

ANTIGUA AND BARBUDA



THE SMALL CRAFT CONTROL ACT, 2015

No. of 2015

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Sections

1. Short title and commencement.
2. Interpretation.
3. Application.
4. ADOMS to be Authority for small craft
5. Enforcement
6. Regulations
7. Transitional
8. Repeals

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AN ACT to regulate and control small craft operations in Antigua and Barbuda and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title and commencement

This Act may be cited as the Small Craft Control Act, 2015 and shall come into force on a day to be fixed by the Minister by Notice published in the *Gazette*.

2. Interpretation

In this Act—

“Authority” means The Antigua and Barbuda Department of Marine Services and Merchant Shipping (“ADOMS”);

“authorised officer” means—

(i) an inspector appointed by the Director of The Antigua and Barbuda Department of Marine Services and Merchant Shipping, or any other person who has the powers of inspection under the Antigua and Barbuda Merchant Shipping Act, 2006;

(ii) any officer or soldier of the Antigua and Barbuda Defence Force Coast Guard; and

(iii) any other category of persons designated as an authorised officer by the Minister.

“Minister” means the Minister responsible for merchant shipping and ship registration;

“owner” in relation to small craft, includes any person having, either by law or by contract, the same rights as the owner of the small craft with respect to the possession and use thereof;

“small craft” means a vessel of less than 24 metres of length, whether non self propelled, power-driven, manoeuvred by oars or poles or under sail, but does not include a vessel registered under the Fisheries Act, No. 22 of 2006.

3. Application

(1) This Act applies to small craft operating within Antigua and Barbuda waters, irrespective of whether the small craft is also licensed or registered under any other law in Antigua and Barbuda.

(2) Notwithstanding subsection (1) a vessel owned or operated by the Government of Antigua and Barbuda and used only for government non commercial purposes, which falls into the description of a small craft under this Act shall be exempt from the provisions of this Act.

4. ADOMS to be Authority for small craft

(1) The Antigua and Barbuda Department of Marine Services and Merchant Shipping (“ADOMS”), shall be the authority responsible for the Registration and Licensing of small craft.

(2) A person shall not operate a small craft unless it is licensed under this Act and has on board evidence of a valid license issued under this Act.

5. Enforcement

(1) An authorised officer shall be responsible for the enforcement of the provisions of this Act.

(2) The Minister may designate by notice published in the Gazette such persons as he considers fit to be authorised officers for the purposes of this Act.

6. Regulations

The Minister may make regulations for carrying out the provisions of this Act, including regulations—

- (a) that govern the process and fees for registration of small craft;
- (b) that govern the process and fees for licensing of small craft;
- (c) determining the competencies required of persons seeking to operate small craft;
- (d) prohibiting the importation, sale or use of certain types of small craft if he or she is of the opinion that they are hazardous;
- (e) regulating the importation, sale, distribution or use of classes of small craft;
- (f) respecting the rules that apply to persons selling rides to the public;
- (g) respecting the protection of the interests of users of beaches adjacent to designated areas used for water sports activities and the general public;
- (h) regulating the safe operation and manoeuvring of vessels;
- (i) relating to the safety and security equipment to be carried on board;
- (j) granting of exemptions;
- (k) stating offences and penalties;
- (l) for the effective carrying out of the provisions of this Act.

7. Transitional

(1) A person who, on the day on which this Act comes into force, is the owner of a small craft shall, not later than six months after that day, apply to the Authority for a small craft licence under section 4.

(2) A person who, on the day on which this Act comes into force, has a valid licence to operate a small craft for pleasure or commercial use, may continue to do so until a year later from the day on which the required registration, licences and permits were acquired.

8. Repeals

The Port Authority Regulations made under the Port Authority Act CAP. 333 are amended by repealing PART VI of those regulations which carry the title “Small Craft” except for the following—

“Regulations 73-77 inclusive, 94, 96 and 97”.

Passed by the House of Representatives on the _____, 2015.

Passed by the Senate on the _____, 2015.

Speaker.

President.

Clerk to the House of Representatives.

Clerk to the Senate.

EXPLANATORY MEMORANDUM

This Bill seeks to regulate and control small craft operations in Antigua and Barbuda.

It effectively transfers control of small craft from the responsibility of the Port Authority and places it under the authority of the Antigua and Barbuda Department of Marine Services and Merchant Shipping (ADOMS).

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Hon. Gaston A. Browne
*Prime Minister and Minister of Finance and
Corporate Governance and Minister responsible for
Merchant Shipping and Ship Registration.*