

ANTIGUA AND BARBUDA



ANTIGUA AND BARBUDA MERCHANT SHIPPING (AMENDMENT) BILL 2020

No. Of 2020

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AN ACT to amend the Antigua and Barbuda Merchant Shipping Act, 2006 No. 1 of 2006 and for other 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, 2020.

2. Interpretation

In this Act –

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

3. Amendment of section 2 – Interpretation

Section 2 of the principal Act is amended by inserting the names and meanings of the following Conventions to which Antigua and Barbuda is a Party in their correct alphabetical position within that section –

““FAL 1965” means the Convention on the Facilitation of International Maritime Traffic 1965, as amended;”

“SUA” means the Convention on the Suppression of Unlawful Acts Against Safety of Maritime Navigation 1988”

“SUA 2005” means the Protocol for the Suppression of Unlawful Act Against the Safety of Maritime Navigation 2005

““SUA PROT” means the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf”

““SUA PROT 2005” means the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts of Against the Safety of Fixed Platforms Located on the Continental Shelf”

4. Amendment of Section 8 – Regulations and directives to give effect in Antigua and Barbuda to maritime conventions

Section 8 of the principal Act is amended by adding after the words “Maritime Labour Convention” at the end of subsection (1) the following Conventions –

“FAL 1965 Convention

SUA Convention

SUA 2005 Protocol

SUA PROT Protocol

SUA PROT 2005 Protocol”

5. Amendment of section 11 – Qualification to own Antigua and Barbuda ships

Section 11 of the principal Act is amended by repealing it in its entirety and replacing it as follows –

11. Qualification to own Antigua and Barbuda Ships

(1) A ship shall on application be registered as an Antigua and Barbuda ship if the ship is wholly owned by or bareboat chartered to a –

- (a) citizen of Antigua and Barbuda;
- (b) national of a Member State; or
- (c) A firm or company incorporated or registered under the laws of Antigua and Barbuda.

(2) Notwithstanding subsection (1), a ship may, regardless of the nationality of its owners, be registered as an Antigua and Barbuda ship if –

- (a) the ship is one to which the SOLAS Convention applies; and
- (b) the Owner of the ship has appointed a principal representative in Antigua and Barbuda.

EXPLANATORY MEMORANDUM

The principal objectives of this Bill are-

- 1. to enhance the ability of the Department of Maritime Services to give effect to Antigua and Barbuda Maritime Treaty obligations; and*
- 2. to introduce a new avenue of registering ships under the Antigua and Barbuda Flag.*

Clause 3 - inserts into the Interpretation Section of the principal Act, several Conventions to which Antigua and Barbuda became a party; while Clause 4 gives the Minister power to give effect to those provisions and any amendments thereto by regulations.

Clause 5 - amends section 11 dealing with the qualifications to own an Antigua and Barbuda registered ship. The amendment most repeats what existed before, but a new method, that of appointing a Principal Representative in Antigua and Barbuda, has been added.

The Principal Representative is intended to function as the owner's representative and to act on behalf of the Owners as if the Owners were persons falling within paragraphs (a) or (b) of section 11(1).

The amendment only applies to ships that fall under the SOLAS Convention.

Clause 6 removes an ambiguity within section 24A which deals with Provisional Registration.

Along with this amendment to the principal Act, there will also be an amendment to the Antigua and Barbuda Merchant Shipping Regulations to specify the qualifications and obligations of a Principal Representative under the Act.

*Hon. Gaston Browne
Prime Minister
Minister with responsibility for Merchant Shipping*