full regulatory control over
- (a) all port-related activities, falling outside the regulatory jurisdiction of the Administration;
  - (b) all activities conducted by seaports established under its auspices;
  - (c) port areas;
  - (d) port facilities;
  - (e) the administration, management, operation and development of the seaport industry, in accordance with national law and international best practices for the seaport industry;
  - (f) persons and entities using or operating within port areas, and shall exercise such regulatory control, in accordance with other applicable laws, and where necessary, in consultation with relevant agencies; and
  - (g) to do any such thing necessary for the effective regulation of affairs falling within its regulatory jurisdiction.

**Surveys**

- 69.(1)** In exercising its regulatory functions, Barbados Port Inc. shall conduct annual surveys of port areas and port facilities in respect of safety, security and environmental-related considerations.
- (2) Barbados Port Inc. shall prepare a survey report in respect of port areas and port facilities.

- (3) Where after a survey, one or more deficiencies are found, Barbados Port Inc. shall take steps to remedy the deficiencies.
- (4) Where a port area or port facility is being operated by an external person or entity, and one or more deficiencies are found, Barbados Port Inc. shall ensure that the person or entity remedies the deficiency.

*Regulatory Oversight of the Harbour Master*

**Regulatory activities of the harbour master**

**70.(1)** The harbour master shall have regulatory controls within port areas, in respect of the following

- (a) general management and operation of harbours and harbour facilities;
- (b) direction of pilotage, towage and tug activities;
- (c) direction of the time and manner vessels may enter into, and depart from, harbour waters;
- (d) direction of the movement by vessels within harbour waters;
- (e) use of tugs and other forms of assistance;
- (f) direction as to where vessels should anchor;
- (g) position in which vessels shall discharge cargo and passengers;
- (h) position in which vessels should receive or deliver ballast;
- (i) prohibition of entry into, or requiring removal from, the harbour any vessel, where the condition of the vessel may pose danger to person, property or the marine environment;
- (j) prohibit entry of dangerous substances in harbour areas;
- (k) regulate handling, movement and position of vessels carrying dangerous goods;



- (l) detaining vessels for discharging ship-generated wastes or other pollutants into harbour waters;
  - (m) board vessels for safety and environmental related inspections;
  - (n) where there is a wreck is in or near the approaches to a harbour which is or is likely to become a danger to navigation, take possession of, remove or destroy of the wreck;
  - (o) mark the location of a wreck until it is raised, removed or destroyed;
  - (p) issue harbour directives and the impose an administrative penalty not exceeding \$100 000 for the breach thereof; and
  - (q) do any such thing provided it is necessary to maintain a safe, secure and environmentally sustainable harbour area.
- (2) An administrative penalty notice issued pursuant to section 70(1)(p) shall be in the format provided in the *First Schedule*.
- (3) Notwithstanding subsection (2), 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.

## PART XII

### OFFENCES AND PENALTIES

#### **Arrest of ship for unpaid charges**

**71.(1)** Where any port or harbour charges are owing and remain unpaid for a period of one month or more in respect of a ship, the ship may be arrested by an authorised employee of Barbados Port Inc.

(2) Where, after an arrest under subsection (1), any harbour charges or fees remain unpaid for a period of 7 days, the authorised employee of Barbados Port Inc. may cause the ship and its tackle, apparel and furniture to be sold, and out of the proceeds of the sale he shall retain the amount necessary to meet the expenses of the detention and sale and shall, after paying the amount of the harbour charges or fees owing to the Barbados Port Inc., deliver the balance, if any, to the master of the ship.

### **Offence of fraudulent surveys**

**72.(1)** No person shall prepare or issue

- (a) a report of a survey conducted under the Act or any statutory instruments made under it with false or inaccurate information;
- (b) a report or record on the compliance status of a port area or port facility without conducting a survey;
- (c) a report or record that falsely states that a port area or port facility meets required safety, security or environmental standards.

(2) A person who contravenes subsection (1) commits an offence and liable on summary conviction to a fine of \$100 000.

### **General penalty**

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

(2) Where an offence under the Act or its statutory instruments is a continuing one, and no other penalty is provided in respect of 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.

## PART XIII

## MISCELLANEOUS

*Safety, Security and Environmental Regulation of Privately-owned Ports***Regulation of privately-owned seaports**

**74.(1)** The Administration shall in respect of

- (a) safety;
- (b) maritime labour conditions;
- (c) security; and
- (d) protection of the marine environment,

have regulatory oversight of privately-owned seaports operating in Barbados.

(2) The Administration may issue directives on safety, maritime labour conditions, security and protection of the marine environment to privately-owned seaports.

*Port Welfare***Port welfare services**

**75.** In fulfillment of Regulation 4.4 on access to shore-based welfare facilities in the Maritime Labour Convention 2006, as amended, the Administration and Barbados Port Inc. shall jointly collaborate on port welfare matters, to ensure that seafarers have access to facilities and services in port to secure their health and wellbeing.

*Seaport Industry Financing and Investment***Establishment of the Seaport Industry Fund**

- 76.(1)** There is established a Fund to be known as the Seaport Industry Fund.
- (2) The Fund shall be administered and managed by Barbados Port Inc.
- (3) The purpose of the Fund is to
- (a) support financing for seaport industry development;
  - (b) assist in financing activities, projects, initiatives, measures or undertakings necessary for the continued effective implementation of this Act and its statutory instruments.
  - (c) support financing for seaport industry-oriented research;
  - (d) support the cruise, coastal and marine tourism sectors; and
  - (e) serve, as specified by the Port Chief Executive Officer, after consultation with the Minister, as a repository for gifts, grants, donations, bequests or other revenue streams directed for seaport industry development.
- (4) Barbados Port Inc. may require a percentage of the proceeds from penalties paid in respect of contraventions of the Act, statutory instruments made thereunder or in any directives to be paid into the Fund.

**Cruise Passenger Contributions to Sustainability**

- 77.(1)** Subject to subsection (2), the Minister, in consultation with Minister responsible for Finance, and in collaboration with Barbados Port Inc. and the cruise industry, may include a nominal fee in the price of every cruise passenger ticket into Barbados, for the purpose of financing national maritime sector sustainability efforts.

- (2) A nominal fee inclusion referred to in subsection (1) shall only take effect by
  - (a) written agreement between the parties concerned as to the nominal fee amount to be included in cruise passenger tickets into Barbados;
  - (b) Cabinet's approval; and
  - (c) publication of the notice contained in the *Fourth Schedule* in the *Official Gazette*.
- (3) Where a nominal fee is included in the price of every cruise passenger ticket into Barbados in accordance with subsections (1) and (2), the cruise company or its authorized agent shall be responsible for collecting the nominal fee from every cruise passenger at the time of booking.
- (4) Contributions by cruise travellers into Barbados by way of nominal fees shall be directed to the Seaport Industry Fund established under section 76 of the Act.
- (5) Where nominal fees are not collected at the time of booking, the nominal fees shall be
  - (a) transmitted by the cruise company or its agent to the Seaport Industry Fund; or
  - (b) collected by Customs Authority from every cruise passenger upon arrival into Barbados for transmission to the Seaport Industry Fund.
- (6) In the interest of joint sustainability efforts facilitated through sea and air international transport, the Minister shall partner with aviation industry agencies and stakeholders, to extend the cruise passenger contributions to sustainability regime to air travellers.
- (7) The Minister shall undertake appropriate measures to ensure the fair, transparent and effectively regulated inclusion of nominal fees into air passenger tickets into Barbados.

(8) A nominal fee included in a cruise passenger ticket shall not be in an amount that it negatively impacts Barbados' cruise tourism sector.

(9) For the purposes of this section "nominal fees" mean the fees agreed to pursuant to subsection (2)(a) to be included in the price of every cruise line passenger ticket into Barbados for marine sustainability related purposes.

### **Seaport industry investment schemes**

**78.** Seaport industry investment schemes may be entered into as follows:

- (a) the Port Chief Executive Officer may facilitate entry into investment schemes proposed in writing by external entities that are specific to investment in Barbados' seaport industry;
- (b) the Port Chief Executive Officer, in consultation with interested investors, may develop and manage schemes directed at investment in development of Barbados' seaport industry; and
- (c) a seaport industry investment scheme shall not be concluded where it would be disadvantageous to Barbados' maritime sector or otherwise detrimental to the economic, environmental, social or cultural interests of Barbados.

### **Binding nature of seaport industry investment schemes**

**79.** A seaport industry 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 and other matters pertaining to the scheme have been agreed to in writing by the parties to the scheme.

### **Validity of the scheme**

**80.** A seaport industry investment scheme is valid for the purposes of this Act where it is registered with the Barbados Port Inc.

**Particulars of the scheme**

**81.** The Scheme shall detail the following particulars:

- (a) parties to the scheme;
- (b) duration of the scheme;
- (c) scope of activities to be undertaken under the scheme;
- (d) rights and responsibilities of parties to the scheme;
- (e) insurance or other form equivalent financial security for the venture;
- (f) nature of the investment;
- (g) benefit-sharing arrangements;
- (h) dispute settlement arrangements; and
- (i) any other relevant particulars as determined by parties to the scheme.

**Compliance requirements for parties to schemes**

**82.** Parties to a Scheme shall comply with

- (a) national maritime policies and laws, as applicable;
- (b) marine spatial planning requirements;
- (c) maritime boundary and jurisdictional requirements, as applicable; and
- (d) international best practices in the realm of seaports.

**Suspension of an investment scheme**

**83.(1)** Subject to subsection (2), where after entering into an investment scheme its disadvantages become apparent, the scheme may be temporarily suspended to allow for rectification of the matters causing the identified disadvantages.

- (2) The scheme may be temporarily suspended where
- (a) a request for temporary suspension of the scheme is made, in writing, by an affected person or group of persons to the Minister; and
  - (b) the request is accompanied by reasons and supporting evidence.
- (3) Where the identified disadvantages cannot be wholly remedied, the Minister shall ensure that an equitable compromise is agreed to in writing by the parties and the investment scheme is modified accordingly.

*Occupational Health and Safety*

**Compliance with the *Safety and Health at Work Act*, Cap. 356**

**84.** In carrying out seaport operations or any other activities pursuant to this Act, the provisions applicable to seaport operations and vessel-related activities as specified in the *Safety and Health at Work Act*, Cap. 356 and any statutory instruments thereunder shall be adhered to.

*General*

**Registers**

**85.** Barbados Port Inc. may create registers to support its administration of the Act, including

- (a) a register of permits;
- (b) a register of licences;
- (c) a register of port-designated areas; and
- (d) a register of port-designated maritime heritage properties.



**Protection from personal liability**

**86.** No liability shall lie personally against

- (a) the Port Chief Executive Officer;
- (b) any member, officer or employee of Barbados Port Inc. or such other person who is authorized in writing, acting under the direction of the Port Chief Executive Officer;
- (c) the Administration;
- (d) any member, officer or employee of the Administration or such other person who is authorized in writing, acting under the direction of the Minister or the Administration;
- (e) a maritime law enforcement officer,

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

**Sharing of information**

**87.** Barbados Port Inc. may disclose information which it receives to

- (a) an authorized official; or
- (b) a duly authorized representative of the government of another country,

in connection with the enforcement of this Act or any other enactment.

**Prohibition of publication or disclosure of information of unauthorized persons**

**88.(1)** No person shall, without the consent in writing given by or on behalf of Barbados Port Inc., 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) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding \$50 000.

(3) Where any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine of \$50 000.

(4) The consent of Barbados Port Inc. under subsection (1), shall not be unreasonably withheld.

### **Confidentiality**

**89.(1)** No employee or agent of Barbados Port Inc. shall

- (a) use, either directly or indirectly, any confidential information obtained as a result of his relationship with Barbados Port Inc. for his own benefit or advantage; or
- (b) disclose confidential information obtained as a result of his relationship with Barbados Port Inc. to any person other than to
  - (i) an authorized official; or
  - (ii) a duly authorized representative of the government of another country in connection with the enforcement of this Act or any other enactment.

(2) A person who receives confidential information from a person specified in subsection (1) is subject to the provisions of this section as if he were a person specified in subsection (1).

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$150 000 or to imprisonment for 3 years or to both.

**Publication of Information**

**90.** Barbados Port Inc. may publish in the *Official Gazette* and in a newspaper published and circulating in Barbados and, in such form as may be appropriate, any information which Barbados Port Inc. considers to be of public interest.

**Contractual requirements**

**91.** Contractual arrangements between Barbados Port Inc. and other parties shall be consistent, to the extent practicable, with the standard contracts developed by the Baltic and International Maritime Council (BIMCO), on matters including, but not limited to

- (a) ship repairs;
- (b) ship and offshore structure dismantling works; and
- (c) any other port-related services carried out under a contract, for which there is an applicable BIMCO standard contract.

**Transfer of Functions outside of Barbados on behalf of Barbados Port Inc.**

**92.(1)** The Chief Executive Officer, with the approval of the Minister, may where he considers it justifiable, authorize an entity or competent person outside Barbados to perform specified regulatory oversight responsibilities on behalf of Barbados Port Inc. under this Act or under any other enactment in which there are specified functions in relation to Barbados Port Inc.

(2) Any transfer pursuant to subsection (1) shall be executed by way of a transfer agreement.

**Power to make regulations**

**93.** The Minister may make regulations generally to give effect to the provisions of this Act.

**Power to amend Schedules**

**94.** The Minister may by order amend the *Schedules* to this Act.

**FIRST SCHEDULE***(Sections 5(3) and 70(2))*

*Seaport Industry (Management, Operations and Development) Act, 2025*  
 (Act 2025- )

**Administrative Penalty Notice**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
*(Time)*

\_\_\_\_\_, you \_\_\_\_\_  
*(Location) (Name of person to whom notice is issued)*

contravened requirements

1. specified in an instrument issued by Barbados Port Inc., pursuant to section 5(1)(k)(i)/5(1)(k)(ii)/
2. specified in a harbour directive issued by the Harbour Master, pursuant to section 70(1)(p).

The particulars of the contravention(s) are that you:

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The administrative penalty amount for the contravention(s) is \$\_\_\_\_\_.

**SECOND SCHEDULE***(Sections 31(3) and 94)***SEAPORT RESEARCH FOR DEVELOPMENT COMMITTEE****Appointment of members**

- 1.(1)** The Committee shall comprise of 11 members, as follows:
- (a)* 3 representatives from Barbados Port Inc.;
  - (b)* 2 representatives from the Administration;
  - (c)* 2 representatives from Barbados Investment and Development Corporation;
  - (d)* one representative from the Faculty of Science and Technology, University of the West Indies, Cave Hill Campus;
  - (e)* one representative from the Faculty of Social Sciences, University of the West Indies, Cave Hill Campus; and
  - (f)* two persons appointed by the Minister as follows:
    - (i)* one person who appears to the Minister to be qualified and experienced in economics, accounts, finance, tax, law, public administration or business or such other area as, in the opinion of the Minister, is required for the discharge of the functions of the Committee; and
    - (ii)* one person nominated by the most representative organization of employees from among its members.
- (2)** A member shall, subject to the provisions of this *Schedule*,
- (a)* hold office for a term not exceeding 3 years; and
  - (b)* be eligible for reappointment.

- (3) The Minister shall, pursuant to paragraph (2), determine the term of office of a member in such a manner that in any one year the respective terms of office of no more than 3 members expire.

### **Chairman and Deputy Chairman**

2. The Minister shall appoint a member to be Chairman, and another to be Deputy Chairman, of the Committee.

### **Resignation**

- 3.(1) The Chairman may resign his office by instrument in writing addressed to the Minister.
- (2) A director, other than the Chairman, may resign his office by instrument in writing addressed to the Chairman, who shall forthwith forward the instrument to the Minister.
- (3) A resignation takes effect from the date on which the Minister receives the instrument.

### **Temporary leave of absence**

4. The Minister may, in writing, grant a leave of absence to a member.

### **Temporary appointment**

5. Where a member is, or is likely to be, unable to perform the functions of his office for more than 30 days, whether as a result of absence from Barbados, illness or other cause, the Minister may appoint a person to act in the place of the member for that period.

### **Revocation of appointment**

6. The Minister shall revoke the appointment of a member who
- (a) fails to carry out any of his functions under this Act;

- (b) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (c) is convicted of an offence involving fraud or dishonesty or, in the case of any other offence, is sentenced to a term of imprisonment;
- (d) is guilty of serious misconduct in relation to his functions;
- (e) is bankrupt or compounds with or suspends payment to his creditors; or
- (f) fails to declare a conflict of interest in a matter before the Committee.

### **Vacancies**

**7.(1)** A vacancy in the membership of the Committee arises on

- (a) the death or resignation of a member;
- (b) the revocation of the appointment of a member; or
- (c) the absence of a member from 4 consecutive meetings of the Committee without the approval of the Minister.

(2) A person who is appointed to fill a vacancy referred to in paragraph (1) shall hold office only for the unexpired portion of the term of the former member concerned.

### **Disqualification**

**8.** A person who

- (a) is a member of Parliament;
- (b) other than a person specified in paragraph 1(a)(ii) or (iii), is a public officer within the meaning of the *Public Service Act*, Cap. 29; or
- (c) were he a member, would be removed from office pursuant to paragraph 6,

is not eligible to be a member.



### **Gazetting of appointments**

**9.** The appointment, resignation, death or removal of a member of the Committee shall be notified in the *Official Gazette*.

### **Seal and execution of documents**

**10.(1)** The seal of the Committee shall be

- (a) kept in the custody of the Chairman, the Deputy Chairman or the person performing the functions of secretary to the Committee and may be affixed to documents or instruments pursuant to a resolution of the Committee, in the presence of any 2 of the persons referred to in this sub-paragraph; and
- (b) authenticated by the signature of the Chairman or the Deputy Chairman or the person performing the functions of secretary to the Committee.

(2) All documents or instruments made by the Committee, other than those required by law to be under seal, and all decisions of the Committee shall be signified under the hand of the Chairman or the Deputy Chairman or the person performing the functions of secretary to the Committee.

### **Meetings**

**11.(1)** The Committee shall meet quarterly or as often as may be necessary or expedient for the transaction of its business; and such meetings shall be held at such places and times and on such days as the Committee may determine.

(2) The Chairman or, in the event of his absence from Barbados or inability to act as such, the Deputy Chairman

- (a) may at any time call a special meeting of the Committee; and
- (b) shall call such a meeting within 7 days of the receipt by him of a request for that purpose addressed to him in writing and signed by not fewer than 3 members.

- (3) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Committee.
- (4) Where the Chairman and the Deputy Chairman are absent from a meeting, the directors present shall elect a director from among their number to preside at the meeting.
- (5) Five members shall constitute a quorum of the Committee.
- (6) The decisions of the Committee shall be by a majority of votes and in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.
- (7) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Committee or by such other officer as the Committee appoints for that purpose, and shall be confirmed by the Committee and signed by the Chairman or Deputy Chairman at the next meeting of the Committee.

**Attendance of non-members at meetings**

**12.** The Committee may invite any person to attend a meeting to assist or advise it with respect to a matter under its consideration, but a person so invited does not have a right to vote.

**Committee may regulate proceedings**

**13.** Subject to the provisions of this *Schedule*, the Committee may regulate its own proceedings.

**THIRD SCHEDULE***(Sections 35(1)(b) and 94)***STCW-CERTIFIED BARBADIANS TO BE HIRED FOR SERVICE ON  
HOME PORTING VESSELS**

<b>Ship Type or Trade</b>	<b>Period of Operation</b>	<b>Proportion of Barbadian Crew (negotiable)</b>
<b>Offshore Supporting Vessels</b>	More than 90 days	1/3 (one-third – 34%) crew
	More than 180 days	½ (half – 50%) crew
	More than 360 days	2/3 (two-thirds – 67%) crew
<b>Cruise ships</b>	More than 30 days	20% (or other negotiable percentage)
	Less than 30 days	15%
<b>Exploration and Prospecting Vessels and Platforms</b>	More than 90 days	¼ (one-fourth – 25%) crew
	More than 180 days	1/3 (one-third – 34%) crew
	More than 360 days	½ (half – 50%) crew
	More than 720 days	2/3 (two-third – 67%) crew
<b>Vessels in Cabotage Trade</b>	More than 90 days	1/5 (one-fifth – 20%) crew
	More than 180 days	1/3 (one-third – 34%) crew
<b>Any other Vessels (including vessels chartered to a Barbadian Company)</b>	More than 90 days	2/3 (two-third – 67%) crew

**\*N.B. hiring arrangements are negotiable**

## FOURTH SCHEDULE

(Section 77(2)(c))



*Seaport Industry (Management, Operations and Development) Act, 2025*  
(Act 2025- )

**Notice relating to Cruise Passenger Contributions to  
Barbados' Maritime Sector Sustainability Efforts**

Pursuant to section 77(1) of the *Seaport Industry (Management, Operations and Development Act, 2025*, (Act 2025- ) a nominal fee in an amount of \_\_\_\_\_  
(specify amount)  
for the purpose(s) of \_\_\_\_\_ is being included in the  
(specify purpose(s) of nominal fee)  
price of every cruise passenger ticket into Barbados for the period \_\_\_\_\_.  
(insert specific period)

The cruise company or its agent is responsible for collecting the nominal fee from every cruise passenger at the time of booking. Where nominal fees are not collected at the time of booking, the said fees shall be collected in accordance with section 77(5) of the Act.

Nominal fee contributions will be transmitted to the Seaport Industry Fund established under section 76 of the Act.

Barbados expresses its sincere gratitude for your support through the nominal fee. This support will assist Barbados in effectively managing and preserving its environment and ecosystems from the impacts of maritime transport and related activities, building climate resilience, and overall enhancing national sustainability efforts.

With your contribution, Barbados will be able to maintain a clean and pristine environment from land to sea, undertake actions in fulfillment of continued integrated sustainable development of the maritime sector, and consistently present our country as one of the most beautiful places in the world to be enjoyed by visitors and locals alike.

**FIFTH SCHEDULE***(Section 57(2))*

*Seaport Industry (Management, Operations and Development) Act, 2025*  
(Act 2025- )

**OCEAN MINERALS AND PRECIOUS METALS DECLARATION FORM**

THIS IS TO DECLARE that:

1. The minerals and/or precious metals described and supported by images as contained in the annex to this Declaration have been ethically, responsibly and sustainably sourced and recovered from Barbados waters /the Area under Barbados' sponsorship, in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ) and any statutory instruments thereunder.
2. All minerals and/or precious metals recovered from the sea have been delivered to the Port of Bridgetown as required by section 56.
3. Measures as specified in the annex to this Declaration will be undertaken in accordance with the *Seaport Industry (Management, Operations and Development) Act, 2025* (Act 2025- ) and its associated statutory instruments, to advance the minerals and/or precious metals through the supply chain process in a responsible manner.
4. The particulars relating to mineral and/or precious metals type, quantity, value, and other particulars relating to the minerals and/or precious metals specified in the annex to this Declaration are true and accurate.
5. Where an Order is in force pursuant to section 64, a percentage of minerals and/or precious metals (indicate percentage) have been set aside to contribute to the overall percentile requirements specified by the Minister responsible for Natural Resources in the said Order.

*Fifth Schedule - (Cont'd)***ANNEX TO OCEAN MINERALS AND PRECIOUS METALS DECLARATION**

1. Particulars of licence holder and licence issued under PART VI, *Maritime and Underwater Heritage Act, 2025* (Act 2025- ).

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2. Particulars of the vessel(s) delivering the minerals and/or precious metals to the Port of Bridgetown.

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3. Particulars on the methods employed to ensure ethical, responsible and sustainable sourcing and recovery of the minerals and/or precious metals from the sea.

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*Fifth Schedule - (Cont'd)*

4. Description and quantity of minerals and/or precious metals recovered from the sea.

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5. If for export, export particulars, include type and quantity of minerals and precious metals for export, country of destination.

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6. If for local consumption, provide brief description on intended local uses and/or targeted sectors.

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*Fifth Schedule - (Concl'd)*

7. Statement on measures that will be undertaken to advance the minerals and/or precious metals through the supply chain process in a responsible manner.

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8. *(Applicable only where an Order is in force pursuant to section 64).*

Indication of percentage of minerals and/or precious metals allocated for contribution towards overall percentile requirements specified in an Order made and in force pursuant to section 64.

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9. Particulars relating to the value of minerals and/or precious metals.

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**SIXTH SCHEDULE***(Section 57(4))*

*Seaport Industry (Management, Operations and Development) Act, 2025*  
(Act 2025- )

**FORM OF CERTIFICATE OF CLEARANCE**

THIS IS TO CERTIFY that:

1. An Ocean Minerals and Precious Metals Declaration Form has been submitted to the Comptroller of Customs, in accordance with section 57.
2. The minerals and/or precious metals to which the Declaration relates have been inspected and verified to correspond with the minerals and/or precious metals delivered to the Port of Bridgetown.
3. The person seeking clearance in respect of the minerals and/or precious metals holds the relevant permit/licence and other relevant documentation under the *Maritime and Underwater Heritage Act, 2025* (Act 2025- ) or is otherwise authorized in writing by the Ministry responsible for Natural Resources (Barbados Ocean Minerals Secretariat) to carry out such clearance activities.
4. Having verified the above and all other related matters, clearance is granted for release of the said minerals and/or precious metals on the market.

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**Notes:**

Trade or supply chain compliance requirements apply as follows (Barbados Port Inc. to indicate where applicable)

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2025.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2025.

**President**