
CHAPTER 333

THE PORT AUTHORITY ACT

THE PORT AUTHORITY REGULATIONS

Arrangement of Regulations

PART I

PRELIMINARY

Regulation

1. Short title.
2. Interpretation and definition of harbours.

PART II

PILOTAGE

3. Pilots.
4. Compulsory pilotage.
5. Exemption from compulsory pilotage by the Port Manager.
6. Approach and boarding of pilot.
7. Signals to be shown by excepted ship.
8. Only pilots may pilot ships.
9. Pilot flag.
10. Excepted ship to occupy assigned berth.
11. Removal of ship anchored in fairways.

PART III

SHIPS—REPORT, MOVEMENT, BERTHING, ETC.

12. Notification of expected arrival of ships.
13. Shipping return.
14. Ship's signals on entering.
15. Signals.
16. Speed in harbour.
17. Due notice of ship's departure to be given.
18. Anchors to be in readiness for letting go.
19. Port Health Officer.
20. Immigration formalities.

Regulation

21. Customs formalities.
22. Master to deliver particulars of ship, etc.
23. Master responsible for erroneous report.
24. Ship's tonnage — how determined.
25. Ships to be kept fit to be moved.
26. Management to assign and control berthing.
27. Unseaworthy ships may be detained.
28. Berths not to be changed without authority of management.
29. Ship's moorings, etc.
30. Lights on ships and collision regulations.
31. Watch to be kept aboard.
32. Liability for damage in harbour.
33. Erection of leading marks, laying of buoys and fee for private mooring buoy.

PART IV

SHIPS — WORKING OF

34. Towage and other facilities.
35. Manifest of goods.
36. List of heavy lifts.
37. Conditions of working ships.
38. Customs.
39. Master to superintend loading or discharge.
40. Ships to be worked with reasonable dispatch.
41. Overtime work.
42. Regular working hours.
43. Harbours closed on holidays.
44. Receipts for goods.
45. Payment of dues, rates and charges.
46. When cargo considered landed.
47. When cargo considered shipped.

PART V

SHIPS — GENERAL

48. Fire on ships.
49. Prevention of insanitary conditions and nuisances in harbours.
50. Ships to be open for inspection.
51. Working of lighters.
52. Boarding or leaving ships.
53. Refuse not to be deposited in a harbour.

Regulation

54. No timber allowed to float in a harbour.
55. Removal of ships having offensive matter on board.
56. Offensive goods.
57. Protection of hatchways.
58. Ships laden with coal.
59. Fumigation.
60. Repairs to ships.
61. Restriction on use of flame apparatus in harbour.
62. No boats, ship's gear, etc. may be placed on any wharf.
63. Pitch and other combustibles may not be boiled on board ship.
64. Explosives may not be used or guns fired.
65. Propellers may not be turned in a harbour without previous warning.
66. Displaced moorings or mark to be reported.
67. Submarine cables.
68. Crews of ships to take lines.
69. Animals.

PART VI

SMALL CRAFT

70. Small craft to give way.
71. Row boats to give way to sailing boats.
72. Small craft to carry lights.
73. Approaches to wharves, landing places and ship's ladders to be kept clear.
74. Mooring of small craft.
75. Small craft sunk in harbour to be reported.
76. Boats not to go alongside ships under way.
77. Passengers and goods to be landed at place appointed.
78. Small craft plying for hire to be surveyed before granted certificate of fitness.
79. Method of obtaining a licence for small craft plying for hire.
80. Duration of licence of small craft plying for hire.
81. Licence for small craft used for pleasure purposes.
82. Transfer of licensed craft.
83. Persons carried not to exceed authorised number.
84. Goods carried not to exceed authorised load.
85. Unclaimed property to be taken to Customs.
86. Expired licence to be returned.
87. Life-saving and fire-extinguishing apparatus.
88. When holder of licence ceases to use craft.
89. Penalty for non-observance of notice.

Regulation

90. All small craft to be numbered and registered.
91. Person in charge of small craft licensed to ply for hire to be capable.
92. Person in charge of small craft plying for hire may not refuse engagement.
93. Registration of boatmen of small craft licensed to carry passengers.
94. Crew not to solicit for passengers.
95. Quantity of luggage that may be carried.
96. Liability.
97. Small craft prohibited from conveying liquor to ship's crew.
98. Penalty for breach of small craft rules.
99. Control of speed boats.
100. Duty of person in charge of a speed boat.
101. Suspension of licence for misconduct.

PART VII

DANGEROUS, HAZARDOUS AND POISONOUS GOODS

102. Master or agent to give notice of dangerous goods on board.
103. Warships and transports.
104. Exemptions.
105. Berthing of ships carrying dangerous goods.
106. Red flag to be exhibited.
107. Fires, etc. prohibited.
108. Only dangerous goods to be handled at one time.
109. Permits to land dangerous goods.
110. Special permit when Abel test applied.
111. Licence for special small craft.
112. Superintendence of management.
113. Liability for expenses.
114. Penalty.
115. Inspection and examination.
116. Petroleum.
117. Carbide.

PART VIII

GENERAL SAFETY REGULATIONS

118. Application.
119. Duties of Masters and others.
120. Appointment of persons to carry out tests and issue of certificates certified by such persons.
121. Safe means of access to wharf to be provided.

Regulation

122. Landing or embarking passengers.
123. Safe means of access to other ships to be provided.
124. Safe means of access from deck to hold to be provided.
125. Efficient lighting to be provided.
126. Gear for lifting beams for hatch covering to be provided.
127. Hatch coverings to be plainly marked.
128. Beams to be maintained in good condition.
129. Handgrips on hatch coverings to be provided.
130. Provision for removal and replacement of hatches in safety.
131. Lifting machinery etc. to be tested and examined.
132. Chains etc. to be tested.
133. Rope to be good quality and wire rope to be tested.
134. Pulley blocks to have working load stamped thereon.
135. Means to enable safe working loads for slings, ropes, etc. to be ascertained.
136. Shortening of chains.
137. Reduction of risk in use of cranes and winches.
138. Crane platforms to be fenced.
139. Marking of working load on cranes and derricks.
140. Exhaust steam from cranes or winches.
141. Measures to be taken with regard to derricks.
142. Escape of workers in a hold, etc.
143. No lifting machinery to be loaded above safe working load.
144. Age and competency of crane, etc. drivers.
145. Clear passage to means of access to ship to be maintained on wharf.
146. Provision of substantial deck stage, etc.
147. Fencing of hatches, etc.
148. Loading or unloading of cargo at intermediate deck.
149. Provision with regard to use of hooks.
150. Staging to be provided when working on skeleton deck.
151. Shoring of cargo, etc.
152. Securing of hatch beams.
153. Employment of signaller in certain circumstances.
154. Provision of safe transport by water.
155. Persons employed to use means of access.
156. Persons not to go upon beams, etc. in certain circumstances.
157. Machinery used to comply with regulations.
158. Responsibility of compliance with certain regulations.

Regulation

PART IX

HANDLING OF CARGO

159. Liability in respect of transit sheds.
160. Transit sheds.
161. Goods not to be delivered without authority from Customs.
162. Documents required before goods delivered.
163. When goods provisionally entered are deemed to be cleared.
164. Documents required for goods for export.
165. Depositing of goods for export.
166. Goods for export and relative documents to be received in time.
167. Cancelling or amending orders.
168. When weight or measurement not available.
169. Marking of packages.
170. Delivery to Queen's Warehouse.
171. Defective packages.
172. Unpacking of goods.
173. Acids, etc. landed in leaky condition.
174. Charges to be pre-paid or secured.
175. Management may destroy or otherwise deal with dangerous, hazardous or poisonous goods.
176. Goods stored in the open.

PART X

STORAGE

177. Certain goods not accepted for storage.
178. Harbour dues and charges.
179. Storage charges on imports.
180. Goods detained by Customs.
181. Export cargo.
182. Free storage period on exports.
183. Goods may be transferred.
184. Removal of export cargo.
185. When storage accommodation not available.
186. Penal storage accommodation not available.
187. Change of ownership of goods.
188. Transshipment charges.
189. Passengers' baggage.
190. Claims for refund of overcharges and undercharges.

Regulation

PART IX

CONTROL OF HARBOURS

191. Closing roads, wharves, etc.
192. Trespassers.
193. Vehicles to take place assigned.
194. Vehicles to move when required.
195. Dangerous driving.
196. Behaviour of drivers of vehicles.
197. Danger signals.
198. Fire hydrants.
199. Fire-fighting operations.
200. Power to exclude public if major fire.
201. Entering or leaving a harbour area.
202. Persons to carry identification discs.
203. Parcels etc. to be examined.
204. Harbour gates to be closed at night.
205. Person wishing to enter harbour area at night.
206. Vagrants.
207. Advertising on harbour property.
208. Bathing.
209. Burials.
210. Dogs and wild animals.
211. Use of sirens.
212. Spitting prohibited.

PART XII

MISCELLANEOUS

213. Licences generally.
214. Licences or permits.
215. Licensing of agents and others.
216. Ship chandlers and other dealers.
217. Yacht and Marine—etc.
218. Sale of Yachts and Small craft not exceeding Two Hundred Tons.
219. Maritime Trades—etc.
220. Maritime activities, Commercial fishing, Diving and Pleasure cruising, etc.
221. Exclusive powers of the management.
222. Penalty for contravention of regulations.

FIRST SCHEDULE.

SECOND SCHEDULE.

Regulation

THIRD SCHEDULE.
FOURTH SCHEDULE.

S.R.O. 44/1977.
S.R.O. 1/1980.

THE PORT AUTHORITY REGULATIONS DATED THE 30TH DAY
OF NOVEMBER, 1977 MADE UNDER SECTION 53 OF THE
PORT AUTHORITY ACT.

PART I

PRELIMINARY

1. SHORT TITLE. These Regulations may be cited as the Port Authority Regulations and shall apply to the harbours of Antigua and Barbuda.

2. INTERPRETATION AND DEFINITION OF HARBOURS. (1) In these regulations, unless the context otherwise requires—

“approved magazine” means a magazine constructed in accordance with the regulations of the Ministry of Transport of the United Kingdom governing the carriage of dangerous goods in ships;

“authorised place” means any slipway, boat repair or lighterage repair workshop, yard or other place approved by the management for the purposes of these regulations;

“the carriage of dangerous goods in ships” means the carriage of dangerous goods in ships as governed by the Merchant Shipping (Dangerous Goods) Rules, 1952 of the Ministry of Transport of the United Kingdom;

“dangerous, hazardous and poisonous goods” means goods defined in the Third Schedule to these regulations;

“documents” means the shipping documents in respect of the cargo concerned, completed and stamped by the Customs, the Customs entry, the released bill of lading or shipping company’s delivery order, the Authority’s delivery order;

“excepted ship” means all or any of the following—

(a) any ship excepted from compulsory pilotage by the provisions of subsection (2) of section 32 of the Act;

(b) any ship exempted by the Port Manager from compulsory pilotage in any particular case;

“fairway” means the whole of the navigable channel or channels of any compulsory pilotage harbour;

“fireworks” includes all signalling rockets and other pyrotechnic articles commonly used in connection with signalling or lifesaving;

“harbour area” means the limits of any harbour as defined in these regulations, and such other area or place as the Minister may by notice published in the *Gazette* declare to be included in any harbour area, for the purpose of these regulations;

“hatch” means an opening in a deck used for the purposes of the processes for trimming, or for ventilation;

“hatchway” means the whole space within the square of the hatches from the top deck to the bottom hold;

“inter-colonial ship” means a ship engaged on inter-colonial voyages as defined in the Merchant Shipping Act, 1898 of the United Kingdom; all other ships, other than small craft, shall be deemed to be foreign-going ships;

“licensed small craft” means any small craft licensed under the provisions of regulation 79 or 81 of these regulations;

“lifting machinery” means cranes, winches, hawsers, derrick booms, derrick and mast bands, goose necks, eyebolts, and all other permanent attachments to the derricks, masts and decks used in hoisting or lowering in connection with the processes;

“local craft” means any craft or vessel constructed or imported into Antigua and Barbuda and for which documentary proof of all import custom duties can be produced as required by the Comptroller of Customs;

“management” means the person or persons from time to time appointed to perform the duties of Port Manager, his deputies or assistants;

“passengers baggage” means packages containing the ordinary personal effects of the passenger, including pedal bicycles, perambulators, and the like, but does not extend to merchandise, provisions, (other than food taken on board ships by deck passengers for consumption during the voyage) wines, spirits, furniture, vehicles (other than the above-mentioned) and the like;

“petroleum ship” means any ship having on board or having had or about to take on board, any petroleum as defined in the Petroleum Act any turpentine or turpentine substitute;

“processes” means the processes mentioned in regulation 118 of these regulations or any one of them;

“pulley block” means pulley, block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it is permanently attached;

“small craft” means any tug, launch, barge, lighter, rowing boat, sailing boat, pleasure boat and similar craft not exceeding two hundred tons;

“transit shed” means a warehouse or any part thereof approved by the Comptroller of Customs under the provisions of any law relating to customs as a transit shed;

“the Act”, means the Port Authority Act.

- (2) The boundaries set out in Part I of the First Schedule to these regulations shall be the boundaries of the harbours to which they respectively relate and the boundaries set out in Part II of that Schedule shall be the boundaries of the compulsory pilotage harbour to which they relate.

PART II

PILOTAGE

3. PILOTS. The persons who may serve as pilots shall be those appointed by the Minister after examination by the Port Manager.

4. COMPULSORY PILOTAGE. (1) The Master of any ship (other than an excepted ship) shall not cause or permit his ship to enter, leave or be berthed or moored in any compulsory pilotage harbour without having on board a Pilot.

(2) If any ship (other than an excepted ship) in circumstances in which pilotage is compulsory is not under pilotage as required by this regulation, the Master of the ship shall be guilty of an offence.

5. EXEMPTION FROM COMPULSORY PILOTAGE BY THE PORT MANAGER: (1) When in any particular case a ship is exempted from compulsory pilotage by the Port Manager a certificate of exemption shall on payment of the charge prescribed in the Tariff Book be issued by the management to the Master of the ship concerned, and unless suspended or revoked shall remain in force until the end of the year in which it is issued:

Provided that a ship may on a single or special occasion be exempted by the Port Manager from compulsory pilotage without having been issued with a certificate of exemption.

(2) The Master of the ship to whom a certificate of exemption has been accorded under this regulation shall return the certificate to the management on relinquishing command of the ship in respect of which the same was accorded.

6. APPROACH AND BOARDING OF PILOT. (1) The Masters of ships shall, in order to avoid delay or accident, take the way off their ships when the pilot's launch is approaching and shall await the arrival of the pilot's launch five cables to seaward of red flashing buoy off the entrance to the Deep Water Harbour.

(2) All pilot ladders shall be in good repair, of modern pattern, be provided with reliable man ropes and be brightly illuminated at and after dusk.

(3) Ships awaiting a pilot shall have a boat rope ready rigged from the break of the forecastle to a position abaft the pilot ladder.

7. SIGNALS TO BE SHOWN BY EXCEPTED SHIP. A ship, the Master of which is exempt from pilotage and which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda, shall hoist when entering and leaving any harbour—

(a) by day — the International flag "H" hoisted at the dip. In the case of small craft, hoisted as high as possible;

(b) by night — three lights visible all round the horizon hoisted in a vertical line six feet apart where they can best be seen, the upper light red and the two lower ones white. In the case of small craft, the

lights shall, if the six-foot spacing is impracticable, be as far apart as possible.

8. ONLY PILOTS MAY PILOT SHIPS. No person other than a pilot shall offer his services to pilot ships.

9. PILOT FLAG. No person, not being a pilot afloat and on duty, shall hoist a pilot flag (upper half white, lower half red,) nor shall the Master of a ship allow such flag to be displayed on his ship except by a pilot afloat and on duty.

10. EXCEPTED SHIP TO OCCUPY ASSIGNED BERTH. Any excepted ship, not having taken a berth assigned to her by the management, and which is observed to be foul of or likely to foul any work, buoy or some other ship due to having made a slack mooring or other cause, may be moved or re-moored under the direction of a pilot, for which service the charge prescribed in the Tariff Book shall be charged.

11. REMOVAL OF SHIP ANCHORED IN FAIRWAYS. (1) No ship shall be anchored in any fairway without the authority of the management.

(2) Any ship anchoring in any fairway in contravention of this regulation shall in addition to any penalty, be liable to be removed under the control of a pilot, for which service full pilotage shall be charged and, if the use of the tugs is considered necessary by the management, shall be liable also for towage charges.

PART III

SHIPS—REPORT, MOVEMENT, BERTHING ETC.

12. NOTIFICATION OF EXPECTED ARRIVAL OF SHIPS. The owners or agents of a ship which intends to come to Antigua and Barbuda from a port outside of Antigua and Barbuda and proposing to call at a harbour shall, as early as possible give notice in writing in duplicate to the management on the forms A (1) and A (11) prescribed in the Second Schedule to these regulations of the expected date and time of arrival of the ship, and shall give particulars in so far as practicable of all other details required to be stated in those forms.

13. SHIPPING RETURN. The owners or agents of a ship proposing to leave for a port outside of Antigua and Barbuda shall, within seventy-two hours after the ship has left, supply to the management on the Form B prescribed in the Second Schedule to these regulations the particulars required thereon.

14. SHIP'S SIGNALS ON ENTERING. Before entering a harbour every ship which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda shall hoist the following flags in a conspicuous position:

- (a) her national colours, which she shall fly from 8.00 a.m. to sundown;
- (b) the ship's signal letters;
- (c) the "Q" flag, International Code, until the Port Health Officer shall have given pratique;
- (d) if carrying passengers, the "I" flag, International Code, until notified by an Immigration Officer that the Immigration Department's formalities shall have been observed;
- (e) if livestock are to be landed therefrom, the "N" flag, International Code;
- (f) if carrying dangerous goods, the "B" flag, International Code;

15. SIGNALS. The following are the prescribed signals—

At the Deep Water Harbour at St. John's, the following signals will be displayed from the flag pole on top of the main Administration Building—

(i) Signal by Day—

International Code Flag "E" over a black cone shape with point upwards.

(ii) Signal by Night—

Three white lights displayed vertically one above the other.

SIGNIFICANCE

The above signals signify that a ship is about to enter the Deep Water Harbour at St. John's. All traffic inwards or outwards at or near the entrance vicinity is forbidden until the signal has been hauled down.

(iii) Signal by Day—

International Code flag "D" over a black ball.

(iv) Signal by Night—

Three red lights displayed vertically one above the other.

SIGNIFICANCE

The above signals signify that a ship is about to leave the Deep Water Harbour at St. John's. All traffic inwards or outwards at or near the entrance vicinity is forbidden until this signal is hauled down.

16. SPEED IN HARBOUR. All ships shall proceed at a moderate speed within the limits of any harbour.

17. DUE NOTICE OF SHIP'S DEPARTURE TO BE GIVEN. The Master or agent of a ship intending to leave Antigua and Barbuda for a port outside of Antigua and Barbuda shall, during the regular working hours of the harbour and at least four hours before the ship intends leaving, give notice thereof to the management.

18. ANCHORS TO BE IN READINESS FOR LETTING GO. (1) Every ship entering or leaving a harbour shall have both bower anchors and cables clear and ready for use as required.

(2) Ships intending to load or discharge goods arriving off harbour shall have their derricks (if any) hoisted when the weather permits of this being done.

19. PORT HEALTH OFFICER. (1) All ships entering a harbour on arriving in Antigua and Barbuda from a port outside of Antigua and Barbuda shall await the granting of pratique before having any communication with the shore or with any other ship except the pilot's launch or the boat of a Customs Officer.

(2) All small craft of less than two hundred tons entering through English Harbour are required to remain at the designated Boarding Station until all port entry formalities have been completed.

20. IMMIGRATION FORMALITIES. (1) After pratique has been granted to a ship, the Immigration Officers shall commence their clearance formalities.

(2) No person shall leave a ship prior to the completion of the clearance formalities required by paragraph (1) of this regulation except with the permission of an Immigration Officer.

(3) No person other than a Health Officer, a Pilot, a Customs Officer, an Immigration Officer or a person authorised generally or specially by

a Health Officer or an Immigration Officer shall board any ship until the "I" flag is lowered or until permission to do so has been granted by an Immigration Officer.

21. CUSTOMS FORMALITIES. Until Customs formalities have been completed no person may leave a ship except with the express permission of a Customs Officer.

22. MASTER TO DELIVER PARTICULARS OF SHIP, ETC. (1) The Master of every ship which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda shall correct and or complete the agent's notice of expected arrival prescribed by regulation 12 of these regulations, shall append his signature thereto and hand the form to the pilot before the latter leaves the ship:

Provided that in the case of a ship which is berthed or anchored without the assistance of a pilot, the Master shall ensure that a completed form A correct in all particulars is sent to the management by him or by his agent within one hour of his anchoring or berthing.

(2) The Master of a ship which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda shall on entering a harbour produce his ship's registry certificate on request of an authorized employee.

23. MASTER RESPONSIBLE FOR ERRONEOUS REPORT. The Master shall be responsible for all damage or consequence resulting from an erroneous declaration made by himself or his representatives as to the draught of water or dimensions of his ship.

24. SHIP'S TONNAGE — HOW DETERMINED. The tonnage of a ship shall be that shown on her certificate of registry.

25. SHIPS TO BE KEPT FIT TO BE MOVED. Ships entering, leaving or shifting berth within a harbour shall be provided with sufficient hands for the purpose, and shall at all times be kept in a fit condition for removal in default of which the work may be performed by management at the ship's risk and expenses.

(2) No ship, other than a small craft, shall drop main steam or power without first obtaining permission from the management.

(3) Ships entering, leaving or shifting berth within a compulsory pilotage harbour shall be provided with good and sufficient warps to the satisfaction of the management, shall be moored by such warps, and no

warp may be cast off for any reason unless so ordered or authorised by the management.

(4) In case of ships not being suitably found with the necessary gear, warps may, when so ordered by the management, be supplied by the management at the expense of the ship.

(5) In no case shall the Crown in right of its government of Antigua and Barbuda be liable for any damage that may result from the inefficiency of any rope or warp which it may hire to the ship or allow to be used in connection with any assistance rendered by the management to any ship which is entering, leaving or shifting berth within a compulsory pilotage harbour.

26. MANAGEMENT TO ASSIGN AND CONTROL BERTHING. (1) The management shall have the right to determine the harbour in which a ship shall berth or anchor and to assign a berth, whether at a quay or elsewhere, to any ship and, where a berth is so assigned to a ship, the ship shall occupy that berth and may at the direction of the management be removed to any other berth which the management may direct, and generally all Masters or persons in charge of a ship shall obey the directions of the management.

(2) The management shall have the right to control the berthing and mooring arrangements of every ship, accommodated at any private wharf or jetty.

(3) Ships proceeding alongside a quay shall have no list, but shall be trimmed upright.

27. UNSEAWORTHY SHIPS MAY BE DETAINED. The management may detain a ship which in its opinion is in an unsafe condition to proceed to sea, until she has been made seaworthy to the satisfaction of the management.

28. BERTHS NOT TO BE CHANGED WITHOUT AUTHORITY OF MANAGEMENT. The Master of a ship assigned a berth by the management shall not drift or change the berth assigned to his ship without obtaining the previous sanction of the management.

29. SHIP'S MOORINGS, ETC. (1) Every ship within a compulsory pilotage harbour, other than a small craft, shall have sufficient hands on board to attend to her moorings and to cause them to be slackened or hove in as may be necessary. No rope shall be made fast except to dolphins, mooring posts, and bollards placed for the purpose, and no wire rope may

be used unless the bollards and the edge of the coping of the wharf or jetty are protected from chafe to the satisfaction of management. No chain cable shall be used for mooring alongside except with the special permission of the management.

(2) All ships shall anchor, moor and berth to the satisfaction of the management, and shall take such additional precautions in severe weather as may be ordered by the management.

(3) All ships alongside quays shall affix efficient rat guards on every line and wire connected to or reaching the shore.

30. LIGHTS ON SHIPS AND COLLISION REGULATIONS. (1) All ships, whether under way or at anchor, shall, save as otherwise provided by these regulations, between the hours of sunset and sunrise, exhibit the lights required by the 1948 International Regulations for Preventing Collision at Sea.

(2) All ships shall, save as otherwise provided by these regulations, fully observe and obey the 1948 International Regulations for Preventing Collisions at Sea.

31. WATCH TO BE KEPT ABOARD. A watch of at least one man shall be constantly kept upon the open deck of every ship, other than a small craft, in a harbour by day and night.

32. LIABILITY FOR DAMAGE IN HARBOUR. (1) The owner of every ship shall be answerable to the Crown in right of its government of Antigua and Barbuda for any damage done to any harbour works, plant, machinery, or other property used by or for the purposes of the Authority by such ship or by any person employed about the same, and the Master or person having charge of such ship through whose wilful act or negligence any such damage is occasioned shall also be liable to make good the same.

(2) The owner or Master of a ship navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

(3) The management may detain any ship damaging any property referred to in paragraph (1) of this regulation until sufficient security to the satisfaction of the management has been given for the damage done as aforesaid.

33. ERECTION OF LEADING MARKS, LAYING OF BUOYS AND FEE FOR PRIVATE MOORING BUOY. (1) No ship shall use any buoy which is the property of the Government without the sanction in writing of the management. No buoy shall be laid down for any purpose whatsoever, and no leading marks shall be erected within the limits of a harbour without the prior permission of the management.

(2) A charge as prescribed in the Tariff Book shall, subject to any agreement to the contrary entered into by the Minister or to anything to the contrary contained in any Act be payable in respect of any mooring buoy laid within a harbour by the owner of such buoy and such mooring may, subject as aforesaid, be removed by the management at the expense of the owner if at any time the management so desires.

PART IV

SHIPS — WORKING OF

34. TOWAGE AND OTHER FACILITIES. By means of the Authority all towage and other tug facilities shall be afforded subject to the following conditions—

(a) on the employment of a tug, the Master and crew thereof shall become the servants of and be identified with the hirer and shall be under the control of the hirer or his servants or agents, and any person on board the hirer's vessel who may be an employee or is paid out of the Fund of the Authority shall be deemed to be the servant of the hirer;

(b) the Crown in right of its government of Antigua and Barbuda shall not, whilst towing, bear or be liable for damage of any description done by or to the tug, or done by or to the hirer's vessel, or for the loss of the tug or the hirer's vessel or for any personal injury or loss of life, arising from any cause, including negligence at any time of its servants or agents, unseaworthiness, unfitness or breakdown of the tug, its machinery, boilers, towing gear, equipment or hawsers, lack of fuel, stores or speed, or otherwise, and the hirer shall pay for all loss or damage and personal injury or loss of life and shall also indemnify the Crown against all consequences thereof, and the Crown in right of its government of Antigua and Barbuda shall not, whilst at the request expressed or implied of the hirer rendering any service other than towing, be held responsible for any damage done to the hirer's vessel and the hirer shall indemnify the Crown against any claim by a third party (other than a member of the crew of the tug) for personal injury or loss of life:

Provided that any such liability for loss or damage as herein prescribed is not caused by want of reasonable care on the part of the management to make the tugs used by or for the purposes of the Authority seaworthy for the navigation of the tugs during the towing or other services.

The burden of proving and failure to exercise such reasonable care shall lie upon the owner of the tug;

(c) the hirer shall not bear or be liable for any loss or damage of any description done by or to the tug otherwise than whilst towing or for loss of life or injury to the crew of the tug whilst towing:

Provided that nothing herein contained shall prejudice any claim the Crown in right of its government of Antigua and Barbuda may have in law against the hirer;

(d) the Crown in right of its government of Antigua and Barbuda shall not be responsible for the consequences of war, strikes, lockouts, riots, civil commotions, disputes or labour disturbances (whether it be a party thereto or not) or anything done in contemplation or furtherance thereof or delays of any description, however caused, including negligence of its servants or agents;

(e) for the purpose of this regulation the expression "whilst towing" shall be deemed to cover the period commencing when the tug is in a position to receive orders direct from the hirer's vessel to pick up ropes or lines, or when the towrope has been passed to or by the tug, whichever is the sooner, and ending when the final orders from the hirer's vessel to cast off ropes or lines have been carried out, or the towrope has been finally slipped and the tug is safely clear of the vessel, whichever is the later; the word "towing" means any operation in connection with holding, pushing, pulling or moving a ship.

35. MANIFEST OF GOODS. (1) The Master or agent of any ship which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda shall, within twenty-four hours after the ship's arrival in a harbour, deliver to the management a true copy in duplicate of the manifest or report of goods inward giving detailed weights and measurements as utilized for sea freight purposes. The Master or agent shall, within twenty-four hours after the ship's departure from the harbour, also similarly furnish a manifest in duplicate of the goods shipped and/or transhipped to such ship.

(2) The Master or agent of any ship referred to in paragraph (1) of this regulation shall, as soon as possible, notify the management of subsequent amendments made to any outward or inward manifest.

36. LIST OF HEAVY LIFTS. The Master or agent of any ship which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda shall, within twenty-four hours after the ship's arrival in a harbour, deliver to the management a true list in duplicate of lifts over three tons comprised in her import goods for that harbour.

37. CONDITIONS OF WORKING SHIPS. (1) As far as may be practicable at the time, goods shall be discharged from and loaded into ships in the order of their arrival in harbour, but subject always to the discretion and direction of the management.

(2) Work on any ship at an anchorage shall only be undertaken when in the opinion of the management weather and other conditions are suitable.

(3) The management may refuse to permit goods to be landed from any ship until suitable wharf, shed, quay or other accommodation is available for such goods.

(4) The management may refuse to permit timber, iron and steel bars pipes and tubes of all kinds to be landed unless the conditions regarding bundling and/or marking as published under the authority of the management from time to time in one or more newspapers of Antigua and Barbuda are complied with. In the event of permission to land being granted, the Crown in right of its government of Antigua and Barbuda shall not be liable for loss, damage, delay or mis-delivery occasioned by non-compliance with such conditions.

38. CUSTOMS. A ship which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda shall not break bulk until her cargo has been duly reported to the Customs or special authority has been obtained from the Comptroller of Customs or his authorised representative for breaking bulk in accordance with Customs Laws.

39. MASTER TO SUPERINTEND LOADING OR DISCHARGE. The Master, or some other responsible person appointed by him, shall remain on board his ship whilst loading or discharging cargo, for the purpose of superintending such loading or discharge. Any goods or ship's gear that may be dropped overboard shall be at once reported by the Master of the ship concerned to the management, and shall be immediately recovered by such Master if it is reasonably possible for him to do so. Failing that it may be recovered by the management at the risk and expenses of the ship.

40. SHIPS TO BE WORKED WITH REASONABLE DISPATCH. (1) If a ship fails to take in or discharge its cargo with such dispatch as appears reasonable to the management, the said ship shall, after written notice has been given by the management to that effect to the Master, lose its turn to take in or discharge its cargo, and, if occupying a quay berth, may be removed from such berth by the management at the risk and expense of the ship, or management may take whatever action it deems necessary for expeditiously taking in or discharging any cargo from the said ship.

(2) If either the plant or labour engaged for the special purpose of landing, shipping or transshipping any goods is not fully employed owing to the default of the ship, the expenses incurred thereby shall be paid by the ship.

(3) The management may, in the event of any accumulation of goods upon a wharf, jetty or quay or in a lighter, or for any cause that may appear reasonable to it, require any ship to suspend discharge or reduce the rate of discharge of cargo.

41. OVERTIME WORK. Work ashore and afloat in connection with the landing, shipping and transshipping of goods during hours other than the regular working hours of a harbour shall be charged for as overtime and shall only be worked on receipt of a written request from the party desiring the work performed, to whom an account for the cost thereof at the rates prescribed in the Tariff Book shall be rendered by the management:

Provided that no work shall be carried out on Good Friday, Easter Sunday or Christmas Day except as laid down in regulation 43 of these regulations.

42. REGULAR WORKING HOURS. The regular hours of every harbour shall be from 7 a.m. to 4 p.m. (with a break of one hour for a meal) from Monday to Friday, and from 7 a.m. to 11 a.m. on Saturday.

43. HARBOURS CLOSED ON HOLIDAYS. Every harbour shall, on Good Friday, Easter Sunday and Christmas Day, normally be closed, except for the necessary pilotage of ships in and out thereof and for dealing with mails, passengers and their baggage, animals and perishable goods:

Provided that in exceptional circumstances, and provided the prior authority of the management has been obtained, goods may be dealt with and services performed subject to payment of the special overtime charges then prevailing.

44. RECEIPTS FOR GOODS. (1) Unless otherwise specially agreed upon between the management and the Master of a ship, the management shall in the name of the Authority grant a receipt to the Master of the ship for all goods received, subject to each item being properly marked and being discharged in an orderly manner:

Provided that where in the opinion of the management goods are of such a nature as to preclude an accurate tally at the time of discharge, then the receipt shall be granted at the time of sorting and stacking wherever such sorting or stacking takes place. No preferential treatment shall be permitted in the sorting, stacking and disposal of goods in any warehouse used by or for the purposes of the authority.

(2) A receipt addressed to the Authority shall be granted by the Master to the management for each separate consignment received by the ship.

45. PAYMENT OF DUES, RATES AND CHARGES. (1) All harbour dues and other rates and charges on every ship shall be paid promptly to the management at the Port Office, which, upon payment thereof, shall issue a receipt under the name of the Authority with which clearance outwards from the Customs may be obtained; in the absence of such receipt, a ship shall not be allowed to leave the harbour.

(2) In the case of ship's agents having ledger accounts for rates and charges on ships an endorsement may be obtained on application to the management.

46. WHEN CARGO CONSIDERED LANDED. Subject to the provisions of regulations 44 and 171 of these regulations, goods shall not be considered to have been delivered to, accepted by or in the possession of the Authority until the goods have been removed from the slings, hooks, baskets, nets, cages, buckets or other appliances used in landing the said goods.

47. WHEN CARGO CONSIDERED SHIPPED. Goods for shipment shall be placed by an authorised employee in slings or other appliances provided by the ship or by means of the Authority whereupon delivery shall be deemed to have been made to the ship and, unless mutually agreed to the contrary between the management and the master of the ship, or unless such goods are declined by the ship as damaged or in bad condition, such goods shall be deemed to have been properly delivered to the ship in good order and condition.

PART V

SHIPS — GENERAL

48. FIRE ON SHIPS. (1) In the event of a fire occurring on board any ship in a harbour, the Master shall at once give the alarm and take such steps towards the protection of property as the management may direct.

(2) The alarm signal for ships (other than small craft) on fire shall be as follows—

Ships shall hoist “N.Q.” of the International Code and at the same time sound one long and three short blasts in quick succession on the whistle. The signal “N.Q.” shall be kept hoisted until the fire on board has been extinguished.

49. PREVENTION OF INSANITARY CONDITIONS AND NUISANCES IN HARBOURS. The Master of a ship lying in a harbour shall ensure that all outlets or scuppers in the ship's sides are fitted with adequate shields to prevent all obnoxious or dirty fluid or matter from falling on to the quays. Exhaust pipes shall be so equipped as to prevent exhaust from inconveniencing other ships or traffic in the harbour or on the quays. No ship shall make thick smoke or unnecessary noise to the inconvenience or annoyance of other ships or traffic in the harbour or of the management, or of nearby residents.

50. SHIPS TO BE OPEN FOR INSPECTION. An authorised employee may, in the execution of his duty, at any time whilst a ship, other than a small craft used solely for pleasure, is in harbour, board such ship and inspect it or any part of it.

51. WORKING OF LIGHTERS. Masters of ships at anchor or at buoys in a compulsory pilotage harbour shall not permit more than two small craft licensed for the carriage of goods to be abreast of each hatch, on either side of the ship nor more than two such small craft to be made fast in a tier astern.

52. BOARDING OR LEAVING SHIPS. No person may, except with the permission of the management, board or leave a ship, other than a small craft, whilst such ship is in motion; nor may any person leave or board such ship except by means of the gangway or an efficient pilot ladder.

53. REFUSE NOT TO BE DEPOSITED IN A HARBOUR. (1) No wire rope, hemp rope, dunnage mats, wood, dirt, ballast, ashes, earth, stone,

offal or rubbish of any sort whatsoever shall be thrown or allowed to fall or drift into the water of a harbour. The Master or owner or any ship from which such articles or refuse have been allowed to fall shall make good all loss, damage and expense which the Crown in right of its government of Antigua and Barbuda may sustain or incur in consequence of dealings with such articles or reuse or in any way incidental to such dealings.

(2) No dead animal shall be thrown into a harbour from any ship. Dead animals on board a ship shall, unless permitted by the appropriate authority to be buried ashore, be taken not less than one nautical mile outside the harbour limits during ebb tide at the expense of the ship on board which death took place.

(3) No oil or bituminous by-product of any description shall be discharged into, or allowed to escape into, a harbour, and oil-fuel burning ships and ships conveying oil or bituminous by-products in bulk are prohibited from pumping out or cleaning out their tanks or bilges within fifty nautical miles seaward of the harbour limits.

(4) All articles which have accidentally fallen or drifted into the water of a harbour shall be at once recovered by the person concerned, failing which the management may recover them at the risk and expense of such person.

(5) The Master of every ship whilst loading or discharging ballast, coal, cinders, stone or any other loose material, shall cause a canvas, tarpaulin or some other safeguards to be placed in such manner as to prevent any such material from falling into a harbour.

54. NO TIMBER ALLOWED TO FLOAT IN A HARBOUR. No timber shall be permitted to float in a harbour unless previous permission in writing for that purpose has been obtained from the management, and then only subject to the payment of rent at the same rate as if it has been landed, and subject to the further condition that the consignee shall be responsible for any damage caused by such timber and any loss of customs duties, rates, charges and other losses which may result from loss of the timber.

55. REMOVAL OF SHIPS HAVING OFFENSIVE MATTER ON BOARD. The management may order the removal from a harbour of any ship which has on board goods or other matter which in the opinion of the management are injurious to health or offensive or dangerous in any respect, and such goods or matter shall be disposed of in such manner as it may direct at the risk and expense of the ship.

56. OFFENSIVE GOODS. The management may, with the consent of the Comptroller of Customs, and after giving at least two hours notice to the owner or other person entitled to receive the goods, or, if the owner or consignee cannot be found, then without such notice order the removal and, if necessary, the destruction of any goods or matter which in the opinion of the management are, of an offensive nature and which may be landed or placed upon the wharves, jetties or quays, or any other part of the premises of a harbour. Such removal or destruction and any loss of customs duties, rates or other charges incurred thereby shall be at the expense of the consignee or other person concerned.

57. PROTECTION OF HATCHWAYS. Except as stated in regulation 58 of these regulations, during the intervals of working cargo, ships in harbour shall have their hatches closed or well protected.

58. SHIPS LADEN WITH COAL. Ships laden with coal shall, in order to avoid the possibility of explosion, have their holds well ventilated, if necessary by open hatchways, while they are in harbour.

59. FUMIGATION. No ship may be fumigated in a harbour except with the written consent of the management and subject to such conditions as the management may impose.

60. REPAIRS TO SHIPS. Except at authorised places, no structural repairs of ships may be made within a compulsory pilotage harbour save with the written permission of the management, and then only upon the following conditions, that is to say, that—

(a) before any repairs are commenced, the Master or other person in charge shall take such precaution as the management may direct to prevent dirt or other matter falling into the harbour;

(b) the Master or other person in charge shall observe such other conditions as the management may impose in its written permission;

(c) if the Master or other person in charge contravenes or fails to comply with the provisions of this regulation, or of any permission granted, the permission to effect repairs may be withdrawn and the work stopped by the management.

61. RESTRICTION ON USE OF FLAME APPARATUS IN HARBOUR.

(1) No construction, repair or maintenance work entailing use of any flame apparatus, or any apparatus which produces extreme heat, shall be carried out on any ship in any compulsory pilotage harbour without the prior written permission of the management.

(2) Where it is proposed to do any work in respect of which permission is required under paragraph (1) of this regulation, the Master or other person in charge or agent of the ship shall make application in writing for that purpose to the management; and where such application relates to a petroleum ship, the application shall be accompanied by a certificate from a person approved by the management for such purpose that such ship is at the time of the application free from any inflammable liquid or gas which would be likely to explode or to be set on fire as the result of the use of such apparatus.

62. NO BOATS, SHIP'S GEAR, ETC. MAY BE PLACED ON ANY WHARF. No boat, spar, anchor, cable, ship's gear, dunnage, cattle fittings, horsebox or the like, shall be allowed to remain upon any wharf, jetty, or quay used by or for the purposes of the Authority, without the permission of the management.

63. PITCH AND OTHER COMBUSTIBLES MAY NOT BE BOILED ON BOARD SHIP. Pitch, tar, resin, turpentine, oil and combustibles of similar nature required whilst caulking, repairing or carrying out any other work on any ship afloat in a harbour, shall be boiled on a stage alongside, or in a boat alongside, the ship and not on board the ship.

64. EXPLOSIVES MAY NOT BE USED OR GUNS FIRED. (1) No guns except salutes authorised by the management, shall be fired, and no mines, torpedoes, or other engines of like nature, shall be exploded in a harbour. No rocket shall be fired or blue light burned on board any ship while in a harbour without the permission of the management, except when such ship may be in actual distress or in want of assistance.

(2) No blasting shall take place within a harbour without the prior authority of the management.

65. PROPELLERS MAY NOT BE TURNED IN A HARBOUR WITHOUT PREVIOUS WARNING. Ships mechanically propelled and which are at anchor or occupying moorings or alongside a quay or jetty, shall not, otherwise than for an approved movement, turn their propellers without the permission of the management and without giving sufficient warning of their intention to ships in the vicinity.

66. DISPLACED MOORINGS OR MARK TO BE REPORTED. (1) If any mooring or mark buoy is dragged from its position or damaged by a ship, the cost of replacing it shall be paid for by the Master or owner of the ship.

(2) The Master of any ship hooking or getting foul of any mooring laid by the authority of the management shall not, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear, but shall immediately report the occurrence to the management and await instructions.

67. SUBMARINE CABLES. The Master of any ship hooking or damaging with anchor any submarine electric cable marked as such within a harbour area, shall be liable to the Crown in right of its government of Antigua and Barbuda for any expense it may sustain or incur thereby.

68. CREWS OF SHIPS TO TAKE LINES. All ships anchored, moored or berthed in harbour shall receive on board, make fast or cast off lines or warps from any other ship warping in and out of such harbour, when required so to do by the management or by the pilot, Master or other person in charge of such ship.

(2) No lines or warps shall be stretched across the waters of a harbour without the permission of the management.

(3) The management may, in case of urgent necessity, cut or cause to be cut, any warps, ropes, cable, or hawser endangering the safety of any ship in a harbour.

69. ANIMALS. (1) Animals when ashore or afloat in a harbour area and when landed, discharged or shipped there, shall be treated in a humane manner, and in accordance with veterinary practice.

(2) The management may in its discretion refuse to land or ship animals if such landing or shipping would in the opinion of the management entail unnecessary suffering to any animal.

PART VI

SMALL CRAFT

70. SMALL CRAFT TO GIVE WAY. Small craft within the limits of a harbour shall at all times make way for ocean-going ships under way or tugs when engaged in towing.

71. ROW BOATS TO GIVE WAY TO SAILING BOATS. When two boats are being propelled, one by sails and the other by oars or power and are proceeding on a course, which, if continued, would involve the risk of collision, the boat propelled by oars shall keep out of the way of

the other, and the boat under sail shall use every precaution to avoid accident and if so close that collision cannot be avoided by the action of the vessel giving way alone, she also shall take such action as will best aid to avoid collision.

72. SMALL CRAFT TO CARRY LIGHTS. (1) Subject to the provisions of paragraphs (2) of this regulation, small craft when under way between sunset and sunrise shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.

(2) Powered launches, other than fishing boats, shall carry the lights prescribed for their class.

73. APPROACHES TO WHARVES, LANDING PLACES AND SHIP'S LADDERS TO BE KEPT CLEAR. (1) Free passages shall be kept to all jetties, landing places, wharves and moorings, and small craft shall, when required by management to do so, move so as to clear such passages.

(2) No small craft shall lie alongside any of the passenger landing places or ship's accommodation ladders longer than is necessary to embark or land passengers and their luggage, and when waiting, shall lie off at a distance of at least twenty yards from such landing place or ship's accommodation ladder in order not to obstruct the approach thereto.

(3) No person in charge of a small craft, no member of the crew of such craft and no baggage clearing agent shall loiter on any pontoon or landing step or accost passengers thereon.

74. MOORING OF SMALL CRAFT. No small craft shall, except with the permission of the management, be secured to any wharf, jetty, quay, mooring, post, pile, bollard or buoy belonging to the Government.

75. SMALL CRAFT SUNK IN HARBOUR TO BE REPORTED. The sinking of any small craft in a harbour shall be reported by the Master or owner to the management as early as possible after the occurrence.

76. BOATS NOT TO GO ALONGSIDE SHIPS UNDER WAY. No small craft, other than a small craft carrying any person authorised by paragraph (3) of regulation 20 of these regulations to board a ship before the 'I' flag is lowered shall go alongside a ship which has arrived in Antigua and Barbuda from a port outside of Antigua and Barbuda until such ship is at anchor or made fast alongside and has been granted pratique by the Port Health Officer or his representative.

77. PASSENGERS AND GOODS TO BE LANDED AT PLACE APPOINTED. Every small craft leaving the side of a ship shall proceed to a Customs landing, and shall not land passengers or goods elsewhere.

78. SMALL CRAFT PLYING FOR HIRE TO BE SURVEYED BEFORE GRANTED CERTIFICATE OF FITNESS. Any person who desires to ply for hire with or let for hire any tug, hulk, lighter, motor boat, or other small craft, shall apply to the management for a licence, and the management, which is hereby empowered to appoint inspectors for the purpose of inspecting such small craft, shall cause such craft to be examined by one or more such inspectors, and if in the opinion of such inspector or inspectors the hull, equipment, boilers and machinery of such craft are in a suitable condition and fitted for the purpose and work for which they are intended, but not otherwise, the inspector or inspectors shall grant a certificate to that effect, and such certificate shall be valid for a period of twelve months from the day of its issue, unless previously cancelled, and shall state the purpose, whether the carriage of passengers or goods or both, for which the craft may be used and the number of persons or tonnage of goods or both she may be licensed to carry.

79. METHOD OF OBTAINING A LICENCE FOR SMALL CRAFT PLYING FOR HIRE. Upon the production of a certificate granted under the provisions of regulation 78 of these regulations at the offices of the management, and upon payment of the licence fee prescribed in the Tariff Book, a licence may be issued by the management to the holder of the said certificate authorising him, subject to such terms and conditions as may be specified in the licence, to ply for hire or let for hire the small craft to which such certificate relates, and where the licence authorises the holder of the certificate to so use the said craft for the carriage of passengers, he shall be supplied by the management, if applicable, with a copy of the authorised tariff charges prescribed in the Tariff Book for the carriage of passengers, goods and baggage.

80. DURATION OF LICENCE OF SMALL CRAFT PLYING FOR HIRE.

(1) A licence issued under the provisions of regulation 79 of these regulations shall run from January 1 to December 31 per calendar year, unless previously cancelled.

(2) No owner of a small craft shall use or permit the use of such craft for pleasure purposes unless there is in force in respect of such craft a licence issued either under regulation 79 or 81 of these regulations.

81. LICENCE FOR SMALL CRAFT USED FOR PLEASURE PURPOSES.

(1) The owner of a small craft not exceeding two hundred tons to be used only for pleasure purposes shall apply for a licence to the management and the management on payment of the prescribed licence fee may issue a licence.

(2) The owner or master of a small vessel not exceeding two hundred tons visiting or based in Antigua and Barbuda and intending to engage—

(a) in the business of term charter work with arriving guests, passengers or crew for the purposes of pleasure, cruising or related maritime activities; or

(b) in the business of day-charter work, bare-boat or self-drive hire, with or without crew on board to operate in the territorial sea, shall apply for a licence to the management and the management on payment of the prescribed licence fee and proof of appropriate insurance coverage may issue a licence.

(3) No owner of a small craft shall use or permit the use of such craft for pleasure purposes unless there is in force in respect of such craft a licence issued either under regulation 79 or this regulation.

(4) A licence issued under this regulation shall run from January 1 to December 31 per calendar year, unless previously cancelled.

82. TRANSFER OF LICENSED CRAFT. The transfer by sale or otherwise of any licensed small craft shall not effect a licence already granted but in all such cases the licence shall be transferred to the purchaser or the person acquiring the ownership of the craft, provided the approval of the management to such transfer is obtained.

83. PERSONS CARRIED NOT TO EXCEED AUTHORISED NUMBER.

(1) No licensed small craft plying for hire and carrying passengers shall carry more than the number of persons such craft is licensed to carry or charge more than the authorised tariff charges and a notice showing the number of persons authorised to be carried and the copy of the authorised tariff charges shall be painted on/or affixed to some conspicuous part of such craft. No person shall attempt to board a craft containing its full licensed complement.

(2) No small craft licensed to carry passengers only shall carry any goods other than passengers' baggage.

84. GOODS CARRIED NOT TO EXCEED AUTHORISED LOAD. (1) No small craft licensed for the carriage of goods shall carry a greater load of goods than such craft is licensed to carry and no person shall attempt to make such craft carry such greater load.

(2) No small craft licensed to carry goods only shall carry passengers or passengers' baggage.

85. UNCLAIMED PROPERTY TO BE TAKEN TO CUSTOMS. The person in charge of a small craft licensed to carry passengers shall be responsible for all unclaimed property left in his boat, and he shall take or cause to be taken forthwith to the Customs all such unclaimed property.

86. EXPIRED LICENCE TO BE RETURNED. On the expiration or other determination of any licence, the owner of the licensed small craft in question shall return to the management the licence, and, if licensed to carry passengers, the copy of the authorised tariff charges.

87. LIFE-SAVING AND FIRE-EXTINGUISHING APPARATUS. (1) Every licensed small craft shall be equipped with such life-saving and fire-extinguishing appliances as may from time to time be considered necessary by the management and shall be kept so as to be at all times fit and ready for use.

(2) No person may set off or ignite any flare, rocket, explosive device, firework or make any bonfire or barbecue in any harbour area other than for emergency life-saving or ship-safety purposes, unless permission has been granted by the management.

88. WHEN HOLDER OF LICENCE CEASES TO USE CRAFT. (1) Any inspector appointed under regulation 78 of these regulations may, and he is hereby empowered and authorised at any time during the currency of the licence to enter upon any small craft licensed under regulation 79 of these regulations and inspect and examine the hull, equipment or machinery of any craft, and if in his opinion the said hull, equipment or machinery is not in a condition suitable and fit for the purpose for which it is being used, he shall notify the management which shall give written notice to the holder of the licence to cease to use the said craft unless and until the

hull, equipment and machinery, or any of them, have again been placed in a condition suitable and fit for the purpose for which they are being used.

(2) Upon being so satisfied, after further inspection, the inspector shall report the fact to the management, which shall make an endorsement to that effect upon the licence and the date thereof, and from such date the holder of the licence shall be entitled to continue to ply for hire or let for hire the said craft for the unexpired period of the currency of the licence.

89. PENALTY FOR NON-OBSERVANCE OF NOTICE. Any holder of a licence who uses or causes or allows to be used any small craft after the written notice mentioned in regulation 88 of these regulations has been served upon him, and before he has obtained the subsequent endorsement in the said regulation referred to, and any person who refuses to allow an inspector to enter upon, inspect or examine any such craft or its machinery or equipment, or obstructs the inspector therein, shall be guilty of an offence and the licence granted in respect of such craft may be cancelled.

90. ALL SMALL CRAFT TO BE NUMBERED AND REGISTERED. All small craft shall be numbered and registered. Every small craft so licensed shall have its registered number painted on both sides of the bow so as to be clearly legible at a distance of thirty yards with the naked eye.

91. PERSON IN CHARGE OF SMALL CRAFT LICENSED TO PLY FOR HIRE TO BE CAPABLE. No holder of a licence issued under regulation 79 of these regulations shall permit his small craft to be used for hire unless sufficiently manned and unless the person in charge is competent to manage it.

92. PERSON IN-CHARGE OF SMALL CRAFT PLYING FOR HIRE MAY NOT REFUSE ENGAGEMENT. No person in charge of a licensed small craft that is plying for hire of passengers and disengaged shall refuse without good reason to accept an engagement, or shall attempt to extort fares in excess of the authorised tariff charge.

93. REGISTRATION OF BOATMEN OF SMALL CRAFT LICENSED TO CARRY PASSENGERS. (1) All boatmen working in a small craft licensed to carry passengers, shall be registered with the management, and shall wear a numbered badge in a conspicuous place, such badge to be supplied by the management on payment of the fee prescribed in the Tariff Book.

(2) Each member of the crew of a small craft licensed to carry passengers shall be capable of performing his work and shall be cleanly clad.

(3) Any boatman of a small craft licensed to carry passengers may be struck off the register by the management for misconduct, and in such case, or on his ceasing for any other reason to be employed as such boatman, he shall return his badge to the management.

94. CREW NOT TO SOLICIT FOR PASSENGERS. The person in charge and members of the crew of any small craft licensed to carry passengers shall not solicit passengers to use their crafts unless specifically authorised by management.

95. QUANTITY OF LUGGAGE THAT MAY BE CARRIED. The management may regulate the quantity of luggage which may be carried consistent with the safety and convenience of the passengers conveyed in any small craft licensed to carry passengers and the owner or person in charge shall obey the orders of the management in this respect. One hundred and twenty pounds weight shall be taken as the equivalent of one person allowed for on the licence.

96. LIABILITY. Nothing in this Part of these regulations contained shall be deemed to impose any liability or responsibility upon the Crown in right of its government of Antigua and Barbuda for any loss or injury caused by the acts or negligence of any owner or person in charge of or member of the crew of any licensed small craft.

97. SMALL CRAFT PROHIBITED FROM CONVEYING LIQUOR TO SHIP'S CREW. (1) No owner or person in charge of any small craft, and no boatman or any person employed by such owner or person in charge shall supply, convey or deliver any intoxicating liquor to any of the crew of, or to any other person on board any ship at anchor or moored in a harbour, except—

(a) such liquor as may be purchased with the consent of the Master of the ship from a person duly licensed to sell the same; or

(b) such liquor as may be removed under the Customs laws and regulations or from a bonded or bonding warehouse for exportation beyond the limits of the harbour, or for ship's stores.

(2) Where any such owner is convicted of a contravention of this regulation, the licence, if any, of the small craft used in connection with the commission of such offence shall be cancelled, and shall thereupon become null and void, without prejudice to any other penalty provided by the law.

98. PENALTY FOR BREACH OF SMALL CRAFT RULES. The owner or person in charge of any small craft licensed under regulation 79 of these

regulations in respect of which a breach or this Part of these regulations has been committed, shall, in addition to any other penalty to which he may have rendered himself liable, be liable to imprisonment for a term not exceeding two months, or to a fine not exceeding two hundred dollars or to both such fine and such imprisonment.

99. CONTROL OF SPEED BOATS. (1) Every speed boat when within two hundred yards of the waters' edge shall travel at a slow speed and shall keep well clear of all bathers.

(2) No person in a harbour area in charge of a small craft, speed boat, dinghy or power assisted craft may exceed the prescribed speed limit.

100. DUTY OF PERSON IN CHARGE OF A SPEED BOAT. If the person in charge of a speed boat shall fail to comply with the provisions of regulation 99 of these regulations or shall fail to ensure that the speed boat of which he has charge and any water skier being towed by such boat do not cause any inconvenience to bathers he shall be guilty of an offence and the licence, if any, of the small craft used in connection with the commission of such offence may be cancelled.

101. SUSPENSION OF LICENCE FOR MISCONDUCT. The management may suspend or revoke the licence of any small craft whose owner or any member of whose crew has been guilty of misconduct or a breach or neglect of any regulation in this Part of these regulations, or of any lawful order of the management or who in the opinion of the management is of bad character; and such suspension or revocation shall be endorsed upon the licence which shall be produced to the management for the purpose.

PART VII

DAINGEROUS, HAZARDOUS AND POISONOUS GOODS

102. MASTER OR AGENT TO GIVE NOTICE OF DANGEROUS GOODS ON BOARD. The Master or agent of every ship, having on board any dangerous goods shall, twenty-four hours before arrival, give notice thereof to the management. If without notice thereof any such goods are landed, the management may order the same to be placed on board the ship whence they came, or otherwise deal with them or destroy them as it considers necessary, at the risk and expense of the ship from which they were discharged.

103. WARSHIPS AND TRANSPORTS. Ships of war and transports may be exempted by the Port Manager from this Part of these regulations

if they are fitted with approved magazine under the water-line and capable of being flooded and in granting such exemption the Port Manager may impose such terms and conditions as he thinks fit.

104. EXEMPTIONS. Every ship having only the following dangerous goods on board shall, except where expressly specified in any of the following regulations contained in this Part of these regulations, be exempt from the provisions of such regulations and such dangerous goods shall be similarly exempt and may be landed and dealt with at such places and under such conditions as the management may direct—

(a) safety-cartridges, safety-fuses, percussion caps, fireworks, and any other dangerous goods specially exempted by notice published by the Minister in the *Gazette*;

(b) any other dangerous goods of the nature of any explosive referred to in the Third Schedule to these regulations which does not exceed fifty pounds in weight and is properly stored in an approved magazine.

105. BERTHING OF SHIPS CARRYING DANGEROUS GOODS. Every ship carrying, or about to carry, dangerous goods shall be anchored or berthed only in the position assigned to it by the management, and shall not be moved therefrom without the written order or permission of the management.

106. RED FLAG TO BE EXHIBITED. The Master of every ship having dangerous goods on board shall, whilst within the limits of a harbour, keep conspicuously exhibited at the fore by day a red flag "B" (International Code) in size not less than four feet by three feet, and at night, at the masthead in addition to the lights ordinarily required and above them a red light showing a clear uniform unbroken light all round the horizon, visible on a clear night at a distance of one nautical mile from such ship.

107. FIRES ETC. PROHIBITED. No fires or artificial lights or smoking of tobacco shall be allowed near the open hatches or in the hold in which dangerous goods are stored, or at the place of discharge or shipment:

Provided that this regulation—

- (i) shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the management, or of ship's riding or signals lights so disposed as to prevent any risk of fire or explosion; and

- (ii) shall not apply to engine room fires when the same have been previously carefully banked.

108. ONLY DANGEROUS GOODS TO BE HANDLED AT ONE TIME.

(1) During the time any dangerous goods are being discharged no other goods or articles shall be handled or dealt with at or near the place of discharge.

(2) Persons other than those actually engaged in or superintending the work of discharge, shall not be allowed access to the ship, and may, at the discretion of an authorised employee or member of the police force, be ordered to a reasonable distance from the place of discharge.

109. PERMITS TO LAND DANGEROUS GOODS. Dangerous goods shall not be landed except on production of one of the following certificates or permits—

(a) if shipped from a port within the Commonwealth, the certificate on oath of a duly qualified chemist to the effect that the dangerous goods have been shipped in good order and condition, properly packed and labelled, and safe to be shipped through the tropics and handled in a warm climate;

(b) if shipped from a foreign port, the certificate on oath of a duly qualified chemist authenticated as such; and a certificate by the Principal representative of Antigua and Barbuda or the British Consul at such port, stating that the explosives fulfil the requirements set forth in paragraph (a) of this regulation.

110. SPECIAL PERMIT WHEN ABEL TEST APPLIED. In the case of dangerous goods of a nature requiring the application of the "Abel heat test", the certificate required under regulation 109 of these regulations shall further state that no ingredient capable of making such test is present in such goods.

111. LICENCE FOR SPECIAL SMALL CRAFT. No small craft shall be used for the temporary storage of dangerous goods except under a special licence granted on a certificate from the management and subject to such conditions as it may impose.

Such licensed craft shall not be loaded above the hatches, shall at all times remain afloat and be anchored only at specially appointed moorings, and shall exhibit a red flag by day and a red light in an elevated position by night. Hatches shall be properly closed, and no dangerous goods shall be carried on deck.

112. SUPERINTENDENCE OF MANAGEMENT. No dangerous, hazardous or poisonous goods shall be landed, shipped, transhipped or brought into any harbour except under the direction and superintendence of the management, whose order shall be implicitly obeyed.

113. LIABILITY FOR EXPENSES. Any expense incurred by or on behalf of the Crown in right of its government of Antigua and Barbuda, in superintendence, the provision of watchmen or other facility in connection with the handling and discharge of dangerous, hazardous or poisonous goods shall, except where otherwise provided in these regulations, be borne by the consignee, consignor, or agent, as the case may be.

114. PENALTY. In the event of any breach by act or default of any of the foregoing regulations of this Part of these regulations, all or any part of the dangerous, hazardous or poisonous goods in respect of which, or found in the vehicle in respect of which the offence has been committed, may be forfeited.

115. INSPECTION AND EXAMINATION. Every person in control of any dangerous, hazardous or poisonous goods or of any ship or vehicle containing such goods shall when so required by the management, show all such goods under his control or upon his ship and shall afford every reasonable facility to enable inspection and examination of such goods and to ascertain whether these regulations are being duly observed.

116. PETROLEUM. For the avoidance of doubt it is hereby declared that in the case of petroleum and all other inflammable liquids, including turpentine, these regulations shall apply in addition to and not in derogation of any relevant legislation of Antigua and Barbuda.

117. CARBIDE. In the case of carbide of calcium the following special regulations shall apply in addition to the other provisions of these regulations—

(a) the owner or Master of every ship, the hold of which contains carbide of calcium, shall keep such hold efficiently ventilated so long as any carbide of calcium remains therein;

(b) all carbide of calcium landed from any ship shall be removed without unnecessary delay to some duly licensed place of storage or beyond the limits of a harbour area;

(c) no carbide of calcium shall be brought into or landed within a harbour area unless packed in hermetically closed metal vessels of such strength and construction or so protected as not to be liable to

breakage or to become defective or insecure except as a result of gross negligence or extraordinary accident;

(d) no packages or vessel containing carbide of calcium shall be opened within the limits of a harbour area except in some licensed place of storage or, with the written consent of the management, in such place as the management may direct;

(e) every reasonable precaution shall be taken by the owner and Master of every ship carrying carbide of calcium and by every person engaged thereon and also by the owner of such carbide of calcium and by every person engaged in the landing or loading thereof to prevent the contact of water or moisture therewith and, where such contact may have occurred, to prevent the gas evolved thereby from being ignited.

PART VIII

GENERAL SAFETY REGULATIONS

118. APPLICATION. The regulations contained in this Part of these regulations shall apply in respect of the processes of loading, moving and handling goods in, or at any dock, wharf or quay, and the processes of loading, unloading and coaling any ship in any dock or harbour:

Provided that nothing in these regulations shall apply to the unloading of fish from a ship employed in the catching of fish; and nothing in regulations 121 and 123 (so far as regards liability to provide means of access) 122 and 124 to 130 inclusive of these regulations shall apply to a small craft.

119. DUTIES OF MASTERS AND OTHERS. (1) It shall be the duty of the owner, Master or other person in charge of a ship to comply with regulations 121 to 130 inclusive of these regulations in so far as the same are applicable to the ship of which they are the owner, Master or other person in charge.

(2) It shall be the duty of the owner of machinery and plant used in the processes and in the case of machinery or plant carried on board a ship, not being a ship registered in the United Kingdom or within the Commonwealth Caribbean, it shall also be the duty of the Master of such ship to comply with regulations 131 to 141 inclusive of these regulations:

Provided that the Port Manager may exempt the Master of a ship registered in a country the Government of which is a party to the International Safety Convention from compliance with the provisions of regulations 131 to 141 inclusive of these regulations on proof that tests have been carried out in respect of the matters contained in the said regulations.

(3) It shall be the duty of every person who by himself, his agents, or workmen carried on the processes, and of all agents, workmen, and persons employed by him in the processes to comply with regulations 142 to 154 inclusive of these regulations:

Provided that where the processes are carried on by a stevedore or other person other than the owner of the ship, it shall be the duty of the owner, Master or other person in charge of the ship to comply with regulation 121 of these regulations so far as it concerns—

(a) any hatch not taken over by the said stevedore or other person for the purpose of the processes; and

(b) any hatch which, after having been taken over by the said stevedore or other person for the purposes of the processes—

(i) has been reported by written notice in the form prescribed by the management to the owner, Master or other person in charge of the ship, by or on behalf of the said stevedore or other person, as being a hatch at which the processes have been completed for the time being; and

(ii) either has been left by the said stevedore or other person fenced or covered as required by regulation 147 of these regulations, or has been taken into use by or on behalf of the owner of the ship and in either case has been so reported by such written notice as aforesaid.

(4) It shall be the duty of the owner Master or other person in charge of the ship to give immediately a written acknowledgement in the prescribed form of such written notice as aforesaid.

(5) It shall be the duty of all persons, whether owners, occupiers, or person employed, to comply with regulations 155 and 156 of these regulations.

(6) Regulations 157 and 158 of these regulations shall be complied with by the persons on whom the duty is placed in such regulations.

120. APPOINTMENT OF PERSONS TO CARRY OUT TESTS AND ISSUE OF CERTIFICATES CERTIFIED BY SUCH PERSONS. (1) For the purpose of regulations 131 to 133 inclusive and of regulation 136 of these regulations, the Port Manager may authorise such person as he considers competent to carry out any tests, examinations, inspections, annealing or other treatment that may be required in order to certify any certificate referred to in paragraph (2) of this regulation:

Provided that the Port Manager may, at his discretion, at any time withdraw any authorisation issued by him under this regulation, in which case the person whose authorisation has been so withdrawn may appeal to the Minister whose decision shall be final.

(2) Certificates in the form set out in the Fourth Schedule to these regulations and containing particulars with regard to the tests, examinations, inspections, annealing or other treatment that may be required in order to ensure compliance with the provision of regulations 131 to 133 inclusive and of regulation 136 of these regulations shall be obtained from the management and when properly completed shall be returned to the management within five days of the date upon which such tests, examinations, inspections, annealing or other treatment shall have been completed.

(3) The person for whom such tests, examinations, inspections, annealing or other treatment have been carried out shall keep a copy of such form duly completed and shall produce it at any time upon request by the management.

121. SAFE MEANS OF ACCESS TO WHARF TO BE PROVIDED. If a ship is lying at a wharf or quay for the purpose of loading or unloading or coaling, there shall be safe means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship as follows—

(a) where reasonably practicable the ship's accommodation ladder or a gangway or a similar construction not less than twenty-two inches wide, properly secured, and fenced throughout on each side to a clear height of 2 feet 9 inches by means of upper and lower rails, taut ropes or chains or by other equally safe means, except that in the case of the ship's accommodation ladder such fencing shall be necessary on one side only provided that the other side is properly protected by the ship's side and there is properly secured under such ladder an adequate safety net;

(b) in other cases a ladder of sound material and adequate length, which shall be properly secured to prevent slipping:

Provided that, as regards any sailing ship not exceeding two hundred and fifty tons gross registered tonnage and any mechanically propelled ship not exceeding one hundred and fifty tons gross registered tonnage, this regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

122. LANDING OR EMBARKING PASSENGERS. (1) Whilst passengers are being landed from or embarked upon any ship in harbour, a sound gangway shall be provided and one of the crew of the ship shall be in attendance at the ship's end of the gangway to attend to the security of the gangway and the safety of the passengers over it.

(2) Where any ship is in harbour, a lifebuoy with a line attached thereto, kept in proper condition for immediate use shall be placed near to the head of each gangway, accommodation ladder or similar construction, which is available for use.

(3) No goods in course of discharge from or loading to any ship shall be worked by crane, derrick or other means over a passenger gangway.

123. SAFE MEANS OF ACCESS TO OTHER SHIPS TO BE PROVIDED. If a ship is alongside any other ship, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance. If one of such ships is a small craft of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

124. SAFE MEANS OF ACCESS FROM DECK TO HOLD TO BE PROVIDED. (1) If the depth from the level of the deck to the bottom of the hold exceeds five feet, there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

(2) Save as hereinafter provided, such access shall be afforded by ladder, and by ladder cleats or cups on the coamings, and shall not be deemed to be safe—

(a) unless the ladders between the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower hatch or hatches;

(b) unless the ladders provide a foothold of a depth including any space behind the ladder of not less than $4\frac{1}{2}$ inches for a width of 10 inches and a firm handhold;

(c) unless the cleats or cups provided on coamings—

(i) provide a foothold or a depth including any space behind the cleats or cups of not less than $4\frac{1}{2}$ inches for a width of 10 inches and a firm handhold;

- (ii) are so constructed as to prevent a man's foot from slipping off the side;
- (iii) are placed vertically one above the other and in the same line as the ladders to which they give access;
- (d) unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder foothold of a depth including any space behind the ladder of not less than 4½ inches for a width of 10 inches and a firm handhold;
- (e) unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck;
- (f) unless the ladder is recessed under the deck no more than is reasonably necessary to keep the ladder clear of the hatchway; Provided that such access may be afforded—
 - (i) where the provisions of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of paragraph (c) of this regulation, or
 - (ii) by ladders or steps separate from any hatchway or sloping from deck to deck if such ladders or steps comply with the requirements of paragraphs (b), (d) and (e) of this regulation.

(3) Shaft tunnels shall be equipped with adequate handholds and footholds on each side.

125. EFFICIENT LIGHTING TO BE PROVIDED. When the processes are being carried on—

(a) the places in the hold and on the decks where work is being carried on;

(b) the means of access provided in pursuance of regulations 121 and 122 of these regulations; and

(c) all parts of the ship to which persons employed may be required to proceed in the course of their employment;

shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all persons employed, and of the navigation of other vessels.

126. GEAR FOR LIFTING BEAMS FOR HATCH COVERING TO BE PROVIDED. All fore and aft beams and thwartship beams used for hatch coverings shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

127. HATCH COVERINGS TO BE PLAINLY MARKED. (1) All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein:

Provided that this regulation shall not apply in cases where all the hatch coverings of a ship are interchangeable or, in respect of markings of position, where all hatch coverings of a hatch are interchangeable.

(2) The provisions of this regulation shall apply to fore and aft beams and to thwartship beams as it applies to hatch coverings.

128. BEAMS TO BE MAINTAINED IN GOOD CONDITION. All fore and aft beams and thwartship beams used for hatch coverings and all hatch coverings shall be maintained in good condition.

129. HANDGRIPS ON HATCH COVERINGS TO BE PROVIDED. Adequate handgrips shall be provided on all hatch coverings, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of handgrips unnecessary.

130. PROVISION FOR REMOVAL AND REPLACEMENT OF HATCHES IN SAFETY. When the working space around a hatch is less than two feet wide, such provision shall be made as will enable persons employed to remove and replace in safety all fore and aft beams and thwartship beams used for hatch coverings and all hatch coverings.

131. LIFTING MACHINERY ETC. TO BE TESTED AND EXAMINED. (1) All lifting machinery shall, where practicable, be tested and examined by a person authorised by the Port Manager under regulation 120 of these regulations in the manner set out in the Fourth Schedule to these regulations before being taken into use.

(2) (a) All derricks and permanent attachments, including bridle chains to the derrick, mast and deck, used in hoisting or lowering shall be inspected once in every twelve months and be thoroughly examined once at least in every four years.

(b) All other lifting machinery shall be thoroughly examined once at least in every twelve months.

(c) For the purposes of this regulation thorough examination means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts

examined, and, if necessary for the purpose, parts of the machines and gear shall be dismantled.

132. CHAINS ETC. TO BE TESTED. No chain, ring, hook, shackle, swivel or pulley block shall be used in hoisting or lowering unless it has been tested and examined by a person authorised by the Port Manager under regulation 120 of these regulations as far as practicable in the manner set out in the Fourth Schedule to these regulations.

(2) All chains other than bridle chains attached to derricks or masks, and all rings, hooks, shackles and swivels used in hoisting or lowering shall, unless they have been subjected to such other treatment as may be approved by the management, be effectually annealed under the supervision of a person authorised by the Port Manager under regulations 120 of these regulations and at the following intervals—

(a) half-inch and smaller chains, rings, hooks, shackles and swivels in general use; once at least in every six months;

(b) all other chains, rings, hooks, shackles and swivels in general use; once at least in every twelve months:

Provided that, in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in paragraph (a) hereof and two years for twelve months in paragraph (b) hereof:

Provided further that, where the management is of the opinion that, owing to the size, design, material or infrequency of use of any such gear or class of such gear, the requirement of this regulation as to annealing is not necessary for the protection of persons employed, it may, by certificate in writing (which it may in its discretion revoke), exempt such gear or class of gear from such requirement subject to such conditions as may be specified in such certificate.

(3) All chains, other than bridle chains attached to derricks or masks, and all rings, hooks, shackles, swivel and pulley blocks shall be inspected by a person authorised by the Port Manager under regulation 120 of these regulations immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months.

(4) All chains, rings, hooks, shackles, or swivels used in hoisting or lowering which have been lengthened altered or repaired by welding shall, before being again taken into use, be adequately tested and re-examined.

133. ROPE TO BE GOOD QUALITY AND WIRE ROPE TO BE TESTED.

(1) No rope shall be used in hoisting or lowering unless—

(a) it is of suitable quality and free from patent defect, and

(b) in the case of wire rope, it has been examined and tested by a person authorised by the Port Manager under regulation 120 of these regulations.

(2) Every wire rope in general use for hoisting or lowering shall be inspected by a person authorised by the Port Manager under regulation 120 of these regulations once at least in every three months:

Provided that after any wire has broken in such rope it shall be inspected once at least in every month.

(3) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceed ten per cent of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(4) A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wires cut out of each strand. The strands in all cases shall be tucked against the lay of the rope:

Provided that this regulation shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this regulation.

134. PULLEY BLOCKS TO HAVE WORKING LOAD STAMPED THEREON. No pulley block shall be used in hoisting or lowering unless the safe working load is clearly stamped upon it.

135. MEANS TO ENABLE SAFE WORKING LOADS FOR SLINGS, ROPES, ETC. TO BE ASCERTAINED. Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under such conditions as it may be used—

(a) as regards chain slings, such means shall consist of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material attached securely thereto;

(b) as regards wire rope slings, such means shall consist of either the means specified in paragraph (a) or a notice or notices, so exhibited

as to be easily read by any person concerned, stating the safe working loads for the various sizes of wire rope slings used.

136. SHORTENING OF CHAINS. Chains shall not be shortened by tying knots in them and suitable packing shall be provided to prevent the links coming into contact with sharp edges of hard materials.

137. REDUCTION OF RISK IN USE OF CRANES AND WINCHES. Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered. In particular, the lever controlling the link motion spring or other locking arrangement particularly the lever controlling the link motion reversing gear of a crane or winch shall be protected with a suitable spring or other locking arrangement.

138. CRANE PLATFORMS TO BE FENCED. The driver's platform on every crane or tip driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular where access is by a ladder—

(a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided;

(b) the landing place on the platform shall be maintained free from obstruction;

(c) in cases where the ladder is vertical and exceeds thirty feet in height, a resting place shall be provided approximately midway between the platform and the foot of the ladder.

139. MARKING OF WORKING LOAD ON CRANES AND DERRICKS. Every crane and derrick shall have the safeworking load plainly marked upon it, and every shore crane, if so constructed that the safe working load may be carried by the raising or lowering of the jib or otherwise, shall have attached to it an automatic indicator of safe working loads:

Provided that, in cases where the jib may be raised or lowered, provision on the crane of a table showing the safe working loads at the corresponding inclinations or radii of the jib shall be considered a sufficient compliance with this regulations.

140. EXHAUST STEAM FROM CRANES OR WINCHES. Adequate measures shall be taken to prevent exhaust steam from, and, so far as is practicable, live steam to, any crane or winch obscuring any part of the decks, gangways, stages, wharf, or quay where any person is employed in the processes.

141. MEASURES TO BE TAKEN WITH REGARD TO DERRICKS. Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

142. ESCAPE OF WORKERS IN A HOLD, ETC . Precautions shall be taken to facilitate the escape of workers when employed in a hold or on tween decks in dealing with coal or other bulk cargo.

143. NO LIFTING MACHINERY TO BE LOADED ABOVE SAFE WORKING LOAD. (1) No lifting machinery, chains or other lifting appliance shall be loaded beyond the safe working load:

Provided that a crane may be loaded beyond the safe working load in exceptional cases to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person if on each occasion—

(a) the written permission of the owner or his responsible agent has been obtained;

(b) a record of the overload is kept:

Provided further, that, where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheaves, the load on the pulley block shall be deemed for the purpose of this regulation to be half of the actual load.

(2) No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

144. AGE AND COMPETENCY OF CRANE, ETC. DRIVERS. No person under sixteen years of age and no person who is not sufficiently competent and reliable shall be employed as a driver of a crane or winch whether driven by mechanical power or otherwise or to attend to cargo falls on winch-end or winch-bodies.

145. CLEAR PASSAGE TO MEANS OF ACCESS TO SHIP TO BE MAINTAINED ON WHARF. Where goods are placed on a wharf or quay—

(a) a clear passage leading to the means of access to the ship required by regulation 121 of these regulations shall be maintained on the wharf or quay, and

(b) if any space is left along the edge of the wharf or quay, it shall be at least three feet wide and clear of all obstructions other than fixed structures, plant and appliances in use.

146. PROVISION OF SUBSTANTIAL DECK STAGE, ETC. (1) No deckstage or cargo stage shall be used in the processes unless it is substantially and firmly constructed and adequately supported and, where necessary, securely fastened.

(2) No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

(3) Any stage which is slippery shall be made safe by use of sand or otherwise.

147. FENCING OF HATCHES, ETC. (1) If any hatch of a hold accessible to any person employed and exceeding five feet in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods, coal or other materials or for trimming, and the coamings are less than two feet six inches in height, such hatch shall either be fenced to a height of three feet or be securely covered:

Provided that this requirement shall not apply—

- (i) to ships not exceeding two hundred tons net registered tonnage which have only one hatchway;
- (ii) to any ship during meal times or other short interruptions of work during the period of employment.

(2) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

(3) Hatch coverings shall be replaced on the hatches in the position indicated by the marking made thereon in pursuance of regulation 127 of these regulations.

148. LOADING OR UNLOADING OF CARGO AT INTERMEDIATE DECK. No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at the deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it:

Provided that this regulation shall not apply to any process of unloading, the whole of which will be completed within a period of half an hour.

149. PROVISION WITH REGARD TO USE OF HOOKS. When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands of fastenings of bales of cotton, wool, cork,

gummy bags or other similar goods, nor shall hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe:

Provided that nothing in this regulation contained shall apply to breaking out or making up slings.

150. STAGING TO BE PROVIDED WHEN WORKING ON SKELETON DECK. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of two feet of such deck.

151. SHORING OF CARGO, ETC. Where stacking, unstacking, stowing or unstowing of cargo or handling in connection therewith cannot be safely carried out unaided, reasonable measures to guard against accident shall be taken by shoring or otherwise.

152. SECURING OF HATCH BEAMS. The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent their displacement.

153. EMPLOYMENT OF SIGNALLER IN CERTAIN CIRCUMSTANCES. When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed and, where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall:

Provided that—

- (i) this regulation shall not apply in cases where a small craft is being loaded or unloaded if the driver of the crane or winch working the fall has a clear and unrestricted view of those parts of the hold where work is being carried on.
- (ii) where the management is of the opinion that, owing to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements of this regulation are not necessary for the safety of the person employed it may by certificate in writing (which it may in its discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

154. PROVISION OF SAFE TRANSPORT BY WATER. When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Ships used for this purpose shall be in charge of

a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

155. PERSONS EMPLOYED TO USE MEANS OF ACCESS. Every person employed shall use the means of access provided in accordance with regulations 121 to 124 inclusive of these regulations, and no person shall authorise or order another to use means of access other than those provided in accordance therewith.

156. PERSONS NOT TO GO UPON BEAMS ETC. IN CERTAIN CIRCUMSTANCES. No person shall go upon the fore and aft beams or thwartship beams of any ship, other than a small craft, for the purpose of adjusting the gear for lifting them on and off, nor shall any person authorise or order another to do so.

157. MACHINERY USED TO COMPLY WITH REGULATIONS. No employer of persons in the processes shall allow machinery or gear to be used by such persons which does not comply with regulations 131 to 141 inclusive of these regulations.

158. RESPONSIBILITY OF COMPLIANCE WITH CERTAIN REGULATIONS. If the persons whose duty it is to comply with regulations 121 to 124 inclusive of these regulations fail so to do, then it shall also be the duty of the employer of the person employed, for whose use the means of access and the lights are required to comply with the said regulations within the shortest time reasonably practicable after such failure.

PART IX

HANDLING OF CARGO

159. LIABILITY IN RESPECT OF TRANSIT SHEDS. The provisions of the Act and of those regulations relative to liability for goods warehoused shall apply to goods in a transit shed in like manner as they apply to goods being warehoused.

160. TRANSIT SHEDS. Transit sheds shall be closed to members of the public and no vehicle shall enter a shed without the authority of an authorised employee.

161. GOODS NOT TO BE DELIVERED WITHOUT AUTHORITY FROM CUSTOMS. No goods shall be delivered to any consignee without the production by him of the necessary authority from the Comptroller of Customs or a person authorised in that behalf by the Comptroller of Customs.

162. DOCUMENTS REQUIRED BEFORE GOODS DELIVERED. Importers or their agents shall present at such place as may be appointed by the management during the regular working hours of a harbour the following documents before the delivery of goods may be made—

(a) Delivery Orders, complete in every detail and respect and specifying the respective marks and numbers on packages or articles in respect of unpacked goods, their number, description and contents, also the name of the ship and the port of shipment, the arrival date and disposal instructions. There shall be a separate Delivery Order for each separate consignee;

(b) Bills of Lading or Shipping Company's Orders duly released by ship's agents, shall be produced for all goods landed or to be landed before orders can be accepted or delivery made of any portion thereof, and no Bills of Lading or Delivery Orders shall be accepted on which the authority from the shipper to the holder is not deduced by a complete and accurate chain of endorsement. Every Bill of Lading or Shipping Company's Delivery Order shall clearly show to whose order the goods are to be delivered;

(c) a certified copy of the Customs Entry, and

(d) in the case of transshipment goods, a Shipping Order complete in every detail and respect:

Provided that this regulation, so far as it relates to the specification of deadweight and cubic measurement, shall not apply to certain goods, charges on which are assessed on a defined basis set out in the Tariff Book, in which cases, either deadweight or cubic measurement, according to the unit specified in the Tariff Book, or Bill of Lading tonnage shall be specified:

Provided further that no Delivery Order shall be required in any case where the Bill of Lading is endorsed with the release order of the ship's agent.

163. WHEN GOODS PROVISIONALLY ENTERED ARE DEEMED TO BE CLEARED. Goods for Customs examination under a provisional entry shall not be deemed to be cleared until a perfect entry has been duly made.

164. DOCUMENTS REQUIRED FOR GOODS FOR EXPORT. Persons desiring goods to be shipped shall deliver to such place as may be appointed by the management, during the regular working hours of any harbour, shipping orders, complete in every detail and respect and specifying the respective marks and numbers on packages or articles in respect of unpacked goods, their number, description and contents with the deadweight or cubic measurement or value thereof as required by the Tariff Book also the name

of the ship and the port of destination; there shall be a separate shipping order for each consignment.

165. DEPOSITING OF GOODS FOR EXPORT. (1) Goods for export shall be deposited in such places as the management may direct.

(2) The owner of any goods deposited otherwise than in accordance with the provisions of paragraph (1) of this regulation shall be subject to a penalty of ten dollars per day until the goods are removed; or the management may remove them, charging the owner with the cost thereof in addition to such fine.

166. GOODS FOR EXPORT AND RELATIVE DOCUMENTS TO BE RECEIVED IN TIME. (1) All goods intended for shipment by any particular ship together with the relative shipping orders shall be presented at such place as may be appointed by the management at the harbour not later than nine working hours previous to the ship's appointed sailing time; in the event of goods and/or shipping orders being received late, the exporter shall be liable for any additional expenses incurred.

(2) Goods in respect of which shipping orders are presented shall be ready for shipment in every respect.

(3) Sorting and/or other manipulation of goods is not permitted in a harbour area other than by the management or an authorised employee.

(4) Goods which, apart from marking, measurements or weighing are not in every respect fit for shipment shall be removed from the harbour area within forty-eight hours of time of receipt.

(5) The Crown in right of its government of Antigua and Barbuda shall in no way be responsible for ensuring that the whole or any part of any parcel of goods covered by any shipping order is placed aboard any ship before her time of sailing.

167. CANCELLING OR AMENDING ORDERS. Orders from persons in lawful control of goods, cancelling or amending previous orders, may be accepted by the management, provided it is reasonably possible to act upon such orders at the time they are received; a charge may be made in respect of each order cancelling or amending a previous order, and such charge shall be paid at the time such order is delivered to the management.

168. WHEN WEIGHT OR MEASUREMENT NOT AVAILABLE.

(1) When the weight and/or cubic measurement of goods is not available the goods shall be weighed and/or measured by the management or any authorised employee and the charges therefor shall be paid by the person who presents the Delivery Order in respect of such goods.

(2) All packages exceeding three tons in weight shall have the actual weight thereof legibly painted on the outside of the package in close proximity to the shipping mark; if this is not done, the package may be weighed by the management or an authorised employee and all expenses of weighing, extra handling, transport, or otherwise shall be charged to the consignee and may be forthwith recovered from him.

169. MARKING OF PACKAGES. (1) When goods are insufficiently or erroneously marked, the management notwithstanding that all dues and charges have been deposited or paid, may require from any person claiming such goods a special release order, signed by the ship's agents, or an indemnification against any loss or damage which the Crown in right of its government of Antigua and Barbuda may sustain by reason of the delivery to such person. The ordinary rent shall be charged against all goods remaining on the harbour premises in consequence of such insufficient or erroneous marking.

(2) The Crown in right of its government of Antigua and Barbuda shall not be liable for any damage, loss, delay or non-delivery of goods occasioned by insufficient or erroneous marking.

170. DELIVERY TO QUEEN'S WAREHOUSE. The delivery of goods to the warehouse appointed by the Comptroller of Customs as the Queen's Warehouse shall constitute delivery of such goods to the consignee, and the Crown in right of its government of Antigua and Barbuda, shall not be liable in respect of goods after they have been so delivered.

171. DEFECTIVE PACKAGES. (1) Where any goods have been landed in packages of a defective or leaky character, notwithstanding the provisions of regulation 46 of these regulations, or the fact that the management has given a receipt for the goods, delivery of the goods shall not be considered to have been made to the Authority until such packages have been repacked, rebagged, or repaired in a reasonably sound condition and such goods have been checked in the presence of the ship's agent and a Customs Officer, and only such goods as are found upon such check shall be deemed to have been accepted by the Authority.

(2) Notwithstanding the provisions of paragraph (1) of this regulation the management may decline to accept any goods which are tendered for landing in packages of a defective or leaky character until such packages have been properly repaired or the goods rebagged or repacked, to the satisfaction of the management on board the carrying ship.

172. UNPACKING OF GOODS. Except for Customs purposes, no goods or materials of any kind shall be unpacked within a harbour area without special permission of the management; and all straw or other material from which goods may have been unpacked shall be immediately swept up and removed by the owner or agent or such goods, failing which the same may be swept up and removed by the management at the expense of such owner or agent.

173. ACIDS, ETC. LANDED IN LEAKY CONDITION. (1) When acids, grease, oils, tar, pitch, paints, or other similar substances come into the possession of the Authority in a leaky condition, the management may, in its discretion, repair the leaky defective packages at the expense of the owner, and may refill any packages from which the original contents have leaked with like substance from other leaky or damaged packages forming part of the same consignment.

(2) If the packages are repaired or refilled the consignee or owner shall have no claim in respect of the manipulation of such packages:

Provided that the owner may, at the time of handing in his orders notify the management that he wishes such articles to be set aside, and in that case they may be removed to a depositing ground or replaced in a warehouse at his risk and expense.

174. CHARGES TO BE PRE-PAID OR SECURED. All dues and charges payable upon all goods landed, shipped, transhipped or warehoused shall be paid, or sufficient security furnished for their payment, before orders for shipping, delivery or forwarding are acted upon, and the management may prevent the removal of any goods from any premises occupied by or for the purposes of the Authority whilst any dues or charges payable by the consignee remain unpaid:

Provided that, for the purposes of preventing delay, the management may ship goods before the dues and charges payable thereon are paid, and in that case, shall retain the ship's receipts as security for the payment of such dues and charges.

175. MANAGEMENT MAY DESTROY OR OTHERWISE DEAL WITH DANGEROUS, HAZARDOUS OR POISONOUS GOODS. In cases of emergency,

or for the purpose of securing the better safety of a harbour or the shipping therein, the management may, whenever it may deem expedient to do so, destroy or otherwise dispose of dangerous, hazardous or poisonous goods within a harbour area without compensation to the owner of the goods.

176. GOODS STORED IN THE OPEN. The following goods, when not packed or in crates, shall not be placed in stores or warehouses, but shall, if necessary, be stored or deposited in the open, and always at the sole risk of the owner or his agent that is to say—

Asbestos sheets and ridges, ashes, asphalt, bones, meats, bricks, chalk, charcoal, cinders, clay, coal dung, fertilizer, flowerpots (earthen), firewood, girders, horns, copper pipes, shooks, iron and iron manufactures such as cast, wrought, galvanised, sheet, plate, bar, rod, tube, billet, bloom, ingot, or pig ores, pipes (earthen and iron), rubbish, sand, slate, sleepers, steel and iron-work, stone, straw, sulphur in bulk (not being flowers of sulphur) timber (rough or unplanned), vehicles and chassis.

PART X

STORAGE

177. CERTAIN GOODS NOT ACCEPTED FOR STORAGE. The management shall have the right to refuse for storage or warehousing, except under special conditions and always at the sole risk of the owner or his agent, the following goods—

(a) articles of unusual length, bulk or weight or of exceptional bulk in proportion to weight;

(b) articles improperly, insecurely, or insufficiently packed, which are consequently liable to loss or damage;

(c) dangerous, hazardous, or poisonous goods, being any goods which are likely to cause harm or damage to persons or property;

(d) any wild animal or large animal.

178. HARBOUR DUES AND CHARGES. Ship's dues, wharfage, handling, storage and other harbour dues and charges shall be levied at such rates as the Minister may, from time to time, prescribe in the Tariff Book.

179. STORAGE CHARGES ON IMPORTS. Storage charges shall be levied on all import cargo and merchandise for which documents have not been received by the management or on which charges have not been paid or secured:

Provided that such cargo and merchandise shall be subject to a free period of five days exclusive of Sundays and holidays calculated from the posted date of arrival of the ship:

Provided further that during the season when large shipments of mixed timber reach Antigua and Barbuda, the management may allow such timber to remain in the Deep Water Harbour area for a free period of ten days calculated from the posted date of arrival of the ship; and in case of full or empty containers, management may allow such containers to remain in the Deep Water Harbour Area for a free period of fifteen days calculated from the posted date of arrival of the ship or to a maximum of twenty-one days where in the opinion of management there is a delay of the out-going ship.

180. GOODS DETAINED BY CUSTOMS. Goods detained by the Comptroller of Customs for examination purposes shall not be liable to storage charges during the period they are so detained, that is to say, from the date the documents are "Stopped" by Customs until the date of completion of examination:

Provided that any delay attributable to the importer or agent during the period of detention shall not be given the benefit of such storage.

181. EXPORT CARGO. Storage charges shall be levied on all export cargo and merchandise and, save as otherwise provided herein, shall be levied from the date of arrival of such export cargo and merchandise in the harbour area until the date fixed as the loading date by the management, or the date of presentation of the relevant shipping documents, whichever ever is the later.

182. FREE STORAGE PERIOD ON EXPORTS. Save as otherwise herein provided, a free storage period of three clear days exclusive of Sundays and public holidays as defined in the Public Holidays Act, shall be allowed on all export goods calculated from the date of arrival of the goods in the area.

183. GOODS MAY BE TRANSFERRED. Goods on which storage charges have become due may be transferred by the management at its discretion, to any point in or outside of a harbour area or left in on site:

Provided that, in any such case, such goods shall incur such additional charges as may be prescribed in the Tariff Book.

184. REMOVAL OF EXPORT CARGO. (1) Where an exporter desires to remove any export goods already in the transit sheds for any purpose other than for shipment, the management shall provide the labour

necessary at the charge prescribed in the Tariff Book. The employment of private labour for the purpose shall not be permitted.

(2) Where it is desired to remove export goods from a transit shed to a private warehouse the necessary loading orders shall be submitted not less than forty-eight hours before the expiration of the free storage period on the goods concerned. Failure to comply with the provisions of this regulation will result in storage rent being charged up to the date on which the goods are loaded.

185. WHEN STORAGE ACCOMMODATION NOT AVAILABLE. If there is insufficient harbour storage accommodation available, the management may order the owner or agents of any goods to make, within a specified time, their own arrangements for the storage of such goods.

186. PENAL STORAGE ACCOMMODATION NOT AVAILABLE. If any order issued under regulation 185 of these regulations is not complied with in the specified time, the goods shall be subject, in addition to other charges incurred, to the penal charge as prescribed in the Tariff Book from the date of expiration of the relevant prescribed free storage period.

187. CHANGE OF OWNERSHIP OF GOODS. Any change in the ownership of goods shall be notified to the management immediately such change takes place and, in the absence of such notification, the previous owner shall be held responsible for all charges.

188. TRANSHIPMENT CHARGES. (1) Storage charges shall be levied on all transshipment and overlanded goods and on goods where landed or discharged into a lighter, pending reshipment:

Provided that a free storage period shall be allowed of twenty-one days from the posted date of arrival of the ship by which such goods were imported on a through bill of lading until the date fixed by the management as the loading date of the on-carrying ship, or the date of presentation of the relevant shipping documents, whichever is the later.

(2) While awaiting reshipment, transshipment goods shall not leave the possession of the Authority and shall not be subject to manipulation, otherwise ordinary import and export charges will be applied.

189. PASSENGERS' BAGGAGE. Passengers' baggage not removed from the Customs examination location at a harbour within twenty-four hours after clearance, shall be removed and warehoused and charged for at the ordinary import storage rate prescribed in the Tariff Book.

190. CLAIMS FOR REFUND OF OVERCHARGES AND UNDERCHARGES.

(1) Claims for refund of over-charges in respect of harbour dues and charges shall reach the management within six months after the goods were accepted by the Authority and shall be supported by such documents as the management may require. Unless the provisions of this regulation are complied with, the Crown in right of its government of Antigua and Barbuda will not be responsible for any liability for the over-charge nor will the claim be considered.

(2) Claims for the payment of undercharges may be raised by the management not later than six months after the goods were accepted by the Authority.

PART XI**CONTROL OF HARBOURS**

191. CLOSING ROADS, WHARVES, ETC. The Port Manager may, when he considers it desirable so to do, within any harbour area, cause to be closed any road, wharf, jetty, quay, warehouse or any part thereof, and may permit or prohibit the use thereof subject to such conditions as he may think fit to impose.

192. TRESPASSERS. No unauthorised person may climb upon the roof of any shed or upon any crane, lighthouse, signal station or navigation mark, or cut or remove any timber, wood, vegetation, or growth from any land of the Government used by or for the purposes of the Authority.

193. VEHICLES TO TAKE PLACE ASSIGNED. Vehicles within a harbour area shall take the position or place assigned to them by an authorised employee or member of the police force acting under the direction of the management under the provisions of any Act or subsidiary legislation made thereunder.

194. VEHICLES TO MOVE WHEN REQUIRED. Persons in charge of vehicles within a harbour area shall move their vehicles when required to do so by an authorised employee or member of the police force.

195. DANGEROUS DRIVING. No person shall drive a vehicle on any thoroughfare within a harbour area so as to be a danger to the public.

196. BEHAVIOUR OF DRIVERS OF VEHICLES. Every driver or person in charge of a vehicle shall, at all times while in or entering or leaving

a harbour area, conduct himself in an orderly manner and shall comply with the terms of any notice or sign exhibited by or under the authority of the management.

197. DANGER SIGNALS. No person in a harbour shall disregard a danger signal or refuse to stop when called upon to do so by an authorised employee or member of the police force.

198. FIRE HYDRANTS. No vehicle shall be parked over or near any fire hydrant.

199. FIRE-FIGHTING OPERATIONS. No person in a harbour area shall disregard the directions of an authorised employee or member of the police force in the event of an outbreak of fire, or obstruct or in any way interfere with the fire-fighting operations.

200. POWER TO EXCLUDE PUBLIC IF MAJOR FIRE. The management may, in the event of a major outbreak of fire within a harbour area, exclude the public from the vicinity of the fire and may close the whole or any section of a harbour area as it shall think fit.

201. ENTERING OR LEAVING A HARBOUR AREA. All persons entering or leaving a harbour area shall do so through the harbour entrance or exits provided for the purpose.

202. PERSONS TO CARRY IDENTIFICATION DISCS. The management may require all persons employed within or habitually visiting a harbour area to carry and exhibit an identification disc or ticket whilst within or when entering or leaving the area.

203. PARCELS ETC. TO BE EXAMINED. (1) No person shall take out of a harbour area any parcel, package, or articles of any kind except on production and delivery at the harbour gate to an authorised employee or member of the police force of a pass-out check authorising such person to be in possession of such a parcel, package, or article.

(2) Pass-out checks in respect of manifested goods, passengers' baggage and unmanifested goods ex-ship, shall not be issued until all Customs requirements have been complied with and all harbour dues, rents, rates and charges in respect thereof have been paid or secured.

204. HARBOUR GATES TO BE CLOSED AT NIGHT. The harbour gates shall be closed to commercial traffic between the hours of 6 p.m. and 6 a.m., daily except when a ship is berthed after 6 p.m. in which case such

traffic may enter or leave subject to the provisions of regulations 205 of these regulations.

205. PERSON WISHING TO ENTER HARBOUR AREA AT NIGHT.

Any person who wishes to enter a harbour area for a legitimate purpose between the hours of 6 p.m. and 6 a.m. may do so, subject to the provisions of regulation 204 of these regulations and to the condition that the Crown in right of its government of Antigua and Barbuda shall not be liable for personal injury, whether fatal or otherwise, loss, damage, delay or detention of or to any such person and or his property however caused.

206. VAGRANTS. (1) No person shall, except with the permission of the management, enter or remain in any harbour area except on lawful business.

(2) Any person entering or who has entered a harbour area shall, whenever required to do so by any authorised employee or member of the police force, truthfully inform such employee or member of the business in respect of which such person claims to be entitled to be in such harbour area.

(3) Any person committing a breach of this regulation may, without prejudice to his liability to any other penalty, at law, be forthwith removed from the harbour area and excluded therefrom by an authorised employee or member of the police force.

207. ADVERTISING ON HARBOUR PROPERTY. No person may, without having been previously authorised to do so by the management, advertise or cause any advertisement to be exhibited on any premises or property used by or for the purposes of the Authority within a harbour area.

208. BATHING. No person may bathe within the Deep Water Harbour at Saint John's nor may any person bathe within the limits of any other harbour unless clothed in a bathing costume or other garment sufficient for purpose of decency.

209. BURIALS. (1) No dead body of any kind shall be buried within a harbour area.

(2) The body of a dead person shall not be buried at sea within three nautical miles seaward of the limits of a harbour.

210. DOGS AND WILD ANIMALS. All dogs found at large on harbour premises may be destroyed by the management. Those on board any ship shall be properly secured by the Master or other person in charge.

211. USE OF SIRENS. No steam siren, whistle or foghorn shall, save with the permission of the management, be sounded within a harbour area except for the purpose of navigation or of giving a fire alarm.

212. SPITTING PROHIBITED. No person shall spit within, upon or against any part of any premises used by or for the purposes of the Authority. Any person continuing so to spit after having been requested to desist by an authorised employee or member of the police force may be removed from any harbour area by or under the direction of any such employee or member, without prejudice to any other penalty incurred under these regulations.

PART XII

MISCELLANEOUS

213. LICENCES GENERALLY. The management may cancel any certificate, licence or badge granted under these regulations whenever it may think fit, or may refuse to renew or endorse the same:

Provided that, whenever the management shall consider it necessary to cancel any certificate, licence or badge of any person employed by any other person not being the Crown within a harbour area or shall consider it necessary to refuse to renew or endorse the same, the management shall before doing so give to such first mentioned person an opportunity to be heard by a committee comprising a representative of the management and representatives of such other organizations as the Port Manager considers appropriate in the circumstances. Pending such inquiry the management may suspend the certificate, licence or badge of the person in question.

214. LICENCES OR PERMITS. The granting under these regulations of a licence authorisation, certificate or permit for any purpose shall not impose any liability or responsibility upon the Crown in right of its government of Antigua and Barbuda for any accident to the person so authorised or to the holder of such licence, certificate or permit while on premises used by or for the purpose of the Authority due to the working of cranes, or any other cause whatsoever.

215. LICENSING OF AGENTS AND OTHERS. No person shall in a harbour area undertake the stevedoring, that is to say the landing, or loading of goods, the clearing or forwarding of baggage from a harbour area other-

wise than by agreement with the Minister, without a licence granted or endorsed by the management for the purpose and on payment of such fees as may be prescribed in the Tariff Book and the management is hereby authorised to grant and endorse such licence.

216. SHIP CHANDLERS AND OTHER DEALERS. (1) No person shall carry on in a harbour area the business of a dealer in a marine or other stores or articles without a licence from the management, which is hereby authorised to issue such licence, and no person shall go on board any ship for, or take away from any ship, any marine stores, sweeping dunnage, coal, wood or other articles whatsoever, without the written permission of the Master thereof.

(2) No such articles obtained from a ship may be removed from the ship or harbour until the person proposing to remove the same has reported to the management that he proposes to remove the same and has obtained a Customs pass to remove the goods.

217. YACHT AND MARINE—BROKERAGE, SMALL CRAFT SALES, SURVEY, DESIGN, FINANCE, MORTGAGE, CHARTER, CREW EMPLOYMENT, EXPORT, IMPORT, DELIVERY, SALVAGE CONSULTANCY, MANAGEMENT AND OTHER MARITIME SERVICE AGENCIES. No person shall carry on in Antigua and Barbuda the business of a Yacht and Marine Brokerage or other Maritime related service without a licence from the management which is hereby authorised to issue such a licence, which shall run from January 1 to December 31 per calendar year unless previously cancelled.

218. SALE OF YACHTS AND SMALL CRAFT NOT EXCEEDING TWO HUNDRED TONS. No owner, master, broker or agent may offer for sale any vessel or small craft which is based in or visiting Antigua and Barbuda, neither shall he pledge, give away or otherwise dispose of such vessel, small craft or part thereof without first notifying and obtaining the written permission of the management.

219. MARITIME TRADES—CONSTRUCTION, SUPPLY, SERVICING, MAINTENANCE AND REPAIR OF SHIPS, FISHING BOATS, YACHTS, SMALL CRAFT AND ANCILLARY MARITIME RELATED EQUIPMENT. (1) No person or company shall carry on in a harbour area the business of ship, fishing boat, yacht, or small craft construction, supply, servicing, maintenance and repair without a licence from the management which is hereby authorized to issue such a licence on payment of the prescribed fee. Such licence shall run from January 1 to December 31 per calendar year unless previously cancelled.

(2) No person or company shall carry on in a harbour area the business of the construction, supply, servicing, maintenance and repair of ancillary maritime related equipment such as: outboard and inboard marine engines; radar, navigation, radio, electronics, refrigeration, air conditioning and electrical equipment; mast and rigging; sails, awnings, upholstery and fabric-work; marine plumbing, pumps, compressors and boilerwork; marine related carpentry, joinery, and woodworking; marine related painting, varnishing, signwriting, and general finishing; marine treatment and/or finishing of concrete, metal, wood, fiberglass and foam sandwich, and general ship servicing trades etc. without a licence from the management which is hereby authorised to issue such a licence on payment of the prescribed fee. Such licence shall run from January 1 to December 31 per calendar year unless previously cancelled.

220. MARITIME ACTIVITIES, COMMERCIAL FISHING, DIVING AND PLEASURE CRUISING, ETC. No person or company may engage in maritime activities in the territorial sea without first obtaining the appropriate licence, cruising permit or written permission from the management.

221. EXCLUSIVE POWERS OF THE MANAGEMENT. Save where otherwise expressly provided or save with the written permission of the management specifically in that regard obtained, no person shall in any harbour perform or cause to be performed any work, service or facility or suffer any obstruction or nuisance to remain.

222. PENALTY FOR CONTRAVENTION OF REGULATIONS. (1) Every person doing anything prohibited by any of the regulations contained in Part XI of these regulations or omitting to do anything required by any of them to be done or otherwise contravening any of the said regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) Any person, master, owner or company doing anything prohibited in regulation 220 shall be guilty of an offence. If, when boarded, any master or owner or a vessel fails to produce the necessary valid documents, licence or cruising permits, then the vessel may be taken into custody and confiscated with all its gear and equipment which will be sold at public auction unless the master or owner can prove that no offence has been committed. Every person contravening regulation 220 shall be guilty of an offence and liable on summary conviction to a fine of not less than four thousand dollars but not exceeding one hundred thousand dollars or to imprisonment to a term not exceeding three months or to both such fine and imprisonment:

Provided that where the master or owner can prove that he is not a party to the offence the vessel shall not be liable to forfeiture under regulation 220:

Provided also that where the master or owner satisfies the management that he has called or landed at any place through stress of weather he shall not be liable to any penalty under regulation 220.

(3) Except in the case of any regulations contained in these regulations under which any less penalty is expressly provided, every person doing anything prohibited by any of these regulations or omitting to do anything required by any of them to be done or otherwise contravening any of the said regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding four thousand dollars or to imprisonment to a term not exceeding three months or to both such fine and imprisonment.

FIRST SCHEDULE

PART I

BOUNDARIES OF HARBOURS

THE PORT OF ST. JOHN'S

All the waters enclosed by an imaginary straight line running due west from WEATHERILLS POINT forming the northern boundary, by an imaginary straight line running due north from SHIPSTERN POINT forming the western boundary and by the coast line running from WEATHERILLS POINT to SHIPSTERN POINT forming the eastern and southern boundaries.

PART II

BOUNDARIES OF COMPULSORY PILOTAGE HARBOUR

THE PORT OF ST. JOHN'S

All the waters enclosed by an imaginary straight line running due west from WEATHERILLS POINT forming the northern boundary by an imaginary straight line running due north from SHIPSTERN POINT forming the western boundary and by the coast line running from WEATHERILLS POINT to SHIPSTERN POINT forming the eastern and southern boundaries.

SECOND SCHEDULE

FORM A (1)

Regulation 12.

ANTIGUA AND BARBUDA PORT AUTHORITY

NOTICE OF EXPECTED ARRIVAL OF A SHIP

1. Name of Ship Voyage No
2. Nationality Length Overall
3. Date & Time Expected Arrived
4. Registered Tonnage Gross Net
5. Last Port of Call Departure Date
6. Draft arriving Fwd Aft
7. Name of Master Number of Crew
8. No. of Passengers for Antigua and Barbuda Cabin Deck
9. No. of Bags of Mail for Antigua and Barbuda
10. Tonnage of Cargo for Antigua and Barbuda B/L Tons
11. General Description of Cargo
12. No. of Passengers Transitting Antigua and Barbuda (approx)
13. Tonnage of Cargo to be transhipped in Antigua and Barbuda B/L Tons
14. Description of Cargo to be Transhipped in Antigua and Barbuda
15. No. of passengers joining from Antigua and Barbuda Cabin Deck
16. No. of bags of mail from Antigua and Barbuda
17. Tonnage of Cargo to be shipped from Antigua and Barbuda B/L Tons
18. Description of cargo to be shipped from Antigua and Barbuda
19. Next Port of Call
20. Owner
21. The following Dangerous/Hazardous/Poisonous Goods are carried on Board
(Nil return required)
- Signed (Agents)
- AGENTS NAME (in print)

FORM A (11)

Regulation 12.

ANTIGUA AND BARBUDA PORT AUTHORITY
REQUISITION FOR PORT SERVICES

Date

To:
The Port Manager,

Please provide the following for the use of M/V S/S M/S
which is due to arrive on

- (i) Berth/Anchorage.
- (ii) In and Out Pilotage.
- (iii) Moorings Gangs.
- (iv) Tons fresh water.
- (v) In and Out Towage.
- (vi) Crane to lift tons.
- (vii) Telephone.
- (viii)
- (ix) Bunkers
- (x) Other Port Equipment as follows:

.....
.....

Delete those services not required

I undertake to meet promptly the charges raised for these services together with any Overtime incurred and to pay for any damage caused to any Equipment on hire from the Port Authority.

Agent:

BY:

To be completed by the Port Authority. Certified that the following arrangements have been made for the supply of services required.

.....
.....

NOTE: Master's corrections to be inserted in red ink, and this form to be handed to the berthing master before he leaves the ship. Should this be impracticable, the document must be handed in at the offices of the Port Authority within one hour of the ship's arrival.

FORM B

Regulation 13.

PORT AUTHORITY

PORT (MARINE SECTION)

Date	
Services Rendered To	/s
Home Port	
..... G.R.T.	N.R.T. DRAFT: F A
PILOTAGE IN	PILOTAGE OUT
Left Shore Station	HRS Boarded HRS
Boarded Pilot Station	HRS Unmoored HRS
Moored	HRS ARR. Pilot Stat HRS
Tug Docking	
(Names) Undocking	
Pilot	Master/Owner/Agent

THIRD SCHEDULE

Regulation 2 (1).

DANGEROUS, HAZARDOUS AND POISONOUS GOODS

NOTE: In general, the Port Department will follow the classification of such goods as listed by the Port of London Authority, and procedure here will be guided by the procedure of that Authority. The following lists are therefore given as a guide only.

I. DANGEROUS GOODS

The following types of goods are classed as Dangerous, and must not be brought into any harbour area without permission of the management.

Acetylene, compressed or liquid, in cylinders filled with a porous substance.
Ammonia Nitrate.

Celluloid and its compounds (including Excelloid).

Dinitrophenol.

All explosives which include—

(a) gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminates, coloured fires, fireworks or any other substance used or manufactured to produce an explosive or pyrotechnic effect;

(b) fog signals, fireworks, fuses rockets, percussion caps, detonators, cartridges, ammunition and every adaptation or preparation of an explosive as above defined;

(c) compressed or liquid acetylene in cylinders not filled with a porous substance;

(d) any other substance, whether similar to the foregoing or not, declared to be an explosive under the provisions of any law for the time being in force in Antigua and Barbuda.

II. HAZARDOUS GOODS

The following goods are classed as hazardous, and must be dealt with strictly in accordance with the orders of the management.

Acetone and other inflammable organic compounds.

Aniline oil.

Alcohol.

Acids, in bulk or otherwise.

Corbide or Calcium.

Chlorate of potash and other chlorates.

Collodion.

Chloroform, in bulk or otherwise.

Gases, compress and liquid.

Matches of all kinds, safety or lucifer.

Motor Spirit and all other inflammable liquid, including turpentine in benzine.

Naphtha.

Paints other than non-flammable paints.

Petroleum.

Phosphorous.

All inflammable solids, such as resins, sulphur, camphor, naphthaline, and any others.

All solids liable to spontaneous combustion, such as coal, hay, cotton waste, sawdust, wood shavings and any others.

Solids which take up water with production of heat, such as caustic soda, caustic potash, zinc chloride, unslacked lime, etc. These must be either in metal drums or protected from water. Solids giving off highly inflammable gases in contact with moisture, such as carbides and mixtures containing the same.

III. POISONOUS GOODS

If possible the management will make special storage arrangements for these goods if the consignee cannot take direct delivery ex-ship. But there will be no obligation to provide correct storage space.

Aconite Root and Powder

Ammonium Fluoride

Ammonium Bifloride

Ammonium Sulphocyanide

Ammonium Thioglycolate

Aniline Salt

Antimony Salt

Barium Hydroxide

Barium Oxide
Barium Sulphocynide
Belladonna Root
Calcium Sulphocyanide
Cabalt Acetate
Copper Precipitate
Copper Sulphate
Corrosive Sublimate
Kollamin
Lead Arsenate
Lead Carbonate (White Lead)
Lead Chloride
Lead Nitrate
Lead Sulphate
Antimony Trichloride
Arsenates
Arsenic
Arsenic Sulphide
Barium Carbonate
Barium Chloride
Barium Hydrate
Potassium Cyanide
Potassium Ferrecyanide
 (Red Prussiate)
Potassium Oxalate
Potassium Prussiate
Santonin
Sodium Arsenate
Sodium Cyanide
Sodium Ferrocyanide
Sodium Prussiate
Sodium Sulphocyanide
Strontium Oxalate
Strychnine
Sugar of Lead
Tartar Emetic
Mercuric Chloride
Oxalic Acid
Paris Green (Coper-Aceto-Arsenite)
Theobromine
Zinc Chloride
Zinc Fluorarsenate

FOURTH SCHEDULE Regulations 131, 132.

MANNER OF TEST AND EXAMINATION BEFORE TAKING LIFTING MACHINERY INTO USE.

(a) Every winch with the whole of the gear accessory thereto (including derricks, goose necks, eye bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows—

Safe Working Load	Proof Load
Up to 20 Tons	25% in excess
20 – 50 Tons	5 Tons in excess
Over 50 Tons	10% in excess

The proof load shall be applied either (i) by hoisting moveable weights or (ii) by means of spring or hydraulic balance or similar appliance with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the moveable weights have been hoisted, the derrick shall be swung as far as possible in both directions. In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

(b) Every crane and other hoisting machine with accessory gear shall be tested with a proof load which shall exceed the safe working load as follows—

Safe Working Load	Proof Load
Up to 20 Tons	25% in excess
20 – 50 Tons	5 Tons in excess
Over 50 Tons	10% in excess

The said proof load shall be hoisted and swung as far as possible in both directions. In case of a jibcrane, if the jib has a variable radius it shall be tested with a proof load as defined above at the maximum and minimum radii of the jib.

(c) Every article of loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table—

Article of Gear	Proof Load
Chain	Twice the safe working load.
Ring	
Hook	
Shackle	
Swivel	
Pulley Blocks	Four times the safe working load.
Single Sheave Block	
Multiple Sheave Block with safe working load up to and including 20 tons	Twice the safe working load.

Mutiple Sheave Block over 20 tons up to 40 tons	20 tons in excess of the safe working load.
Mutiple Sheave Block with safe working load over 40 tons	One and a half times the safe working load.

(d) After being tested as aforesaid all machines with the shole of the gear accessory thereto and all loose gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part is injured or permanently deformed by the test.

(e) Wire rope samples shall be tested to destruction and the safe working load shall not exceed one-fifth of the breaking load of the sample tested.

Regulation 120 (2).

CERTIFICATE

ANTIGUA AND BARBUDA PORT AUTHORITY

CERTIFICATE OF TEST, EXAMINATION, INSPECTION OR TREATMENT OF APPLIANCES

I hereby certify that the appliances shown hereunder have been tested, examined, inspected or treated by me in accordance with the Port Authority Regulations

Description of appliance	Quality	Name of Owner	Date of latest test	Date examined tested or inspected	Method of test examination and or inspection and any treatment given	Remarks

Date

.....
Signature of Examiner.

THE DEEP WATER HARBOUR
(TRAFFIC AND SECURITY) REGULATIONS

Arrangement of Regulations
Regulation

1. Citation.
2. Interpretation.

PART I

CONTROL OF PORT

3. Use of Port.
4. Restricted Areas and Places.

PART II

CONTROL OF TRAFFIC

5. Public Service Vehicle.
6. Permit.
7. Motor vehicle.
8. Vehicle.
9. Motor Lorry.

PART III

PROHIBITED ACTS

10. Prohibited Acts on the Port.

PART IV

ACTS REQUIRING PERMISSION

11. Permission to Carry on Trade etc. on the Port.

PART V

GENERAL

12. Lost article.
 13. Livestock.
 14. Offence.
 15. Inflammable Materials.
 16. Power to Stop and Search Vehicles.
 17. Penalties.
-

THE DEEP WATER HARBOUR (TRAFFIC AND SECURITY)
REGULATIONS, DATED THE 15TH DAY OF JANUARY, 1981
MADE UNDER SECTION 53 OF THE PORT AUTHORITY
ACT.

1. CITATION. These Regulations may be cited as the Deep Water Harbour (Traffic and Security) Regulations.

2. INTERPRETATION. In these Regulations—

“Deep Water Harbour” means that area of land at Rat Island situated in the Parish of Saint John in the Island of Antigua together with all the buildings thereon, designed, equipped or set apart or commonly used as port facilities and almost entirely enclosed by a wire fence and is in these Regulations synonymous with “Port”;

“livestock” includes any horse, mule, ass, sheep, goat, deer, dog, cat, and any animal of the bovine species;

“Manager” means the Manager of the Deep Water Harbour and includes any person duly authorised to act on his behalf;

“Minister” means the member of the Government responsible for ports and harbours;

“motor vehicle”, “vehicle”, “motor lorry”, and “public service vehicle” shall have the meaning respectively assigned to them under the Vehicles and Road Traffic Act;

“parking area” means a place defined by metal studs or lines on the ground and provided for the purpose of parking any class of vehicle;

“police officer” means any member of the Police Force;

“restricted area” and “restricted place” means any area or building at the Deep Water Harbour, designated by a notice signed by the Manager as a restricted area or restricted place.

PART I

CONTROL OF PORT

3. USE OF PORT. (1) All persons on any part of the property comprising the port shall be governed by the provisions prescribed in these Regulations and by orders and instructions of the Manager relative to the use or occupation of any part of the property comprising the port.

(2) The Manager may, with the approval of the Minister, delegate such authority as may be necessary to such person or persons as may be approved for the purpose, to ensure the smooth and efficient operation of the port at all times.

4. RESTRICTED AREAS AND PLACES. (1) The following buildings and places at the port, that is to say—

- (a) The whole docking area delineated by a wire fence;
 - (b) The Terminal buildings and offices;
 - (c) The concrete skirting north of the Terminal building;
 - (d) The concrete area leading to and from the auxiliary passengers landing wharf;
 - (e) The whole area north of the shopping area,
- are hereby declared to be restricted areas and places.

(2) No person shall enter or be in any restricted area or place except with the general or specific written permission of the Manager permitting him to be in such area or place.

(3) No person shall enter or be upon any part of the port (including any part of the area) declared by the Comptroller of Customs by notice in writing under his hand to be a customs area for the purposes of these Regulations except—

- (a) persons assigned to duty therein;
- (b) authorised representatives of the Government;
- (c) persons authorised by the Manager;

(d) passengers entering therein for the purposes of immigration and customs control; and

(e) persons authorised by the Comptroller of Customs or his representative.

(4) No person shall drive a vehicle within the docking area unless he first obtains the permission of the Manager.

PART II

CONTROL OF TRAFFIC

5. PUBLIC SERVICE VEHICLE. A driver of a public service vehicle—

(a) shall, on arrival at the port, park his vehicle in the appropriate parking area provided for that class of vehicle, or if so directed by the Manager or by a police officer, he shall park his vehicle in accordance with any directions given by such person;

(b) shall remain with his vehicle in the place where such vehicle is parked when passengers are passing through Immigration and Customs;

(c) shall not be permitted to enter the main gate leading to the shopping plaza for the purpose of soliciting for hire when a cruise ship is in port, unless he is the holder of a permit issued under regulation 6;

(d) not plying for hire shall, on arrival at the port, park his vehicle in the area provided for private motor vehicles or for public service vehicles not for hire and in case he has arrived at that port to meet a passenger he shall so inform the port official on duty or a police officer;

(e) shall not ply for hire at the port unless he is the holder of a permit issued under regulation 6;

(f) shall not leave his vehicle on the port longer than is reasonably necessary for the transaction of the business for which it was brought there, except with the permission of the Manager;

(g) shall not pick up or set down passengers' baggage except at such place as the Manager or a police officer may from time to time direct and shall comply with the directions to him when picking up or setting down passengers.

6. PERMIT. (1) For the purposes of regulation 5, the Chairman shall grant a permit to the driver of a public service vehicle on application therefor.

(2) The Chairman may cancel any permit granted by him under sub-regulation (1) if the holder thereof is convicted of any offence against any of these Regulations:

Provided that the Chairman shall inform him of the substance of what is alleged against him and shall consider any explanation or representation made by him in writing in connection with the proposed cancellation within seven days thereafter. If the holder of the permit notifies the Chairman that he wishes to make oral representation and also adduces witnesses in connection with the proposed cancellation the Chairman shall hear such representation and any witnesses adduced and determine the matter in dispute.

(3) Cancellation of the permit may be effected by notice to the holder and on such cancellation the holder shall forthwith surrender his permit to the Chairman.

(4) The permit shall not be valid during any period in which the holder is not the holder of a driving permit under the Vehicles and Road Traffic Act.

(5) When a permit has been cancelled under sub-regulation (2) it shall be in the discretion of the Chairman to refuse to grant any further permit to that person during a period of six months commencing from the date of the cancellation.

(6) The Chairman may at any time suspend for a period not exceeding six months or cancel any permit granted by him if it appears to him, after giving the holder thereof an opportunity of being heard, that he has been guilty of an offence under these Regulations.

(7) When a permit has been suspended or cancelled it shall be in the discretion of the Chairman to refuse to grant any further permit to that person during a period of six months commencing from the date of suspension or cancellation.

(8) A person whose permit has been suspended or cancelled shall have a right of appeal to the Transport Board whose decision shall be final.

(9) For the purposes hereof the Minister shall appoint a Transport Board consisting of not less than three or more than five members to determine any matter referred to it by the Chairman or by a person affected by the decision of the Chairman under these Regulations.

(10) For the purpose of this Regulation "Chairman" means the Chairman of the Authority appointed by the Governor-General under the

provisions of the First Schedule of the Port Authority Act and includes any person for the time being performing the functions of the Chairman.

7. MOTOR VEHICLE. A driver of a motor vehicle—

(a) awaiting the arrival of passengers shall park his vehicle in the appropriate parking area provided for that class of vehicle or if so directed by the Manager or a police officer, he shall park his vehicle in accordance with any direction given by such persons;

(b) shall not pick up or set down passengers except at such place as the Manager or a police officer may from time to time direct.

8. VEHICLE. A driver of a vehicle—

(a) shall not drive or place his vehicle carelessly or dangerously or without due consideration for persons using the port;

(b) shall stop when required by the Manager or a police officer so to do;

(c) shall forthwith report to the Manager or a police officer any accident in which his vehicle is involved on the port and shall give his name and address and that of the owner of the vehicle to the Manager or police officer;

(d) shall comply with every direction for the regulation of traffic given by the Manager or police officer or a traffic sign;

(e) shall remove his vehicle from a parking area when required so to do by the Manager or police officer;

(f) shall not take his vehicle elsewhere other than the place provided for the passage or accommodation of such vehicle, or take his vehicle into any restricted area, except with the permission of the Manager or a police officer.

9. MOTOR LORRY. No person shall drive a motor lorry or cart into the port except for the purpose of delivering passengers' baggage or other goods to the port or of collecting the same therefrom.

PART III

PROHIBITED ACTS

10. PROHIBITED ACTS ON THE PORT. Within the port no person shall—

(a) obstruct or interfere with the proper use of the port;

(b) obstruct any person acting in the execution of his duty in relation to the port;

(c) remain on the port after having been required by the Manager or by a police officer to leave it;

(d) allow any vehicle or animal to be on the port after having been required to remove it by the Manager or by a police officer;

(e) board or attempt to board any vessel without the authority of the person in charge of it;

(f) tamper or interfere with any vessel or anything used in connection with any vessel;

(g) smoke in or otherwise bring or light any naked light into or in—

(i) any place where any such act is prohibited by notice; or

(ii) any place within fifty feet of a store of liquid fuel or explosives;

(h) do any act causing or tending to cause an outbreak of fire;

(i) throw, leave or drop anything capable of causing injury to any person or property;

(j) climb any wall, fence, barrier, railing or post;

(k) wilfully give a false fire or ambulance alarm;

(l) walk on or otherwise damage any flowerbed or lawn or anything growing therein;

(m) remove, pick or otherwise damage any tree, shrub or plant;

(n) fail to keep any animal under control;

(o) swear or use abusive, threatening or indecent language;

(p) behave in an indecent or disorderly manner;

(q) be intoxicated;

(r) drop or leave litter except in a receptacle provided for the purpose;

(s) abandon any property on the port;

(t) use a sanitary convenience on the port otherwise than in a clean and sanitary manner;

(u) engage in gambling in any form or operate gambling devices anywhere on the port.

PART IV

ACTS REQUIRING PERMISSION

11. PERMISSION TO CARRY ON TRADE ETC. ON THE PORT.

(1) No person shall carry on any trade or business on the port except with the approval of the Minister and under such terms and conditions as may be prescribed.

(2) Within the port, except with the permission of the Manager, no person shall—

(a) enter or leave the port otherwise than through a gate or entrance for the time being provided for that purpose;

(b) enter any part of the port other than a place or building to which members of the public are for the time being admitted;

(c) remove, displace, damage, deface, erect or alter any building, structure or other property, whether movable or immovable (including any notice), forming part of or provided for or in connection with the port;

(d) dig, soil or cut or remove grass or lay any cable, wire or pipe;

(e) graze animals;

(f) sell or distribute anything, offer anything for sale or hire or make any offer of services except on premises which the person so selling, distributing or offering or making such offer is authorised to occupy and in accordance with the terms of his occupation;

(g) exhibit any notice or advertisement except on premises which the person exhibiting it is authorised to occupy and in accordance with the terms of his occupation;

(h) park any vehicle inside the port;

(i) fill or discharge from any container (including any part of a vehicle) liquid fuel elsewhere than in a place approved for that purpose;

(j) light a fire elsewhere than in a place constructed for that purpose;

(k) take still, motion or sound pictures for commercial purposes on the port;

(l) carry any firearms, explosives or inflammable materials on the port unless he is a member of the Armed Forces on official duty and duly authorised to do so;

(m) solicit for any purpose on the port;

(n) enter or leave the port without first stopping at the Guard House and obtaining clearance from a guard or police officer.

PART V

GENERAL

12. LOST ARTICLE. Any person finding a lost article on the port shall deposit it with the Manager or at Police Headquarters in St. John's.

13. LIVESTOCK. (1) It shall be lawful for the Manager or a police officer to seize and to impound any livestock found straying or tethered on the port; or to shoot any livestock found so straying thereon.

(2) This regulation shall not apply in respect of any animal which has arrived by sea or is intended for despatch by sea at the port and which is restrained by leash or confined in such other manner as to be under control.

14. OFFENCE. (1) Any person suspected of an offence against any of these Regulations shall upon being requested so to do by the Manager or by a police officer correctly state his name and address and the purpose of his being on the port.

(2) Any police officer who sees any person committing an offence against these Regulations may arrest such person and bring him or cause him to be brought before a Magistrate.

15. INFLAMMABLE MATERIALS. (1) No person except duly authorised members of the Armed Forces on official duty shall carry firearms, explosives or inflammable materials on the port without the written permission of the Manager.

(2) All persons other than the excepted class shall surrender all such objects in their possession to the police at the port.

(3) The Government and the Manager assume no responsibility for any loss of or damage to any such objects so surrendered to the police.

16. POWER TO STOP AND SEARCH VEHICLES. If a Police Officer or a Security Guard at the port has reason to believe that any vehicle entering or leaving the port contains goods unlawfully obtained, or goods on which duty has not been paid, or goods smuggled into Antigua and Barbuda or stolen goods, then the said officer or Security Guard may stop and search the said vehicle before the vehicle enters or leaves the said port.

17. PENALTIES. Any person who fails to comply with any of the provisions of these Regulations or with any direction given thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars and in the case of a second or subsequent conviction for the like offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding 3 months.
