

ANTIGUA AND BARBUDA



THE MERCHANT SHIPPING (DESIGNATED AUTHORITY) REGULATIONS, 2026
STATUTORY INSTRUMENT

2026, No. 35

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The Merchant Shipping (Designated Authority) Regulations, 2026, made by the Minister under sections 7 and 8 of the Merchant Shipping Act, 2006.

1. Short Title

These Regulations may be cited as the Merchant Shipping (Designated Authority) Regulations, 2026.

2. Interpretation

In these Regulations—

“Act” means the Merchant Shipping Act, 2006;

“Designated Authority” means the Antigua and Barbuda Defence Force, designated under regulation 3 as the authority responsible for ensuring the implementation of the provisions of Chapter XI-2 of the SOLAS Convention pertaining to port facility security and ship/port interface from the point of view of the port facility;

“Director” means the Director appointed under section 6 of the Act;

“ISPS Code” has the meaning given to it by section 2 of the Act;

“Minister” means the Minister responsible for merchant shipping.

3. Designation of Designated Authority

(1) The Antigua and Barbuda Defence Force is designated as the Designated Authority for the purposes of maritime security under these Regulations.

(2) The Chief of Defence Staff of the Antigua and Barbuda Defence Force shall, on behalf of the Designated Authority, be responsible for the performance of its functions.

(3) The Designated Authority shall perform its functions—

- (a) in accordance with the Act, these Regulations and the ISPS Code;
- (b) in coordination with the Director; and
- (c) subject to the general supervision of the Director under the Act.

(4) The Designated Authority shall, in the exercise of its functions, act subject to the general policy direction of the Minister.

(5) The Chief of Defence Staff of the Antigua and Barbuda Defence Force may, in writing, delegate any function of the Designated Authority to a commissioned officer of the Antigua and Barbuda Defence Force, subject to such conditions as the Chief of Defence Staff may specify.

4. Functions of the Designated Authority

The Designated Authority shall—

- (a) implement and enforce maritime security measures in accordance with the Act, these Regulations and the ISPS Code;
- (b) perform the functions of the Designated Authority in respect of port facility security and ship/port interface as specified in Part XIV of the Act and the ISPS Code, to the extent assigned under these Regulations;
- (c) monitor compliance with port facility security plans approved by the Director under the Act;
- (d) conduct or coordinate maritime security assessments;
- (e) issue guidance relating to maritime security;
- (f) coordinate with national, regional and international bodies on maritime security matters; and
- (g) perform such other functions as are necessary for the purposes of these Regulations and consistent with the Act.

5. Powers of the Designated Authority

(1) For the purposes of these Regulations, the Designated Authority may—

- (a) require the submission of information relating to maritime security;
- (b) conduct inspections of ships and port facilities;
- (c) issue directions in accordance with regulation 8;
- (d) coordinate responses to maritime security incidents; and
- (e) take proportionate and lawful measures reasonably necessary to prevent or respond to threats to maritime security.

(2) The powers conferred by this regulation shall be exercised in a manner consistent with the Act and any other applicable law.

6. Cooperation with the Director

(1) The Designated Authority and the Director shall cooperate in the performance of their respective functions under the Act and these Regulations.

(2) The Designated Authority shall consult with the Director where the exercise of its functions may affect matters within the statutory responsibility of the Director.

(3) The Designated Authority shall ensure that its actions and any direction issued under these Regulations are consistent with any directive issued by the Director under the Act.

7. Compliance with ISPS Code

Any person, ship or port facility to which the ISPS Code applies shall comply with the requirements of the ISPS Code as implemented under the Act and these Regulations.

8. Directions

(1) The Designated Authority may, acting on behalf of and subject to the general or specific directions of the Director, issue written directions to any person, ship or port facility for the purpose of ensuring compliance with maritime security requirements.

(2) A person to whom a direction is issued under this regulation shall comply with that direction.

(3) A direction issued under this regulation shall be—

- (a) in writing;
- (b) accompanied by a statement of reasons; and
- (c) proportionate to the risk addressed.

9. Offences

A person who—

- (a) fails to comply with a direction issued under regulation 8; or
- (b) wilfully obstructs or impedes the Designated Authority or any member thereof in the exercise of its functions under these Regulations, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000) or to imprisonment for a term not exceeding six (6) months.

10. Transitional

Any administrative arrangement relating to maritime security that was in force immediately before the commencement of these Regulations shall, to the extent it is not inconsistent with these Regulations, continue in force until it is amended or revoked.

11. Savings

(1) Nothing in these Regulations limits or affects any power, function or duty conferred on the Minister or the Director under the Act.

(2) Nothing in these Regulations—

- (a) authorises the use of military force; or
- (b) limits or derogates from any right or freedom guaranteed under the Constitution of Antigua and Barbuda.

Made this 15th day of April, 2026.

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