



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

17th July, 1998.

ANTIGUA AND BARBUDA

No. 7 of 1998

AN ACT to amend the Antigua and Barbuda Merchant Shipping Act, Cap. 28.

[30th July, 1998]

ENACTED by the Parliament of Antigua and Barbuda as follows:

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| <p>1. This Act may be cited as the Antigua and Barbuda Merchant Shipping (Amendment) Act 1998.</p> <p>2. Section 5 of the Antigua and Barbuda Merchant Shipping Act (hereinafter called the principal Act) is amended by</p> <p style="margin-left: 2em;">(a) inserting the following definitions in their alphabetical order:</p> <p style="margin-left: 4em;">“bulk carrier” means a ship which is constructed generally with single deck, top side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk, and includes such types as ore carriers and combination carriers;</p> <p style="margin-left: 4em;">“chemical tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquid product</p> | <p>Short title.</p> <p>Amendment of section 5 Cap. 28</p> |
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listed in Chapter 17 of the International Bulk Chemical code;

“Chief Engineer Officer” means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel;

“Engineer Officer in Charge of a Watch” means any person who is in charge of a vessel’s main propulsion system and its’ associated equipment, maintaining direct control over the performance of all functions within the designated area of responsibility and under the direction of an individual serving in the management level for that area of responsibility;

“liquified gas tanker” means a ship constructed or adapted and used for the carriage in Bulk of any liquid gas or other products listed in Chapter 19 of the International Gas Carrier Code;

“Officer in charge of a Navigational Watch” means any person who is in charge of the navigation or manoeuvring of vessel maintaining direct control over the performance of all functions within the designated area of responsibility and under the direction of an individual serving at the management level for that area of responsibility;

“oil tanker” means a ship constructed and used for the carriage of petroleum or petroleum products in bulk or a combination of petroleum and petroleum products in bulk;

“Radio Operator” means a person holding an appropriate radio certificate or telegraph or telephone licence as specified by the International Telecommunication Convention and recognized by the Administration;

“Rating” means a member of the ship’s crew other than the Master or an Officer;

“seafarer’s book” or “seafarer’s identification records book” means a document issued to personnel serving

aboard Antiguan and Barbudan vessels for the purpose of providing the holder with identity papers for travel to or from an assigned vessel, providing a record of the holder's sea service, and noting any certification which has been awarded to him; but it is not a passport and is issued without prejudice to and does not affect the national status of the holder;

- (b) by deleting the definitions, "chemical tanker", "liquified gas tanker" and "tanker".

3. Section 7 of the principal Act is amended by adding the following subsections:

Amendment of section 7 of the principal Act.

"(3) Officers appointed under this section are authorized to issue certificates of competency, endorsements and documents to all merchant marine personnel.

(4) The Director of Marine Services shall establish standards of certification and upgrading of merchant marine personnel, necessary and appropriate for the purpose and for the maintenance of high standards in the register of ships of Antigua and Barbuda."

4. Section 13 of the principal Act is amended by adding the following subsection:

Amendment of section 13 of the principal Act.

"(9) A copy of the Antigua and Barbuda Merchant Shipping Act, as amended from time to time, must be carried on board each vessel under the flag of Antigua and Barbuda."

5. Section 14(1) of the principal Act is amended:

Amendment of section 14 of the principal Act.

- (a) by deleting items (b) and (d) and in item (c) by deleting the semicolon and by adding the words "and motor boats;"
- (b) in subsection (2) by deleting the words "and record of boats".

6. Section 17 of the principal Act is repealed.

Repeal of section 17 of the principal Act.

7. Section 21 of the principal Act is amended by deleting subsection (3).

Amendment of section 21 of the principal Act.

Amendment of section 62 of the principal Act.

8. Section 62 of the principal Act is amended by

- (a) deleting paragraphs (3)(h) and (4)(h);
- (b) by inserting the following subsection:

“(4a) Every ship radiotelephone or ship earth station and every automatic communication device installed in ship station, shall be controlled by a radio operator, duly certificated by a member Government of the International Telecommunication Union.”;

- (c) by adding the following subsections:

“(7) Masters, Officers, Engineer Officers and Seafarers designated for service to control fire fighting operations must submit proof of completion of a Marine Advanced Fire fighting Course.

(8) Seafarers designated for service as a Master or Officer must submit proof of completion of a Radar Simulator Automatic Radar Plotting Aid (ARPA) Course to serve on vessels equipped with ARPA.

(9) Seafarers designated for service as Master or Officer will be required to hold GMDSS/RO Certificate.

(10) Masters, Officers, Engineer Officers and Seafarers designated to provide Medical First Aid or take charge of Medical Care or both shall meet the standards therefor in accordance with the STCW Code; applicants must submit a special certificate where this is not included in the qualification for the issued national certificate.

(11) Seafarers designated to take charge of a Survival Craft, Rescue Boat and Fast Rescue Boat shall meet the standards therefor in accordance with the STCW Code specified therein and submit a special certificate where this is not included in the qualification for the issued national certificate.

(12) Foreign certificates containing STCW 95 endorsements shall be evidence of completion of the requirements of the sections above, without the submission of Training Certificates.

(13) Subsections (7) to (12) (both subsections included) become effective from the first day of August, 1998 but shall not apply to Seafarers who commenced their maritime training or sea service prior to the first day of August, 1998.

(14) Notwithstanding subsection (13), subsections (7) to (12) (both subsections included) become effective from the first day of February, 2002 in respect of Seafarers who commenced their maritime training or sea service prior to the first day of August, 1998.”.

9. Section 63 of the principal Act is amended by adding the following subsections:

Amendment of section 63 of the principal Act.

“(2) Certificates of completion referred to in subsection (1) shall comply in all respects with the provisions of the STCW 78 Conventions; and the level at which the officer is qualified to perform must be specified in the form of the certificate of endorsement.

(3) Officer’s certificates and endorsements are valid for a period of five years and are subject to renewal in accordance with the conditions set out under this section.

(4) Applicants for certificates of competency, endorsements or seafarer’s books may be of any nationality and need not to be citizens or residents of Antigua and Barbuda.

(5) Certificate shall be renewed prior to its expiration. An applicant applying for renewal of a certificate or endorsement shall surrender a certified copy of his expired certificate or endorsement and shall submit a completed application form together with two standard passport sized photographs of the applicant, a report of physical examination, carried out within the preceding twelve months period, the prescribed fee, and evidence of professional competence as follows:

(a) sea service under his expired certificate, with proof of sea service in the grade of certificate

held for a total of not less than one year during the preceding five years, or

- (b) all employment during the preceding five years, including employment ashore closely related to the operation of vessels, which may be considered by the Director to be at least equivalent to the seagoing service required by this section, or
- (c) evidence of passing a refresher test, or successful completion of an approved refresher course or courses, or completed seagoing service in an appropriate supernumerary capacity for a period of not less than three months immediately prior to the position in which he is entitled to serve by virtue of his certificate grade.

(6) After the 1st day of August, 1998, any person applying for a renewal of certificate must meet the same general requirements for an Antiguan and Barbudan certificate as are specified in section 75.”.

Amendment of section 64 of the principal Act.

10. Section 64 of the principal Act is repealed and the following is substituted:

“64. Any person who having been engaged in any of the capacities of a Master, Chief Mate, Officer in charge of a navigational watch, Chief Engineer or Engineer Officer in Charge of a Watch of any vessel registered under this Act, goes to sea in that capacity in such vessel without being the holder of a valid certificate of competency or endorsement of a grade appropriate to his functions and level of responsibility, or of a higher grade, commits an offence under this Act.”.

Amendment of section 65 of the principal Act.

11. Section 65 of the principal Act is amended by adding the following subsections:

“(2) Each application for a certificate of competency or endorsement at the management or operational level shall be submitted to the Director in form D1 and shall be accompanied by such supporting documentation, proofs and fees as are prescribed.

(3) Each applicant for a certificate or endorsement at the management or operational level, who qualifies under the provisions of the STCW Convention, will be issued an endorsement in the form prescribed by the Convention stating

that he has been found duly qualified in accordance with the provisions of that Convention.”.

12. Section 66 of the principal Act is repealed and the following is substituted:

Amendment of section 66 of the principal Act.

“66 (1) Where it appears to the Minister or any person authorised by him in this behalf that a certificate or document granted under this Act was obtained on false or erroneous information, he may cancel suspend or alter such certificate or document.

(2) Where an applicant for a certificate or endorsement has acquired qualification or experience or performed service or undergone training which does not meet the specific standards referred to in section 63, but which he believes to be a reasonable equivalent, then he may submit documentary evidence of such qualifications, service, experience or training to the Director for evaluation. The decision of the Director in all such cases shall be final.

(3) The holder of an officer certificate or endorsement so cancelled, revoked or suspended shall promptly surrender it by forwarding it by post to the Director.

(4) Any person who

- (a) fraudulently makes use of or forges such certificates or any official copy thereof or,
- (b) fraudulently makes use of any such certificate which is forged, altered, cancelled or suspended or to which he is not justly entitled, or
- (c) fraudulently lends such a certificate or endorsement or seafarer’s book to, or allows the same to be used by any other person,

is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years.”.

13. Section 68 of the principal Act is repealed and the following is substituted:

Amendment of section 68 of the principal Act.

“68. (1) The holder of a certificate of competency or endorsement which is lost or destroyed, may apply to the Director for a replacement. The application must be supported by an affidavit duly sworn or affirmed before a Commissioner of Oaths or Notary Public.

(2) Affidavits referred to in subsection (1) must include a description of the certificate sufficient to allow it to be recognized, state the circumstances of its loss or destruction, and be submitted together with two standard size passport photographs of the applicant, together with the prescribed fee.”.

Amendment of section 71 of the principal Act.

14. Section 71 of the principal Act is amended by adding the following new subsections:

“(3) Where a foreign certificate with endorsement has been issued by a country which has not ratified the STCW Convention, an Antiguan and Barbudan certificate of competency or endorsement recognizing this foreign certificate will not be issued.

(4) Certificates from other countries shall be accepted as the basis for obtaining an Antiguan and Barbudan certificate of competency or endorsements; provided that the conditions under which any such certificates are granted in that country must require standards of competency or service not lower than those required under this Act for the grant of a corresponding certificate or endorsement. The Director may at his discretion determine that such foreign certificate is equivalent to a lower grade of the Antigua and Barbuda certificate of competency or endorsement. It shall also be proved that such foreign certificates are obtained in full compliance with the rules and regulations of the STCW Convention through the issuing Government, including successful completion of a comprehensive examination or examinations administered by the proper authority of that Government.

(5) Foreign certificate shall only be accepted as a basis for obtaining an Antigua and Barbudan certificate or endorsement when they are valid in all respects and bearing, inter alia, an endorsement as specified by the STCW Convention, but any revoked or expired or altered or illegible certificate or endorsement which is otherwise indicative of non-validity will not be accepted.

(6) Holders of foreign certificates and endorsements, authorised to serve in more than one grade, will be considered to be equivalent to that of Antigua and Barbuda certificate of competency which reflects the applicant's documented actual experience and a certificate of competency or endorsement will be issued accordingly.

(7) Antigua and Barbuda certificate or endorsements issued upon acceptance of a foreign equivalent may, depending upon the applicant's documented experience, be similarly limited as to any restriction which applies to such foreign certificate.

(8) Applicants applying for certification through the Antigua and Barbuda Department of Marine Services on the basis of a foreign certificate must submit an official certified duplicate or copy of their original national certificate.

(9) Applicants certified by a foreign government whose national certificate bears the endorsement specified by the STCW Convention will not be required to document sea service or nautical training."

15. Section 74 of the principal Act is amended by adding the following item:

Amendment of section 74 of the principal Act.

"(k) any rating who shall perform the duties forming part of a navigational watch or of a watch in a manned engine-room must hold STCWII/4 or III/4 certification."

16. Section 75 of the principal Act is amended by

Amendment of section 75 of the principal Act.

(a) deleting subsection (1) and substituting the following:

"(1) No seaman may be engaged or carried out to sea to work in any capacity in any ship unless he possesses the prescribed qualifications for complete seagoing service and any related compulsory training and meets the standards of medical fitness.";

(b) in subsection (2) by adding the following paragraphs:

"(e) every candidate exhibiting symptoms likely to indicate epilepsy, acute mental illness or other

lack of mental capacity or stability, tuberculosis, acute venereal disease, acquired immune deficiency syndrome abuse of alcohol or the use of narcotic substances (whether or not prescribed by a medical physician) shall be disqualified;

- (f) applicants for the operational level for certification as deck or navigational officer must have (either with or without glasses) at least 20/20 vision in one eye and at least 20/40 in the other; and if the applicant wears glasses, he must have vision without glasses of at least 20/160 in both eyes;
 - (g) any applicant for engineer or radio officer certification must have (either with or without glasses) at least 20/30 vision in one eye and 20/50 in the other; and if the applicant wears glasses he must have vision with glasses of at least 20/200 in both eyes;
 - (h) any applicant has to comply to hearing unimpaired for normal sounds and be capable of hearing an undertoned voice in the better ear at 4.5 meters and in the poorer ear at 2.5 meters;
 - (i) applicants for the operational level for certification as deck or navigational officer must have normal colour perception and capable of distinguishing the colours green, blue, red and yellow;
 - (j) any applicant for engineer or radio officer certification shall be examined only as to perception of the colours green, red and yellow;
 - (k) applicants for deck or radio officer certification must have speed, unimpaired for normal voice communication;
 - (l) every applicant's blood pressure must fall within an average range, taking age into consideration.”;
- (d) by adding the following subsection:

“(6) any person who wilfully conceals of any medical history or mental or physical disability, which might render the applicant unfit for service on board a

vessel, commits any offence under this Act and any certificate of competency or endorsement which may have been issued to him shall be void *ab initio* and be immediately cancelled.”.

17. Section 84 is amended by deleting subsection (3) and substituting the following:

Amendment of section 84 of the principal Act.

“(3) No young person under the age of eighteen years shall be employed in any capacity in any ship unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that such person is fit to be employed in that capacity.”.

18. The principal Act is amended by inserting the following sections after section 128:

Amendment of section 128 of the principal Act.

“128A. (1) Every person employed on an Antiguan and Barbudan vessel shall have in his possession an official Antigua and Barbuda seafarer’s identification and record book, containing any certificates or entries of special qualification issued to the holder.

(2) Subsection (1) does not apply to any person who is employed on a passenger ship where he is not assigned or required to perform ship safety and pollution related ship-board duties.

(3) Every applicant making first application for a seafarer’s book must show evidence of having received basic training or instruction as applicable in personal survival, fire prevention and fire fighting, elementary first aid, and personal safety and social responsibilities, in accordance with section A VI/1 of STCW Codes.

(4) Any Officer or Rating serving aboard an Antiguan and Barbudan vessel, being the holder of a valid seafarer’s identity document issued by another Flag State is eligible to apply for an Antiguan and Barbuda seafarer’s book.

(5) The Minister may prescribe the fees for the provisions of original seafarer’s identification and record book, and its renewal due to loss, damage, destruction, theft, the passage of time or its being filled with entries.”.

19. Section 130 of the principal Act is amended by adding the following paragraph:

Amendment of section 130 of the principal Act.

“(d) seafarer’s book.”

ANTIGUA 12
AND
BARBUDA

*Antigua and Barbuda Merchant
Shipping (Amendment) Act, Cap. 28*

No. 7 of 1998

Passed by the House of Representatives
this 26th day of May, 1998.

Passed by the Senate this 18th
day of June, 1998.

B. Harris,
Speaker.

(Sen.) L. Smith,
Vice President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.