

ANTIGUA AND BARBUDA



THE ANTIGUA AND BARBUDA MERCHANT SHIPPING (AMENDMENT) ACT, 2007

No. of 2007

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ANTIGUA AND BARBUDA

THE ANTIGUA AND BARBUDA MERCHANT SHIPPING (AMENDMENT) ACT, 2007

No. of 2007

AN ACT to amend the Antigua and Barbuda Merchant Shipping Act, 2006, so as to permit the Antigua and Barbuda Department of Marine Services and Merchant Shipping to establish offices outside of Antigua and Barbuda, to allow registration for ships under construction, to establish registration fees and criteria for the refund of fees, to extend to Antigua and Barbuda the provisions of Annex VI of the International Convention to Prevent Pollution from Ships, to revise the provisions relating to births and deaths at sea and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Antigua and Barbuda Merchant Shipping (Amendment) Act, 2007.

2. Interpretation

In this Act, the “principal Act” means the Antigua and Barbuda Merchant Shipping Act, 2006.

3. New section 6A

The principal Act is amended by inserting after section 6 the following section –

“6A. Additional offices of ADOMS

- (1) The Minister may establish additional offices of ADOMS outside Antigua and Barbuda.
- (2) The Director shall, on the direction of the Minister, assign the duties to the additional offices that the Minister directs.”

4. New section 11A

The principal Act is amended by inserting after section 11 the following section –

“11A. Ships under construction

A ship that is under construction whose keel has been laid and which is wholly owned by persons specified in subsection 11(1) may be registered as a ship under construction, and sections 16 to 19 shall not apply to such a ship until construction is finished.”

5. Amendment to section 13

The principal Act is amended by replacing paragraph 13(1)(b) with the following –

“(b) a register for yachts;”

6. Amendment to section 23

The principal Act is amended in section 23 -

- (a) in subsection 23(2) by deleting the word “registration” and substituting the word “registry” after the words “certificate of”;
- (b) in subsection 23(3) by deleting the word “tithes” and substituting the word “title”.

7. New Sections 26A and 26B

The principal Act is amended by inserting after section 26 the following sections –

“26A. Fees

- (1) The owner of an Antigua and Barbuda ship shall pay the prescribed registration fee in respect of a ship upon its registration.
- (2) The owner of an Antigua and Barbuda ship registered permanently shall pay, every year on the anniversary date of its initial registration, the prescribed annual fee in respect of that ship for that year.
- (3) The owner of an Antigua and Barbuda ship registered for bareboat charter shall pay, every two years on the anniversary date of its initial registration, the prescribed fee in respect of that ship for that two-year period.
- (4) If the owner fails to pay the fee, the Registrar may suspend the certificate of registry of the ship.
- (5) Where a ship has been re-measured and the tonnage ascertained, the new tonnage shall form the basis of the calculation of the annual fee.
- (6) The Minister may prescribe the fees to be paid under this section in respect of ships and the fees may be fixed according to
 - (a) their tonnage;
 - (b) whether they are to be registered permanently or for bareboat charter; and
 - (c) any other relevant criteria.

26B. Refund of fees

- (1) Subject to subsection (2), no fees paid under section 26A are to be refunded.
- (2) Where the owner of a ship makes an application and the Director is satisfied that the registration of a ship has been transferred from permanent registration to bareboat charter registration, the Director shall order a refund equal to the difference in the amount of fees paid for permanent registration when only bareboat registration fees were payable.”

8. Amendments to section 115

The principal Act is amended

- (a) by deleting subparagraph 115(j)(i) and substituting the following –

“(i) record the birth of any child born at sea and give notice or cause notice to be given of the birth of the child to the registrar under The Births and Deaths (Registration) Act, cap. 53 within thirty days from the date of birth in accordance with subsections 17(1) and (2) of that Act;”

- (b) by adding the word “and” at the end of subparagraph 115(j)(ii) and inserting a subparagraph after that subparagraph as follows –

“(iii) give or cause to be given to the registrar referred under The Births and Deaths (Registration) Act notice in writing where death occurs at sea within thirty hours after the death in accordance with section 18 of that Act.”

9. Amendment to section 133

The principal Act is amended in section 133 by deleting the word ‘SOLAR’ in the marginal note and substituting “SOLAS”.

10. Amendment to section 173

The principal Act is amended in section 173 by repealing the numeral “V” and substituting “VI”.

11. Amendment of the Second Schedule

The principal Act is amended by amending paragraph 8 of the Second Schedule in the fifth line by deleting “ANTIGUANANDNBARBUDA” and substituting “ANTIGUA AND BARBUDA”.

Passed the House of Representatives on the , 2007.

Passed the Senate on the , 2007.

Speaker.

President.

Clerk to the House of Representatives.

Clerk to the Senate.

EXPLANATORY MEMORANDUM

This Bill seeks to propose changes to the Antigua and Barbuda Merchant Shipping Act, 2006.

Clause 3 would permit the establishment of offices of the Department outside Antigua and Barbuda.

Clause 4 would facilitate the registration of ships under construction.

Clause 5 would change the register for mega yachts to a register of yachts.

Clauses 6, 9 and 11 would correct some typographical errors.

Clause 7 would provide for registration and annual fees and for the refund of registration fees.

Clause 8 would clarify the rules with respect to the registration of births and deaths at sea.

Clause 10 would extend the provisions of Annex VI of MARPOL , which deals with air pollution from ships, to Antigua and Barbuda

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Hon. Justin L. Simon, Q.C.
Attorney General and
Minister of Legal Affairs