Revised Regulations of Anguilla: A57-8

ANGUILLA AIR AND SEA PORTS AUTHORITY ACT (R.S.A. c. A57)

SEAPORTS REGULATIONS

Note: These are enabled under section 86 of the Anguilla Air and Sea Ports Authority Act R.S.A. c. A57.

TABLE OF CONTENTS

PART 1

PRELIMINARY

SECTION

1. Interpretation

PART 2

CONTROL OF PORTS

2. Application
3. General control
4. General restrictions on persons entering or leaving a port or port area
5. Restricted areas, etc., not to be entered
6. Customs area
7. Port passes
8. General restrictions on the entry of vehicles into a port area
9. General restrictions on the use of vehicles in a port or port area
10. Restrictions on the use of vehicles in a port or port area
11. Report of an accident involving a vehicle
12. Removal of goods
13. Lost property
14. Animals
15. Burials
16. Admission of children
17. Restriction on trading activities in a port or port area
18. In the event of fire in a port or port area
19. Accidents in a port
20. Fuelling of vessel engine
21. Aquatic sports
22. General restrictions on activities of a person in a port or port area
23. General restrictions on conduct of a person in a port or port area
24. Removal of a person from a port area
25. Penalties

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 3

PILOTAGE AND TOWAGE

26. General compulsory pilotage
27. Exemption from pilotage
28. Signals to be shown by an exempt ship
29. Approach and boarding of pilot
30. Only Authority Pilots may pilot ships or fly pilot flags
31. Ship to occupy assigned berth
32. Removal of ship anchored in fairway
33. The Authority not liable for non-availability of an Authority Pilot
34. Towage
35. Liability for towage
36. Condition applying to towage

PART 4

SHIPS REPORT, MOVEMENT, BERTHING

37. Application for a berth
38. Ships signals on entering
39. Signals
40. Speed in a port
41. Due notice of departure
42. Anchors and gear to be in readiness
43. Port health requirements
44. Customs and immigration requirements
45. Ships arrival notification
46. Master responsible for erroneous declaration
47. Ship tonnage
48. Ship to be kept fit to move
49. Ships to be moored properly
50. Authority to assign and control
51. Ships moored to other ships
52. Unseaworthy ships may be detained
53. Lights on ships to prevent collision
54. Watch to be kept
55. Liability for damage
56. Use of buoys and private moorings

PART 5

WORKING OF SHIPS

57. General control of landing and shipping cargo
58. Manifests
59. Working of ships
60. Overtime
61. Payment of dues, rates and charges
62. Receipt for cargo

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

63. When cargo is considered landed
64. When cargo is considered shipped

PART 6

SHIPS GENERAL

65. Fire on ships
66. Prevention of nuisance in ports
67. Ships to be open for inspection
68. Boarding or leaving ships
69. Refuse not to be deposited in a port
70. Goods not allowed to float in a port
71. Removal of ships with offensive matter on board
72. Protection of hatchways
73. Fumigation
74. Repairs to ships
75. Restriction on use of flame apparatus in port
76. Placing on wharf or quay any ship's boat, ship's gear etc.
77. Explosives may not be used or guns fired
78. Propellers may not be turned without warning and permission
79. Displaced moorings or mark to be reported
80. Damage to underwater construction
81. Crew of ships to take lines
82. Animals

PART 7

DANGEROUS GOODS

83. General
84. Authority to supervise
85. Liability for expenses
86. Master or agent to give notice of dangerous goods on board
87. Exemptions for ships carrying dangerous goods
88. Berthing of ships carrying dangerous goods
89. Red flag to be exhibited
90. Fires and fire fighting
91. Only dangerous goods to be handled at one time
92. Permits to land dangerous goods
93. Licence for special small craft
94. Vessels to have tow line
95. Inspection and examination
96. Petroleum and other inflammable liquids
97. Penalty

PART 8

FERRY SERVICE

98. Roster of ferries
99. Infractions committed by ferry boat owners or operators

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

100. Disciplinary proceedings by Board against the master or owner of a ferry
101. Appeal
102. Order of High Court
103. Immunity
104. Transportation fees
105. Exemption of ferries

PART 9

SMALL CRAFT

106. Small craft to give way
107. Row boats to give way to sailing boats
108. Small craft to carry lights
109. Approaches to wharves landing places and ship's ladders to be kept clear
110. Mooring of small craft
111. Small craft sunk in port to be reported
112. Boats not to go alongside ships under way
113. Passengers and goods to be landed at place appointed
114. Small craft plying for hire to be surveyed before granting certificate of fitness
115. Method of obtaining a licence for small craft plying for hire
116. Duration of licence of small craft plying for hire
117. Transfer of licenced craft
118. Persons carried not to exceed authorised number
119. Goods carried not to exceed authorised load
120. Unclaimed property to be taken to customs
121. Expired licence to be returned
122. Life-saving and fire-extinguishing apparatus
123. When holder of licence made to cease to use craft
124. Penalty for non-observance of instructions
125. Person in charge of small craft licenced to ply for hire to be capable
126. Person in charge of small craft plying for hire may not refuse engagement
127. Quantity of luggage that may be carried
128. Liability
129. Small craft prohibited from conveying liquor to ship's crew
130. Control of small craft
131. Control of speed boats
132. Duty of person in charge of speed boat
133. Suspension or revocation of licence
134. Penalty

PART 10

GENERAL HEALTH AND SAFETY REGULATIONS

135. Application
136. General health and safety at the seaports
137. Duties of masters and others
138. Safe means of access

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

139. Disembarking and embarking passengers
140. Safe means of access to other ships to be provided
141. Safe means of access from deck to hold
142. Efficient lighting to be provided
143. Beams and hatches
144. Lifting machinery
145. Lifts not to exceed safe working load
146. Fire prevention

PART 11

GENERAL SECURITY REGULATIONS

147. General security at the seaports

PART 12

HANDLING AND STORAGE OF CARGO

148. Onus of cargo handling
149. Transit sheds closed to public
150. Documents required before delivery of cargo
151. Documents required for shipment of cargo
152. Receiving of cargo for shipment
153. Cancelling or amending orders
154. Weights and cubic measurements
155. Marking of packages
156. Defective packages
157. Acids etc. found in a leaky container
158. Unpacking of cargo
159. Destruction of dangerous and offensive cargo
160. Storage charges on import cargo
161. Storage charges on export cargo
162. Storage charges on transhipment cargo
163. Change of ownership of cargo
164. Charges to be prepaid or secured
165. Delivery to customs warehouse

PART 13

MISCELLANEOUS

166. Obligations of lessee
167. Licences generally
168. Liability
169. Licensing of agents and others
170. Exclusive powers of the Chief Executive Officer
171. Offences and penalties
172. Citation

SCHEDULE: Pre-Arrival Vessel Notification Form

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 1

PRELIMINARY

Interpretation

1. In these Regulations—

"Act" means the Anguilla Air and Sea Ports Authority Act;

"animal" means an organism of any kind except a human being;

"appeal" does not include an appeal to the Court by way of Case Stated;

"authorised person" means a person authorised by the Chief Executive Officer to exercise the powers or perform the duties in respect of which the expression is used;

"Authority" means the Anguilla Air and Sea Ports Authority established under section 2 of the Act;

"Authority Pilot" means a person licensed to act as an Authority Pilot under section 58 and employed by the Authority under section 54 of the Act;

"Chief Executive Officer" means the Chief Executive Officer appointed as such under section 10 of the Act, and any person deputising for or acting under the authority of the Chief Executive Officer;

"customs area" has the meaning assigned to it in the Customs Act or any other Act which amends or replaces the same;

"customs officer" means the Comptroller of Customs or any officer authorised by him or her to exercise the powers or perform the duties in respect of which the expression is used;

"dangerous drugs" means controlled drugs as defined in the Drugs (Prevention of Misuse) Act;

"dangerous goods" means the goods listed in the International Maritime Dangerous Goods Code for the Transportation of Explosives and Other Dangerous Goods published from time to time by the Intergovernmental Maritime Organisation in London;

"exports" mean goods loaded or intended to be loaded in a ship in a port;

"fairway" means the whole of the navigable channel or channels of a port;

"ferry" means a passenger vessel that is licensed by the Maritime Administration Unit of the Ministry responsible;

"goods" include all kinds of movable property including animals;

"immigration officer" means the Chief Immigration Officer or any officer authorised by him or her to exercise the powers or perform the duties in respect of which the expression is used;

"imports" means goods other than transhipment goods or overlanded goods discharged at a port from a ship;

"lifting machinery" means cranes, winches, derricks, 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;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

"master" means the captain or other person in charge of a ship and any agent appointed by him in writing;

"normal working hours" means the normal hours of work as prescribed by the Chief Executive Officer;

"overtime" means work carried on outside normal working hours;

"owner" means when used in relation to—

(a) goods, includes any consignee, consignor, shipper or agent of the owner for the sale, custody, loading, handling, discharge or delivery of such goods;

(b) any ship, includes any part owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of such a person;

(c) any vehicle, the registered owner of the vehicle;

"passenger" means a person other than a stowaway being carried on a ship who is not a member of the crew of that ship;

"passenger baggage" means the baggage carried on a ship by a passenger as personal property and does not include trade goods;

"pleasure craft" means any small craft used for recreation but not plying for hire or reward;

"port" means a seaport in these Regulations;

"port area" means the fenced area in a port approved by Customs for the manipulation and storage of goods and any other premises or property owned or used by the Authority;

"ship" includes every description of water craft in the water used or capable of being used as a means of transportation on water and shall include in its meaning master, owner or agent;

"small craft" means any tug, launch, barge, lighter, rowing boat, sailing-boat, jet ski or similar craft under 100GRT but does not include schooners or ships engaged in international trade;

"tariff" means the Tariff Book and Regulations prepared and promulgated under section 52 of the Act;

"transhipment goods" means goods declared as such in a port and brought in by a ship from a foreign place for the purpose of re-shipment;

"transit shed" means a warehouse approved by the Comptroller of Customs or used as a transit shed or any premise used by the Authority to store goods;

"tug" means a tug owned or chartered by or otherwise under the control of the Authority;

"vehicle" means any vehicle towed or propelled by any means whatsoever for the portage of goods or passengers otherwise than by sea.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 2

CONTROL OF PORTS

Application

2. These Regulations apply to all persons who are at any time in any part of a seaport.

General control

3. (1) The Chief Executive Officer—

(a) has general control and direction over every person or ship entering or remaining in a port area;

(b) may refuse or revoke permission to any person wishing to enter or remain in a port or port area if the Chief Executive Officer considers that the refusal or revocation is necessary to—

(i) prevent crime;

(ii) secure goods; or

(iii) prevent a breach of these Regulations;

(c) may authorise any person to carry out any or all of the functions under these Regulations and may in a like manner revoke any such authorisation at any time; and

(d) may close or restrict access to any port or part thereof to the public at such times and for such periods as he or she sees fit.

General restrictions on persons entering or leaving a port or port area

4. (1) The Chief Executive Officer may admit or restrict the entry of a person to a port or port area unless he or she has legitimate business to be there.

(2) Every person entering or leaving a port or port area shall, when requested by an authorised person, state his or her name, address and the nature of his or her business and produce any written permission to that authorised person.

(3) Every person entering or leaving a port or port area shall do so only through the entrances or exits provided for that purpose.

(4) Any authorised person may stop the entry of any person to a port area or eject any person from a port area unless he or she has legitimate business to be there.

(5) The port area shall be open for such hours and on such days as the Chief Executive Officer determines after consultation with the Governor and the Minister.

(6) Any person wishing to enter a port area for a legitimate purpose between the hours of 6:00 p.m. and 6:00 a.m. may apply to the Chief Executive Officer who may allow such entry subject to the condition that the Authority is not liable for personal injury whether fatal or otherwise to any such person or loss of or damage to his or her property howsoever caused.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Restricted areas, etc, not to be entered

5. (1) The following areas and places are declared to be restricted—

(a) the customs areas;

(b) the port terminal facility including the departure area and the arrival area;

(c) the pier;

(d) the storage areas; and

(e) the harbour.

(2) A person shall not enter or be in any restricted area or place except with the express permission of the Chief Executive Officer.

Customs area

6. A person is prohibited from being in the customs area unless he or she—

(a) is assigned to duty there;

(b) is authorised to do so either by the Governor in Council, the Chief Executive Officer or the Comptroller of Customs ;or

(c) is a passenger entering the customs area for the purposes of immigration and customs control.

Port passes

7. (1) Every person employed within or habitually visiting a port or port area shall exhibit an identification disc, entry pass or such other means of identification as may be prescribed by the Authority.

(2) Any person who seeks to enter a port area shall first apply for and obtain an entry pass or identification disc which may be restricted to such parts in a port area as the Authority may designate in the entry pass.

(3) The Chief Executive Officer may delay, refuse to issue or withdraw any identification disc or entry pass if the Chief Executive Officer considers that it is reasonable to do so.

(4) An identification disc or entry pass is not transferable and is valid only for the person named therein and for the purpose and period of time stated therein.

(5) Every person who has obtained an identification disc or entry pass shall—

(a) be considered to have read and understood it and to have agreed to abide by such terms and conditions written thereon;

(b) keep it in his or her possession whilst in the port or port area;

(c) comply with every direction given by an authorised person;

(d) produce it at the request of an authorised person; and

(e) surrender it to the Authority when the need for it no longer exists or when it has expired.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

General restrictions on the entry of vehicles into a port area

8. (1) Before operating or parking a vehicle in a port or port area a person shall first obtain a permit from an authorised person for that purpose.

(2) Where any vehicle is driven into a port or port area with the knowledge and consent, expressed or implied, of the registered owner, any violation or contravention of these Regulations by the operator of the vehicle shall constitute a violation or contravention of these Regulations by the registered owner.

(3) The entry of vehicles into a port or port area shall be subject to the control and direction of the Chief Executive Officer, and any vehicles entering a port or port area for the purpose of delivery, depositing or collecting goods or passengers therein shall not be permitted to remain in a port or port area after the goods or passengers, as the case may be, have been so delivered, deposited, or collected.

General restrictions on the use of vehicles in a port or port area

9. (1) Any person driving or using or in charge of a vehicle shall, at all times, when arriving at an entrance to a port or port area for the purpose of entering or whilst within a port or port area or when leaving a port or port area shall conduct himself or herself in an orderly manner and shall comply with—

(a) such directions as may be issued generally or specially by the Chief Executive Officer in respect of driving, parking or the use of vehicles in the port or port area or at any entrance to or exit from a port or port area; and

(b) the terms of all notices or signs relating to the driving, parking or use of vehicles exhibited in a port or port area by the Authority.

(2) Where a vehicle is operated or parked in a port or port area in contravention of these Regulations the Chief Executive Officer may remove that vehicle at the risk and expense of the owner.

Restrictions on the use of vehicles in a port or port area

10. A person shall not, while in a port or port area—

(a) drive any vehicle in a manner which is dangerous to other vehicles, persons or property;

(b) drive any vehicle at a speed exceeding 10 miles per hour or any other speed as may be prescribed by the Authority;

(c) when driving or in charge of a vehicle, disregard any danger signal or refuse to stop when so required by an authorised person;

(d) park any vehicle in a manner that is not in accordance with the directions of the Chief Executive Officer. A vehicle is ‘parked’ wherever it is stopped whether or not the driver remains in the vehicle or whether or not the engine of the vehicle is running but ‘park’ does not refer to a vehicle that is made to stop by an air traffic controller;

(e) leave any vehicle unattended in any place in such a manner as to cause or be likely to cause an obstruction to other persons or vehicles using or passing the place;

(f) ride any bicycle in any transit shed or along the quay front;

(g) allow gasoline, oil or other substance likely to be dangerous or constitutes nuisance to drip from a vehicle;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(h) allow a vehicle or structure bearing the load to be loaded in excess of the load limits specified for that vehicle or structure;

(i) allow a vehicle to be loaded improperly or in such a way that it is likely to cause damage to roadways or other property or goods; and

(j) supply to, receive into or discharge from any vehicle any gasoline or other fuel or oil except at locations and times approved by the Chief Executive Officer.

Report of an accident involving a vehicle

11. When any accident occurs within a port or port area involving a vehicle the driver shall stop the vehicle and report the accident to any authorised person and shall give his or her name and address and the name and address of the owner of the vehicle.

Removal of goods

12. (1) A person shall not knowingly remove or attempt to remove any goods from a port or port area unless he or she—

(a) is in possession of a written permit issued by an authorised person permitting the removal thereof;

(b) has satisfied customs requirements in connection with the goods; and

(c) has paid or secured to the satisfaction of the Chief Executive Officer all port dues, rates, rents and charges which may have accrued on the goods.

(2) Every person in a port or port area removing or about to remove any goods from a port or port area shall produce the written permit in subsection (1) (a) on demand to any authorised person and shall if requested by the authorised person permit such authorised person to inspect the goods at such place in the port area as the authorised person may direct.

(3) Every person or vehicle entering, leaving or in a port or port area may be searched by an authorised person.

(4) A person shall not tamper or interfere with goods or other property in a port or port area.

Lost property

13. (1) Any person who finds any property at a seaport shall immediately hand it in the state in which he or she finds it to the office of the Chief Executive Officer.

(2) The Chief Executive Officer shall retain the property in safe keeping until the owner is ascertained or the property disposed of in accordance with this Regulation.

(3) If the owner of any property so retained by the Chief Executive Officer is not ascertained within 3 months of the date when it was handed over to his or her office, it shall thereupon vest in the Chief Executive Officer who shall, without undue delay, sell such property and from the proceeds of the sale pay such award not exceeding ½ to the finder and the balance into the funds of the Authority.

(4) If any property so retained by the Chief Executive Officer appears to him or her to be of a perishable nature or is or becomes objectionable, and the owner thereof be not ascertained within 48 hours from the time when it was handed in at the office of the Chief Executive Officer, the Chief Executive Officer may thereupon destroy or otherwise dispose of it as he or she sees fit.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(5) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Animals

14. (1) A person, except with the permission of the Chief Executive Officer, shall not bring or cause to be brought into a port or port area any animal except a service animal.

(2) It shall be lawful for the Chief Executive Officer or a police officer to seize and impound any livestock found straying or tethered in a port or port area.

(3) Any animal found at large in a port or port area may be destroyed by an authorised person and the carcase disposed of by the Authority without compensation to the owner.

(4) Any animal on board a ship in a port or port area shall be properly secured thereon and only allowed ashore with the permission of the veterinary authority.

Burials

15. (1) A dead body of any kind shall not be buried within a port or port area.

(2) A dead animal shall not be deposited in a port or port area.

Admission of children

16. A child under the age of 16 years may only enter a port or port area if accompanied by an adult who shall be responsible for the child unless the child is a passenger.

Restriction on trading activities in a port or port area

17. (1) A person may apply to the Chief Executive Officer for a licence to conduct business in a port or port area.

(2) The Chief Executive Officer may issue a licence with conditions that the Chief Executive Officer considers to be reasonable.

(3) The Chief Executive Officer may revoke a licence with or without notice if the Chief Executive Officer considers that it is reasonable to do so.

(4) A person who has been granted a licence must—

(a) produce the licence when requested to do so by an authorised person;

(b) not transfer or lend such a licence to any other person for use by that person;

(c) not employ any person in a port or port area without the written permission of the Authority; and

(d) not trade in any commodity other than that specified in the licence.

Fire in a port or port area

18. In the event of a fire in a port area persons shall proceed according to sections 71 and 72 of the Act.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Accidents in a port

19. (1) Every person involved in an accident which causes the death or injury to any person or loss or damage to goods or property in a port shall deliver to the authorised officer a written report giving details of the accident.

(2) The master of any vessel involved in any accident or incident on the port causing personal injury or property damage shall make to the Chief Executive Officer a full report of the accident or incident within 24 hours of the occurrence of the accident or, as the case may be, the incident.

(3) Notwithstanding subsection (1), where the master of a vessel referred in that subsection is disabled so as to be incapable of making such report, any other person acting as his or her representative shall make the report on his behalf.

(4) The master of a vessel or his agent or assign shall be responsible for the prompt removal of any wrecked or disabled vessel from the port and its parts as directed by the Chief Executive Officer.

(5) Where the master of a vessel or his or her agent or assign fails to comply with such directions, the Chief Executive Officer may remove or cause to be removed such wrecked or disabled vessel and its parts at the master's expense and without liability for damage which may result from such removal in accordance with section 70 of the Act.

(6) Any goods or property in a port that is damaged or destroyed by any person, ship or vehicle may be replaced or repaired as the case may be by that person, ship or vehicle without prejudice to any other penalty provided by law.

Fuelling of vessel engine

20. (1) The engine of a vessel shall not be running while the vessel is being fuelled.

(2) Vessel fuel storage and fuel handling shall be conducted only in areas designated for that purpose.

(3) No engine of any vessel shall be fuelled unless the person supplying the fuel provides and makes available for immediate use in connection therewith fire extinguishers of a capacity of 15lbs. or larger.

(4) During fuel handling in connection with any vessel, no passenger or passengers shall be permitted to remain in the vessel.

(5) Smoking is prohibited in or about such vessel during fuel handling.

(6) Only personnel engaged in the fuel handling shall be permitted within 25 feet of the fuel tanks of such vessel during the fuel handling operations.

(7) A person shall not start the engine of any vessel when there is gasoline, or any fuel under or about the vessel unless the Chief Executive Officer grants permission for an engine to be started.

(8) All persons responsible for or engaged in fuelling operations shall take care to avoid spillage of fuel.

Aquatic sports

21. (1) A person shall not conduct or participate in any aquatic activity such as yachting, boat racing or other aquatic sport that may interfere with navigation or operations unless that person has the written permission of the Chief Executive Officer to do so.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) Liability shall not be incurred by the Authority in respect of injury or loss of life or of damage or loss to goods or property resulting from an activity referred to in subsection (1) whether or not the Chief Executive Officer has given permission for such activity.

(3) A person in control of any small craft in a port shall not operate in such a manner as to interfere with any other small craft or persons swimming or in the water.

General restrictions on activities of a person in a port or port area

22. Unless permission is granted by the Chief Executive Officer, a person shall not—

(a) interfere with any board used or intended for use for the purposes of the publication in a port or port area of public notices issued by the Authority;

(b) stick or post up any bill, placard or other notice on any surface in a port or port area;

(c) write, draw or place any marking whatever on any surface in a port or port area;

(d) except in an emergency move or interfere with any life saving equipment, first aid equipment or any light signal, fire hydrant or other appliance provided for use in a port or port area for the protection or safety of persons or property;

(e) interfere with or obstruct or impede the use of any crane, forklift truck or other machinery or gear used in a port or port area by or on behalf of the Authority;

(f) deposit or cause to be deposited any refuse, rubbish or waste sweepings in or upon any place in a port or port area other than a place approved by the Chief Executive Officer by public notice;

(g) climb upon the roof of any building or upon any crane, mechanical equipment, lighthouse, signal station or navigation mark;

(h) remove any timber, wood, vegetation or growth from any land of the Authority used by or for the purposes of the Authority;

(i) cause or participate in any disturbance on port property;

(j) without lawful excuse, the onus of proving which shall lie upon him or her, loiter in a port or port area;

(k) convey or cause to be conveyed intoxicating liquor or dangerous drugs into, within or from a port or port area;

(l) fish in or from a port or port area;

(m) remain in a port area while suffering from any infectious or contagious disease;

(n) use or ignite any inflammable or explosive substance in a port or port area;

(o) distribute circulars, leaflets or advertising matter;

(p) bring into a port or port area any plant, machinery equipment or appliance;

(q) place any structures in a port whether submerged or not and whether under construction or not;

(r) remove from a port or port area any sand, stone or gravel.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

General restrictions on conduct of a person in a port or port area

23. A person shall not—

(a) organise or openly call or gather together with other persons at any meeting in a port or port area unless approved by the Chief Executive Officer;

(b) gather together with other persons in a port or port area in such a manner as to cause or be likely to cause a breach of the peace;

(c) engage in or carry on in a port or port area any gambling, betting or wagering with playing cards or other device or means whatsoever;

(d) use any threatening, abusive, indecent, obscene or offensive language in a port or port area;

(e) conduct himself or herself in a port or port area in a riotous, disorderly indecent or offensive manner or in a manner likely to cause a breach of the peace;

(f) molest or wilfully cause alarm to any other person in a port or port area;

(g) engage in smoking in any place in a port or port area where smoking is prohibited by the Authority;

(h) kindle a fire in a port or port area;

(i) possess any loaded firearm, discharge any firearm, catapult or throw any missile while in a port or port area unless that person is an officer on duty in the Police Force or the Department of Immigration or Customs;

(j) engage in recreational swimming in a port;

(k) possess, consume or be intoxicated by alcohol or dangerous drugs;

(l) urinate or defecate in any place in a port or port area other than a place provided for use as a urinal or toilet;

(m) break down or make his or her way through or under or over any fence surrounding a port or port area;

(n) undertake personal solicitation or beg in a port or port area.

Removal of a person from a port area

24. A person who commits a breach of section 20, 21, 22 or 23 may, without prejudice to his or her liability to any other penalty provided by law, be removed from the port area by an authorised person.

Penalties

25. Any person who contravenes or attempts to contravene any of the provisions of this Part commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 3

PILOTAGE AND TOWAGE

General compulsory pilotage

26. (1) A ship other than an exempted ship shall not enter, leave, moor, move or berth in a port unless an Authority Pilot is on board.

(2) The only persons who may serve as pilots shall be those persons in possession of a valid pilotage licence.

Exemption from pilotage

27. (1) In addition to ships listed in section 53(2) of the Act, the Chief Executive Officer may exempt from compulsory pilotage any ship in any particular case.

(2) The Chief Executive Officer may issue a certificate of exemption to the master of a particular ship. This certificate shall be returned to the Authority when the master relinquishes command of that particular ship.

Signals to be shown by an exempt ship

28. A ship which is exempt from pilotage shall hoist the following when entering or leaving any port—

(a) by day, the International 'H' flag at the dip and in the case of small craft hoisted as high as possible;

(b) by night, 3 lights visible all round the horizon hoisted in a vertical line 6 feet apart where they can best be seen, the upper light red and the lower ones white. In the case of small craft if the 6 foot spacing is impracticable the 3 lights should be as far apart as possible.

Approach and boarding of pilot

29. (1) Ships shall, in order to avoid delay or accident, take way off when the pilot launch is approaching and shall await the arrival of the pilot launch about ½ mile to 1 mile off a location designated by the Chief Executive Officer in respect of the seaports of Anguilla.

(2) All pilot ladders shall be in good repair and of a modern pattern, be provided with reliable man ropes and be brightly illuminated at and after dusk and shall conform to the International Rules for Safety of Life at Sea.

Only Authority Pilots may pilot ships or fly pilot flags

30. (1) A person other than an Authority Pilot shall not offer his or her services to pilot ships.

(2) A person who is not an Authority Pilot on board and on duty shall not hoist a pilot flag on a ship nor shall a ship display such a flag unless there is an Authority Pilot on board and on duty.

Ship to occupy assigned berth

31. Any ship not taking the berth assigned to it by the Chief Executive Officer or which is observed to be or likely to be dangerous to any work, buoy or other ship, due to having made a slack mooring or other cause, may be moved or removed under the direction of the Chief Executive Officer at the risk and expense of the ship.

Removal of ship anchored in fairway

32. (1) A ship shall not be anchored in any fairway without the permission of the Chief Executive Officer.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) A ship which anchors in any fairway in contravention of subsection (1) may be, in addition to any other penalty imposed by law, liable to be removed at the risk and expense of the ship.

The Authority not liable for non-availability of an Authority Pilot

33. The Authority shall not be held liable for any demurrage or consequential expenses to any ship arising from non-availability or delay in providing an Authority Pilot howsoever caused.

Towage

34. A tug may be provided by the Authority to assist in berthing, unberthing or moving ships.

Liability for towage

35. The Authority shall not accept any liability for any injury, loss or damage to a ship howsoever caused arising out of—

(a) the use of a tug or its towing gear; or

(b) the failure or inability on the part of the Authority to provide a tug.

Condition applying to towage

36. It shall be a condition on the attendance of a tug that the ship requiring such attendance shall indemnify the Authority against all or any injury, loss or damage incurred in connection therewith.

PART 4

SHIPS REPORT, MOVEMENT, BERTHING

Application for berth

37. An "application for berth" as prescribed in the Tariff Book shall be completed by a ship desiring a berth in a port.

Ships signals on entering

38. Before entering a port every ship which has arrived in Anguilla from a foreign place shall hoist the following flags in a conspicuous position—

(a) the national flag of Anguilla from 0800 hours to 1800 hours;

(b) the ship's national flag which it shall fly from 0800 hours to 1800 hours;

(c) the ships signal letters;

(d) the Q flag International Code until pratique is given;

(e) if carrying passengers, the I flag International Code until the immigration clearance is given;

(f) if animals are on board the N flag International Code; and

(g) if carrying dangerous goods the B flag International Code.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Signals

39. (1) The following are prescribed signals in the ports of Anguilla and shall be displayed from the flag staff designated by the Chief Executive Officer—

(a) signifying that a ship is about to enter the port—

(i) signal by day, International Code flag E,

(ii) signal by night, one red light;

(b) signifying that a ship is about to leave the port—

(i) signal by day, International Code flag D,

(ii) signal by night, 3 red lights displayed vertically one above the other.

(2) Whenever one of these signals is displayed all other traffic inwards or outwards at or near the entrance vicinity is forbidden.

Speed in a port

40. All ships shall proceed at a moderate speed within the limits of a port as set by the Chief Executive Officer.

Due notice of departure

41. A ship requiring a pilot and intending to leave a port shall, during normal working hours, give notice thereof to the Chief Executive Officer at least 4 hours before the ship intends to leave. Special arrangements shall be made for any move outside the normal working hours.

Anchors and gear to be in readiness

42. (1) Every ship entering or leaving a port shall have both bow anchors and cables clear and ready for use as required.

(2) Ships intending to load or discharge cargo shall have their derricks hoisted when weather permits.

Port health requirements

43. All ships entering a port from a foreign place shall await the granting of pratique before having any communication with the shore or with any other ship.

Customs and Immigration requirements

44. (1) After pratique has been granted to a ship the Customs and Immigration Departments shall commence clearance formalities.

(2) A person shall not leave a ship prior to the completion of the clearance formalities required by subsection (1) without the permission of the Customs and Immigration Officers.

(3) A person other than a Health Officer, an Authority Pilot, a Customs Officer, an Immigration Officer, shall not board any ship until the I flag is lowered or until permission to do so has been granted by Customs and Immigration Officers.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Ships arrival notification

45. The master of a ship must, prior to arrival at a port, complete and deliver to the Authority the vessel arrival notification form prescribed in the Schedule.

Master responsible for erroneous declaration

46. The master shall be responsible for all damage or consequence resulting from an erroneous declaration made by himself or herself or his or her agent as to the draft or dimensions of his or her ship or any other information on the ships arrival report.

Ship tonnage

47. The tonnage of a ship shall be the maximum GRT as shown in the certificate of registration which if requested shall be produced by the master to an authorised officer.

Ship to be kept fit to move

48. (1) Ships entering, leaving, or shifting berth within a port shall be provided with sufficient crew for the purpose and shall at all times be kept in a fit condition for removal in default of which the work may be done by the Chief Executive Officer at the risk and expense of the ship.

(2) A ship shall not immobilise its engines without first obtaining written permission from the Chief Executive Officer.

Ships to be moored properly

49. (1) Ships berthing at a port shall be equipped with good and sufficient warps to the satisfaction of the Chief Executive Officer and a warp shall not be cast off for any reason unless so ordered or authorised.

(2) In case of ships without the necessary gear, warps may when so ordered by the Chief Executive Officer be supplied at the risk and expense of the ship.

(3) Every ship within a compulsory pilotage port, shall have sufficient crew on board to attend to her moorings and to cause them to be slackened or move in as may be necessary.

(4) A rope shall not be made fast except to moorings and bollards placed for the purpose, and a wire rope shall not be used unless the bollards and the edge of the coping of the wharf or jetty are protected from chafe to the satisfaction of the Chief Executive Officer.

(5) A chain cable shall not be used for mooring alongside except with the special permission of the Chief Executive Officer.

(6) All ships shall anchor, moor and berth to the satisfaction of the Chief Executive Officer, and shall take such additional precaution in adverse weather as may be ordered by the Chief Executive Officer.

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

(8) Where any direction of the Chief Executive Officer as to anchoring, mooring, unmooring, placing or removal of a ship is not obeyed the Chief Executive Officer shall cause the ship to be anchored, moored, unmoored, placed or removed as the Chief Executive Officer thinks fit and for that purpose he or she may cast off, unloosen or cut the moorings of the ship at its risk and expense of the ship.

Authority to assign and control

50. (1) The Chief Executive Officer shall have the right to determine the place in a port at 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

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

assigned to a ship the ship shall occupy that berth and may at the discretion of the Chief Executive Officer be removed to any other berth.

(2) All masters or persons in charge of ships shall obey the directions of the Chief Executive Officer. Where such directions are not obeyed, the Chief Executive Officer may move the ship by any means at his or her disposal and at the risk and expense of the ship.

(3) A ship assigned a berth by the Chief Executive Officer shall not drift or change the assigned berth without permission.

Ships moored to other ships

51. (1) A ship shall not make fast to or tie alongside another ship without the prior permission of the Chief Executive Officer.

(2) The master or owner of a ship shall, when ordered so to do by the Chief Executive Officer, permit the other ship to make fast to or tie alongside his or her ship.

(3) Whenever any ship is made fast to or is tied alongside another ship, a free and unencumbered passage over the inner ships shall be allowed to the outer ships for loading and unloading and for access to and from the shore.

(4) Whenever any ship is made fast to or is tied alongside another ship, the lines of the ship that is so made fast or tied shall not, except in an emergency, be cut or cast off without the prior permission of the Chief Executive Officer and prior notice of the intention to do so having been given to the master or owner of the vessel that is so made fast or tied.

Unseaworthy ships may be detained

52. The Chief Executive Officer may detain a ship which in his or her opinion is in an unsafe condition to proceed to sea until the ship is made seaworthy to his or her satisfaction.

Lights on ships to prevent collision

53. (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 and shall obey the International Rules of the Road for preventing collisions at sea.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Watch to be kept

54. (1) All ships other than small craft in a port shall maintain a watch of at least one man to be kept constantly upon the open deck by night and day.

(2) A small craft shall not be left unattended when alongside any berth of the Authority.

Liability for damage

55. (1) A ship is liable to the Authority for any damage caused by the ship to any port works, plant, machinery, goods or other property used by or for the purposes of the Authority.

(2) The Chief Executive Officer may detain any ship damaging property referred to in subsection (1) until sufficient security is given to his or her satisfaction for the damage so occasioned.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Use of buoys and private moorings

56. (1) A ship shall not use any buoy which is the property of the Authority without the sanction of the Chief Executive Officer in writing.

(2) A buoy shall not be laid down for any purpose whatsoever and no leading marks shall be erected without the prior permission of the Chief Executive Officer.

(3) A charge as determined by the Authority shall be levied, in respect of any mooring or buoys laid within a port, on the owner of such a buoy or mooring.

(4) Such buoys and moorings may be removed by the Chief Executive Officer at the expense of the owner if at any time the Chief Executive Officer so desires.

(5) The Authority may use any private moorings or buoys.

PART 5

WORKING OF SHIPS

General control of landing and shipping cargo

57. The landing or shipment of cargo or the landing or embarking of passengers in a port shall be subject to the control and direction of the Chief Executive Officer.

Manifests

58. (1) Any ship which has arrived in Anguilla with cargo from a foreign place or which has loaded cargo in Anguilla shall furnish the Chief Executive Officer copies of the inward and outward manifests and other documents as may reasonably be required by the Chief Executive Officer in such a manner and time as may be stipulated by the Chief Executive Officer.

(2) A ship shall notify the Chief Executive Officer within 24 hours of subsequent amendment to the documents required under subsection (1).

Working of ships

59. (1) As far as may be practicable, cargo shall be discharged from and loaded into ships in the order of their arrival and readiness to work in a port but subject always to the direction of the Chief Executive Officer.

(2) A ship which has arrived from a foreign place shall not break bulk until its cargo has been duly reported to Customs or special authority has been obtained from Customs.

(3) The Chief Executive Officer may refuse to permit cargo to be landed from any ship until suitable accommodation is available for such cargo.

(4) The use of lighters to or from a ship in a port area for the purpose of loading or discharging any cargo shall be subject to the directions of the Chief Executive Officer and lighters shall be used as directed by the Chief Executive Officer.

(5) The Chief Executive Officer may refuse to allow timber, iron or steel work of all kinds to be landed unless properly marked. If permission to land such cargo is given the Authority is not liable for any loss, damage, delay or misdelivery howsoever caused.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(6) The landing of animals from any ship shall be prohibited unless a veterinary certificate or other document required by any law in respect thereof is produced to the proper authority.

(7) The landing of plants or plant matter shall be prohibited unless any certificate or document required by any law in respect thereof is produced to the proper authority.

(8) The loading and discharge of petroleum products or other dangerous and hazardous cargo shall be prohibited outside normal working hours save with the written permission of the Chief Executive Officer.

(9) In the case of ships from other places in Anguilla the loading or discharge of cargo or the embarking or landing of passengers shall be prohibited in a port area save with the written permission of the Chief Executive Officer.

(10) The Chief Executive Officer may direct that the discharge of cargo from any ship alongside a port shall cease or shall proceed at a slower rate if in his or her opinion such discharge obstructs or is likely to obstruct any other operation. The Chief Executive Officer may so direct the cessation or slower discharge of cargo at the risk and expense of the ship.

(11) If a ship fails to take in or discharge cargo with such despatch as appears reasonable to the Chief Executive Officer the said ship shall after due notice lose its turn to take in or discharge cargo. If it is occupying a quay berth it may be removed at the risk and expense of the ship or the Chief Executive Officer may take whatever action he or she considers necessary for expeditiously taking in or discharging any cargo from the said ship.

(12) If any plant, labour or staff engaged as requested by a ship for landing shipping or transhipping any cargo is not fully employed on such a ship the expenses incurred thereby by the Authority shall be paid by the ship.

(13) A responsible person authorised by the master shall remain on board a ship whilst loading or discharging cargo, for the purpose of superintending such loading or discharging.

(14) Any goods or ships gear dropped overboard shall be reported at once by the ship concerned to the Chief Executive Officer and shall be immediately recovered by the ship if it is reasonably possible. Failing that it may be recovered by the Chief Executive Officer at the risk and expense of the ship.

(15) The Chief Executive Officer may direct that certain goods being loaded or landed should be handled directly between the ship and vehicles. Such goods may not be deposited on the quay.

Overtime

60. (1) Work afloat and ashore in connection with the landing, shipping and transhipment of cargo outside normal working hours shall be charged at overtime rates at the ship's expense.

(2) Overtime working may be allowed by the Chief Executive Officer either on a written request from the agent of a ship or otherwise.

(3) Every port shall normally be closed on all public holidays. However, in exceptional circumstances and at the sole discretion of the Chief Executive Officer, services may be performed subject to the payment of such overtime rates if labour and staff are available.

Payment of dues, rates and charges

61. All port dues and other rates and charges for every ship shall be paid to the Authority as prescribed by the relevant Tariff.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Receipt for cargo

62. (1) Unless otherwise specially agreed between the Chief Executive Officer and the ship, the Authority shall give a receipt to the ship for all cargo received subject to each item being properly marked and being discharged in an orderly manner.

(2) Where, in the opinion of the Chief Executive Officer, an accurate tally cannot be made at discharge a receipt shall be given only when sorting and stacking has been carried out to the satisfaction of the Chief Executive Officer.

(3) A receipt shall be given by the ship to the Chief Executive Officer for each separate consignment received by the ship.

When cargo is considered landed

63. Cargo shall only be considered delivered to or in the possession of the Authority and the authorised agents when it has been removed from the cargo gear used to land the cargo from the ship.

When cargo is considered shipped

64. Cargo for shipment will be considered delivered to a ship in good condition when it is placed under the authority of the Chief Executive Officer in the cargo gear provided for loading the ship, unless such cargo is declined by the ship as damaged or in a bad condition.

PART 6

SHIPS GENERAL

Fire on ships

65. (1) In the event of a fire occurring on board a ship in a port, the master shall at once give the alarm and take such steps towards the protection of people and property subject to such directions as may be given by the Chief Executive Officer in the interest of protecting the port.

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

Ships shall hoist 'N.Q.' flags of the International Code and at the same time shall sound one long and 3 short blasts in quick succession on the siren. The signal 'N.Q.' shall be kept hoisted until the fire on board has been extinguished.

(3) In addition to the signals, the master shall report the fire immediately to the Chief Executive Officer.

Prevention of nuisance in ports

66. All ships in a port shall ensure that—

(a) all outlets or scuppers in the sides of the ship are fitted with adequate shields to prevent any obnoxious fluids or other matter from falling on the quay;

(b) exhaust pipes shall be so equipped as to prevent exhaust from inconveniencing other ships or traffic in the port or on the quay;

(c) thick smoke is not made; and

(d) excessive noise of chipping or sirens is not made.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Ships to be open for inspection

67. An authorised person may in the execution of his or her duty at any time a ship is in a port, board such a ship and inspect it or any part of it.

Boarding or leaving ships

68. (1) A person shall not board or leave a ship whilst such a ship is in motion except with the permission of the Chief Executive Officer.

(2) All persons shall board or leave a ship by means of the gangway or an efficient pilot ladder.

Refuse not to be deposited in a port

69. (1) A dead animal shall not be deposited into a port from any ship.

(2) Oil or any similar substances of any description shall not be discharged into or allowed to escape into the water at a port.

(3) Any rope, wire, dunnage, mat, wood, dirt, ballast, ash, stone, offal, rubbish or other article which has fallen or drifted into the water in a port shall at once be recovered by the person responsible therefor failing which the Authority may recover such article at the risk and expense of the person concerned.

(4) Every ship whilst loading or discharging any cargo shall provide adequate safeguard to prevent it from falling into a port.

(5) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Goods not allowed to float in a port

70. (1) Goods shall not be permitted to float in a port unless previous permission in writing has been obtained from the Chief Executive Officer and the handling charges calculated at the same rate as if it had been landed have been paid.

(2) The ship or consignee shall be responsible for any damage caused by such goods and for the payment of charges and other losses which may result therefrom.

Removal of ships with offensive matter on board

71. The Chief Executive Officer may order the removal from a port of any ship which has cargo or other matter which in the opinion of the Chief Executive Officer is injurious to health or offensive or dangerous in any respect.

Protection of hatchways

72. Except when discharging or loading cargo or otherwise working in a hold, ships in a port shall have their hatches closed or well protected.

Fumigation

73. A ship shall not be fumigated in a port except with the written consent of the Chief Executive Officer and subject to such conditions as he or she may impose.

Repairs to ships

74. (1) Structural repairs of ships shall not be made in a port except with the written consent of the Chief Executive Officer and subject to the following conditions—

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(a) before any repairs are commenced the ship shall take such precautions as the Chief Executive Officer may direct to prevent dirt or other material falling into the water; and

(b) the ship shall observe such other conditions as may be imposed by the Chief Executive Officer.

(2) If the master of the ship contravenes subsection (1), the work may be stopped by the Chief Executive Officer.

Restriction on use of flame apparatus in port

75. (1) Flame or welding equipment shall be used only by a qualified operator.

(2) Construction, repair or maintenance work entailing use of any flame apparatus, or any apparatus which produces extreme heat, shall not be carried out on any ship in a port without written permission of the Chief Executive Officer.

(3) Where it is proposed to do any work in respect of which permission is required under subsection (1), the master shall make application in writing for that purpose to the Chief Executive Officer. Where such application relates to a petroleum ship, the application shall be accompanied by a certificate from a person, approved by the Authority that such ship is at the time of the application free from any inflammable liquid or gas.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Placing on wharf or quay any ship's boat, ship's gear etc.

76. Any boat, gangway, spar, anchor, cable, dunnage, cattle fittings, horse box or other ships gear shall only be allowed to remain upon any wharf, jetty or quay of the Authority with the permission of the Chief Executive Officer and subject to the payment of such charges as may be determined by him or her.

Explosives may not be used or guns fired

77. (1) A gun or explosive device shall not be fired or exploded in a port without the permission of the Commissioner of Police.

(2) A rocket shall not be fired or signal light burned on board a ship in a port without the permission of the Chief Executive Officer unless the ship is in actual distress or in need of assistance.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Propellers may not be turned without warning and permission

78. Ships shall not, otherwise than for an approved movement, turn their propellers without the permission of the Chief Executive Officer and without giving sufficient warning of their intention to all concerned in the vicinity.

Displaced moorings or mark to be reported

79. (1) If any mooring or marker buoy is dragged from its position or damaged by a ship, the cost of replacing or repairing it shall be borne by the ship.

(2) Any ship getting foul of any mooring laid by the Authority shall not, except in case of emergency, lift the buoy for the purpose of getting clear, but shall immediately report the occurrence to the Chief Executive Officer and await instructions.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Damage to underwater construction

80. Any ship which damages any underwater construction within a port is liable to the Authority for any expense incurred therefrom.

Crew of ships to take lines

81. (1) All ships anchored, moored or berthed in a port shall receive on board, make fast or cast off lines or warps from any other ship when required so to do by the Chief Executive Officer.

(2) Lines or warps shall not be stretched across the waters of a port without the permission of the Chief Executive Officer.

(3) The Chief Executive Officer may, in case of urgency, cause to be cut any warps, ropes, cable or hawser endangering the safety of any person or ship in a port.

Animals

82. (1) Animals when ashore or afloat in a port area and when landed, discharged or shipped therein shall be treated in a humane manner, and in accordance with veterinary practice.

(2) The Chief Executive Officer may, in his or her discretion, refuse to land or ship animals if such landing or shipping would in his or her opinion entail unnecessary suffering to any animal.

PART 7

DANGEROUS GOODS

General

83. Except as otherwise herein provided, the classification method of handling packing and magazine requirements and all other matters pertaining to dangerous goods shall be in accordance with the recommendations made by the International Maritime Organisation.

Authority to supervise

84. (1) Dangerous goods shall not be landed, shipped, or brought into any port except under the direction and superintendence of the Chief Executive Officer whose orders shall be implicitly obeyed.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Liability for expenses

85. Any expense incurred by or on behalf of the Authority in superintendence including the provision of watchmen or other facilities in connection with the handling of dangerous goods, shall be borne by the consignee, consignor, or agent, as the case may be.

Master or agent to give notice of dangerous goods on board

86. (1) The master or agent of every ship having on board any dangerous goods shall give notice thereof to the Chief Executive Officer at least 24 hours before arrival.

(2) If dangerous goods are landed without permission, the Chief Executive Officer may order the same to be placed on board the ship whence they came or otherwise deal or destroy them as he or she considers necessary at the risk and expense of the ship from whence they were discharged.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Exemptions for ships carrying dangerous goods

87. (1) Ships of war and military transports may be exempted from this Part subject to such terms and conditions as the Authority may consider fit.

(2) Every ship having the following dangerous goods on board shall be exempt from this Part and such dangerous goods may be landed and dealt with at such places and under such conditions as the Chief Executive Officer may direct—

(a) safety-cartridges, safety-fuses, percussion caps fireworks;

(b) dangerous goods exempted by the Minister; or

(c) explosives which does not exceed 50 pounds in weight and are properly stored in an approved magazine.

Berthing of ships carrying dangerous goods

88. (1) Every ship carrying, or about to carry, dangerous goods shall be anchored or berthed only in the position assigned to it by the Chief Executive Officer and shall not be moved therefrom without the written permission of the Chief Executive Officer.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Red flag to be exhibited

89. The master of every ship having dangerous goods on board shall, whilst within the limits of a port, keep conspicuously exhibited at the fore by day a red flag 'B' (International Code) in size not less than 4 feet by 3 feet, and at night at the mast head 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.

Fires and fire fighting

90. (1) A person, when in or upon any vessel in a port, where dangerous goods or highly flammable goods are located, shall not smoke or have in his or her possession any match or fire-producing device or have in his or her possession any article or substance that may cause explosion or fire.

(2) Artificial lights or other activities which in the opinion of the Chief Executive Officer may cause either explosion or fire shall not be permitted in a port where dangerous goods are being loaded, unloaded, or handled. However, this subsection shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the Authority or of a ship's riding or signal lights so disposed as to prevent any risk of fire or explosion.

(3) Sufficient fire-extinguishing equipment of a type for coping with incipient fires while dangerous goods are on port property, or being loaded, unloaded or handled in a port shall be provided by the owner or agent of such dangerous goods and shall be in readiness for immediate use.

(4) Every ship having on board explosives or dangerous goods shall display "No Smoking" signs in prominent places on board the ship.

(5) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Only dangerous goods to be handled at one time

91. (1) During the time any dangerous goods are being handled other goods shall not be dealt with at or near the place thereof.

(2) Persons other than those actually engaged in or superintending the work of handling shall not be allowed access to the ship without permission of the Chief Executive Officer.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Permits to land dangerous goods

92. (1) Dangerous goods shall not be landed from any port except on production of a 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.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Licence for special small craft

93. (1) A small craft shall not be used for the storage of dangerous goods except under a special licence granted on a certificate from the Chief Executive Officer and subject to such condition as it may impose.

(2) Such small craft shall—

(a) at all times remain afloat;

(b) be moored only at places approved by the Chief Executive Officer ;

(c) exhibit a red flag by day and a red light in an elevated position at night.

(3) A dangerous cargo shall not be carried on the deck of a small craft licenced to carry dangerous cargo and hatches shall be properly secured.

(4) A small craft propelled by gasoline shall not carry dangerous goods.

(5) A person who contravenes any of the provisions of this section commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Vessels to have tow line

94. Every vessel that has explosives or dangerous goods on board shall, when moored or anchored in the port, have at all times at both bow and stern, a suitable tow line of steel wire securely fastened on deck at one end and hanging over the offshore side of the vessel so that the other end, which shall be equipped with an eye, is suspended at a point not more than 4 feet from the water's surface.

Inspection and examination

95. Every person in control of any dangerous goods or of any ship or vehicle containing such goods shall when so required by the Chief Executive Officer show all such goods under his or her control and shall afford every reasonable facility to enable inspection and examination of such goods so as to ascertain whether these Regulations are being duly observed.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Petroleum and other inflammable liquids

96. To avoid doubt, it is 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 Anguilla.

Penalty

97. In the event of any breach of any provision in this Part, without prejudice to any action taken under section 171, all or any part of the dangerous goods in a port or port area may be forfeited and disposed of at the discretion of the Chief Executive Officer at the risk and expense of the owner of the ship, vehicle or goods involved.

PART 8

FERRY SERVICE

Roster of ferries

98. (1) The Chief Executive Officer shall prepare the daily roster of ferries scheduled to—

(a) depart from the port to such other port or ports outside Anguilla; and

(b) travel to the port from such other port or ports outside Anguilla;

on which shall be shown, against the name of each ferry, the times for each such departure from and travel to the port and the master of that ferry.

(2) For the purposes of subsection (1), the Chief Executive Officer may, at such times and place as he considers necessary, consult with the appropriate representative organizations of owners and charterers of ferries providing ferry services to and from the port.

(3) The master of every ferry whose name appears on the roster of ferries for the day shall provide the ferry services in accordance with that roster and such directions and orders as the Chief Executive Officer may issue.

(4) Where a ferry which is scheduled on a day to depart from or travel to the port is unable due to no fault of the master of the ferry to so depart or travel, that master shall promptly inform the Chief Executive Officer of the inability to depart from or travel to the port and furnish that information in writing.

(5) Where the master or owner of a ferry, at the time of informing the Chief Executive Officer of the inability to depart from or travel to the port, is unable to furnish information in writing, the master shall as soon as practicable furnish the written information.

Infractions committed by ferry boat owners or operators

99. (1) If the Chief Executive Officer determines that the master or owner of a ferry has breached section 98(3), the Chief Executive Officer may—

(a) on a first infraction, issue that person with a written warning letter;

(b) on a second infraction, issue that person with a warning letter or suspend the licence to operate for a period not exceeding 24 hours; and

(c) on a third infraction, suspend the licence to operate for a period not exceeding 3 days.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) The decision of the Chief Executive Officer under subsection (1)(a), (b) and (c) is binding and not open to appeal.

(3) Before the Chief Executive Officer suspends a licence, the Chief Executive Officer must give the master or owner of a ferry an opportunity to put forward reasons as to why the licence should not be suspended.

(4) Where the Chief Executive Officer has disciplined the master or owner of a ferry under subsection (1) and the master or owner of a ferry continues to breach section 98(3), the Chief Executive Officer may refer the matter to the Board for further disciplinary action.

Disciplinary proceedings by Board against the master or owner of a ferry

100. (1) Before the Board suspends or revokes a licence to operate, the Board must give the master or owner of a ferry—

(a) the grounds for the proposed suspension or revocation;

(b) the terms of the proposed suspension or revocation;

(c) the date by which any submissions should be made; and

(d) the date of any hearing.

(2) Where the Board is satisfied that sufficient evidence exists to suspend or revoke the licence to operate, the Board may—

(a) suspend the licence to operate for a period not exceeding 21 days;

(b) suspend the licence to operate until certain conditions are fulfilled; or

(c) revoke the licence and debar the master or owner of a ferry or both from obtaining a licence to operate for a period not exceeding 3 years.

Appeal

101. (1) A person may appeal against the decision of the Board to suspend or revoke the licence by filing a notice of appeal in the High Court not later than 21 days after service of the notice of the decision of the Board in section 100(2).

(2) A notice of appeal given under subsection (1) must set out—

(a) the name of the appellant;

(b) concisely the decision appealed against; and

(c) concisely the grounds on which the appellant wishes to appeal.

Order of High Court

102. (1) The High Court may order the suspension of the decision of the Board on such conditions as the High Court considers appropriate or may refuse to grant the order.

(2) The High Court may make such orders on the hearing of the appeal, including an order for payment of costs on the appeal, as it considers appropriate.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(3) The decision of the High Court under subsection (1) is final and binding and not subject to further appeal.

Immunity

103. (1) No action for damages may be commenced against the Board or the Chief Executive Officer for anything done or not done in good faith while performing their duties under section 99 and 100.

Transportation fees

104. (1) A passenger must pay the applicable transportation fee specified in the Tariff Book.

(2) Every owner, master or charterer of a ferry or passenger vessel shall appoint an agent for the collection of such transportation fees.

(3) Every passenger who pays such transportation fee shall be issued a ticket evidencing payment of such fee.

Exemptions for ferries

105. All ferries operating for hire at the sea port of Blowing Point are exempt from the requirements of sections: 28, 37, 38, 39, 42(2), 43, 45 and 58(2).

PART 9

SMALL CRAFT

Small craft to give way

106. Small craft within the limits of a port shall at all times make way for ocean-going ships under way or tugs engaged in towing.

Row boats to give way to sailing boats

107. When 2 boats are being propelled, one by sails and the other by oars 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, the other boat shall also take such action as will best aid to avoid collision.

Small craft to carry lights

108. (1) Subject to the provision of subsection (2), 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 and fishing boats shall carry the lights prescribed for their class.

Approaches to wharves, landing places and ship's ladders to be kept clear

109. (1) Free passages shall be kept to all jetties, landing places, wharves and moorings, and small craft shall, when directed by an authorised person, move so as to clear such passages.

(2) A small craft shall not lie alongside any of the passenger landing places or ship's accommodation ladders longer than necessary to embark or land passengers and their luggage, and when waiting, shall lie off at a distance of at least 20 yards from such landing place or ship's accommodation ladder in order not to obstruct the approach thereto.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(3) A person in charge of a small craft, a member of the crew of such craft and baggage clearing agent shall not loiter on any pontoon or landing step or accost passengers thereon.

Mooring of small craft

110. A small craft shall not, except with the permission of an authorised person, be secured to any wharf, jetty, quay, mooring, post, pile, bollard or buoy belonging to the Authority. Under no circumstances shall such a craft be left unattended.

Small craft sunk in port to be reported

111. The sinking of any small craft in a port shall be reported by the master or owner to the Authority as soon as possible.

Boats not to go alongside ships under way

112. A small craft, other than a small craft carrying any person authorised by section 44(3) to board a ship before the 'I' flag is lowered shall not go alongside a ship which has arrived in Anguilla from a foreign place until such ship is at anchor or made fast alongside and has been granted pratique.

Passengers and goods to be landed at place appointed

113. Every small craft leaving the side of a ship shall proceed to a place approved by the Customs Officer and shall not land passengers or goods elsewhere.

Small craft plying for hire to be surveyed before granting certificate of fitness

114. (1) Any person who desires to ply or let for hire any small craft to and from a port area shall apply to the Chief Executive Officer for a licence.

(2) The Chief Executive Officer is hereby empowered to appoint inspectors who shall inspect such small craft and issue a certificate to the effect that the craft is in a suitable condition and fit for the purpose for which it is intended.

Method of obtaining a licence for small craft plying for hire

115. Upon the production of a certificate granted under section 114 and upon payment of the licence fee prescribed in the Tariff Book, a licence may be issued by the Chief Executive Officer to the holder of the said certificate authorising him or her, subject to such terms and conditions as may be specified in the licence, to ply for hire or let for hire to and from a port area the small craft to which such certificate relates.

Duration of licence of small craft plying for hire

116. (1) A licence under section 115 shall, unless previously cancelled, expire on the day of expiration of the certificate to which such licence relates.

(2) A person shall not ply or let for hire any small craft without a licence.

Transfer of licenced craft

117. Upon the transfer by sale or otherwise of any licenced small craft, the new owner shall apply for a licence as required by sections 114 and 115.

Persons carried not to exceed authorised number

118. (1) A licenced small craft shall not carry more than the number of persons such craft is licenced to carry.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) A notice showing the number of persons authorised to be carried shall be painted on or affixed to some conspicuous part of such craft.

(3) The master of a vessel or his agent or assign shall be responsible for ensuring that the number of persons authorised to be carried shall not be exceeded.

Goods carried not to exceed authorised load

119. (1) A small craft, licenced to carry passengers only, shall not carry any goods other than passengers' baggage.

(2) A small craft licenced for the carriage of goods shall not carry a greater load of goods than such craft is licenced to carry.

(3) A small craft licenced to carry goods only shall not carry passengers.

Unclaimed property to be taken to customs

120. The person in charge of a small craft licenced to carry passengers shall be responsible for all unclaimed property left on his or her boat, and he or she shall take or cause to be taken all such unclaimed property to the office of the Chief Executive Officer.

Expired licence to be returned

121. On the expiration or other determination of any licence, the owner of the licenced small craft in question shall return the licence to the Chief Executive Officer.

Life-saving and fire-extinguishing apparatus

122. Every licenced small craft shall be equipped with such radio, life-saving and fire-extinguishing appliances as may be considered necessary by the Chief Executive Officer for any small craft operating to and from a port area and shall be kept so as to be at all times fit and ready for use.

When holder of licence made to cease to use craft

123. (1) Any inspector appointed under section 114(2) may at any time enter upon any small craft licenced under section 115 and inspect and examine the hull equipment or machinery of any craft. If in his or her 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 or she shall notify the same to the Chief Executive Officer. The Chief Executive Officer shall instruct in writing the holder of the licence to discontinue the usage of the said craft until the defects are remedied.

(2) In the event of the removal of defects after further inspection, the inspector shall report the fact to the Chief Executive Officer who 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.

Penalty for non-observance of instructions

124. The Chief Executive Officer may cancel the licence of a small craft if the licence holder or someone acting on behalf of the licence holder, in contravention of section 123—

(a) refuses to allow an inspector to enter upon or inspect any small craft; or

(b) fails to discontinue the usage of the small craft.

Person in charge of small craft licenced to ply for hire to be capable

125. A holder of a licence issued under section 115 shall not permit his or her small craft to be used for hire unless sufficiently manned by competent persons.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Person in charge of small craft plying for hire may not refuse engagement

126. A person in charge of a licenced small craft that is plying for hire of passengers shall not refuse without good reason to accept an engagement, or shall attempt to extort fares in excess of the authorised tariff charge.

Quantity of luggage that may be carried

127. The Chief Executive Officer may regulate the quantity of luggage which may be carried consistent with the safety and convenience of the passengers conveyed in any small craft. The owner or person in charge shall abide by the orders of the Chief Executive Officer in this respect.

Liability

128. This Part shall not be considered to impose any liability or responsibility upon the Authority 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 licenced small craft.

Small craft prohibited from conveying liquor to ship's crew

129. (1) An owner or person in charge of any small craft, or a boatman or any person employed by such owner shall not 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 port, except—

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

(b) such liquor as may be allowed under the Customs Act.

(2) Without prejudice to the liability of an owner or person in charge of any small craft under any other law, the Chief Executive Officer may cancel the licence of an owner or person in charge of a small craft who contravenes subsection (1).

Control of small craft

130. (1) A person shall not operate a vessel in the port—

(a) recklessly or negligently, or at a speed or in a manner dangerous to the public;

(b) while drunk;

(c) without due care and attention or without reasonable consideration for other persons using the port;

(d) when it is overloaded with passengers or cargo;

(e) when it is not seaworthy or safe.

(2) Without restricting the generality of the term where it appears in subsection (1)(a), 'Recklessly or Negligently' includes the operation of a small craft that unreasonably interferes with the free and proper use of the waters by other ships, or persons or that endangers other or any person upon any other ship or in the water or upon the small craft itself.

(3) The International Rules of the Road shall be strictly observed by all small craft in a port and in the event of conflict between these Regulations and the International Rules of the Road the latter shall apply.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Control of speed boats

131. Without prejudice to the generality of section 130, every speed boat when within 200 yards of the waters edge shall travel at a slow speed not greater than that specified by the Chief Executive Officer and shall keep well clear of all bathers.

Duty of person in charge of a speed boat

132. (1) If the person in charge of a speed boat fails to comply with section 130 or fails to ensure that the speed boat of which he or she has charge commits an offence and is liable to the penalty under section 171.

(2) A person in charge of a speed boat must ensure that any water skier being towed by such boat does not cause any inconvenience to bathers.

Suspension or revocation of licence

133. The Chief Executive Officer may suspend or revoke the licence of any small craft whose owner or crew member is guilty of misconduct or a breach of any provision in this Part.

Penalty

134. If the owner or person in charge of any small craft licensed under section 115 commits a breach of this Part he or she shall be liable to a fine or imprisonment or to both in accordance with section 171.

PART 10

GENERAL HEALTH AND SAFETY REGULATIONS

Application

135. The Regulations contained in this Part shall apply to the processes of loading, moving and handling goods in or at a port area and to the processes of loading, unloading and restowing any ship in a port.

General health and safety at the seaports

136. The provisions of the Merchants Shipping Act and any Regulations made there-under relating to health and safety of ships and the port facility shall apply, subject to the necessary modifications, to health and safety at seaports.

Duties of masters and others

137. (1) It is the duty of the owner, master or other person in charge of a ship to comply with such Regulations as are applicable to that ship including those relating to machinery and plant used in the processes.

(2) In other cases, it shall be the duty of the owner of machinery and plant used in the processes to comply with the Regulations.

(3) If the persons concerned with subsection (1) and (2) fail to comply with these Regulations the employer of such persons shall stop the said processes until these Regulations are complied with.

Safe means of access

138. A ship in a port for the purpose of carrying out any process shall have a safe means of access for the use of employees passing from the ship to the shore or from the shore to the ship.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Disembarking and embarking passengers

139. (1) When passengers disembark from or embark on any ship in a port 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) When any ship is in port, a lifebuoy with a line attached thereto shall be placed in proper order for immediate use near the head of each gangway.

(3) Suitable safety nets may be applied beneath every gangway.

(4) Every gangway must have adequate handrails and must be illuminated at night.

(5) A process shall not be undertaken over a gangway.

Safe means of access to other ships to be provided

140. 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. If one of such ships has a relatively low freeboard the means of access shall be provided by the ship which has the high freeboard.

Safe means of access from deck to hold

141. (1) If the depth from the level of the deck to the bottom of the hold exceeds 5 feet, there shall be maintained safe means of access from the deck to the hold.

(2) Every person employed shall use the means of access in subsection (1).

Efficient lighting to be provided

142. All parts of a ship where processes are carried on and for which access is required shall be sufficiently lighted with due regard to the safety of the ship to goods onboard, and persons employed therein also the navigation of other ships.

Beams and hatches

143. (1) Hatches and coverings in a ship shall be so constructed to allow persons to open and close them without risk.

(2) 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.

(3) All hatch coverings and beams shall be plainly marked to indicate the deck and hatch to which they belong and their position therein.

(4) All fore and aft beams and thwartship beams used for hatch coverings and all hatch coverings shall be maintained in good condition.

(5) Adequate handgrips shall be provided on all hatch coverings, unless the construction of the hatch or the hatch coverings renders the provision of handgrips unnecessary.

(6) When the working space around a hatch is less than 2 feet, provision shall be made to remove and replace in safety all fore and aft beams thwartship beams used for hatch coverings and all hatch coverings.

(7) The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent displacement.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Lifting machinery

144. (1) Lifting machinery of all kinds, chains, blocks, wire ropes, ropes and any other attachments or gear used or provided for use in processes shall be maintained in good order and in the event of any doubt concerning the serviceability of any item the authorised person may prevent its use until tested by a competent person at the risk and expense of the owner.

(2) All lifting machinery including ships' derricks shall be clearly marked with the safe working load of such appliances.

(3) Means shall be provided to enable any person using a pulley block, chain or wire rope sling to ascertain the safe working load for such items.

Lifts not to exceed safe working load

145. Lifting machinery or items of cargo handling gear shall not be used to lift more than its safe working load.

Fire prevention

146. (1) Every person in a port and every ship in a port shall comply with all such standards of fire prevention and protection against fire as, in the opinion of the Chief Executive Officer are necessary or advisable for the protection of persons and property.

(2) Before operating welding or burning equipment which is used in a port, all flammables shall be moved to such a distance from the equipment as will render them safe from fire and, where such movement is impossible, the flammables shall be adequately shielded.

(3) Suitable fire-extinguishing equipment, ready for instant use in case of fire, shall be placed near each unit of welding or burning equipment.

(4) Every compressor or generator used in connection with welding or burning equipment shall be placed securely and in such a manner as not to interfere with any other operations carried on in the port or on port property.

(5) An operator of welding or burning equipment shall not do any act that may cause explosion or fire.

(6) A person shall not smoke or have in his or her possession any lighted match or other lighted fire-producing device, in, or at any shed or warehouse.

(7) Artificial light by which fire may be ignited shall not be used on port property without permission of the Chief Executive Officer.

(8) An article or substance shall not be burned, boiled or heated by fire on port property except with the permission of the Chief Executive Officer.

(9) Every ship in a port shall have suitable fire-extinguishing equipment available for immediate use in any part thereof.

(10) The Chief Executive Officer may in addition to the equipment required by subsection (9), require additional equipment to be provided in any ship to meet any particular condition involving extra fire risk.

(11) Fire shall not be allowed on any ship in a port except in suitable containers and under watch.

(12) A person shall not use a fire hydrant located on port property for any purpose other than fire or fire drill without permission of the Chief Executive Officer.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(13) A person who contravenes subsection (2) to (9); (11) or (12) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

PART 11

GENERAL SECURITY REGULATIONS

General security at the seaports

147. Without prejudice to any proceedings which may be instituted under the Anguilla Air and Sea Ports Authority Act, the Regulations pertaining to ship and port facility security within the meaning of the Ship and Port Facility Security Regulations enabled under section 71 of the Merchant Shipping Act apply, subject to the necessary modifications.

PART 12

HANDLING AND STORAGE OF CARGO

Onus of cargo handling

148. All cargo handling in a port shall be carried out by the Authority or its authorised agent.

Transit sheds closed to public

149. The transit sheds and warehouses in a port shall be closed to the public and no vehicle or person shall enter any of them without the permission of the Chief Executive Officer.

Documents required before delivery of cargo

150. Importers or their agents shall present at such place as may be appointed by the Chief Executive Officer during normal working hours of a port the following documents before delivery of cargo—

(a) delivery order complete in every detail and specifying marks and numbers, descriptions and contents with the dead weight and cubic measurement thereof, the name of the ship, port of shipment, arrival date and disposal instructions. There shall be a separate delivery order for each consignee and for each bill of lading;

(b) a bill of lading or shipping company's delivery order duly released by the ship;

(c) a release by customs officer authorising the delivery of the cargo;

(d) in the case of transhipment goods a shipping order complete in every detail and respect.

Documents required for shipment of cargo

151. Persons desiring cargo to be shipped shall deliver to an authorised person at such a place as may be determined by the Chief Executive Officer during normal working hours shipping orders complete in every detail and specifying marks and numbers, descriptions and contents with the dead weight and cubic measurement thereof as required by the Tariff Book. There shall be a separate shipping order for each consignment.

Receiving of cargo for shipment

152. (1) Cargo for shipment shall be deposited in such places as the Chief Executive Officer may direct.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) All cargo intended for shipment for any particular ship together with the relative shipping orders shall be presented to the Chief Executive Officer at a port not later than one clear normal working day previous to the ships appointed sailing time. In the event of cargo orders or shipping orders or both being received late, the shipper is liable for any additional expense incurred.

(3) Cargo in respect of which shipping orders are presented shall be ready for shipment in all respects.

(4) Sorting or other manipulation of cargo for shipment is not permitted in a port.

(5) Cargo which is not accepted for shipment shall be removed within 48 hours after receipt.

(6) The Authority shall not be responsible for ensuring that the whole or any part of any cargo intended for shipment is placed on board any ship before the time of sailing.

Cancelling or amending orders

153. Any order cancelling or amending previous orders may be accepted by the Chief Executive Officer provided that it is reasonably possible to act upon such order. A charge may be made in respect of each such order.

Weights and cubic measurements

154. (1) When the weight or cubic measurement of cargo is not available the goods shall be weighed or measured by the Chief Executive Officer and a charge paid by the person presenting the delivery order or shipping note.

(2) All packages exceeding one ton in weight shall have the gross weight legibly marked thereon. If a package is unevenly loaded the heavy end should be clearly marked.

Marking of packages

155. (1) Where cargo is insufficiently or incorrectly marked the Chief Executive Officer may require from any person claiming such goods a special release order signed by the ship. Storage charges shall be charged against all cargo remaining in a port as a result of insufficient or incorrect marking.

(2) The Authority is not liable for any loss, damage, delay or non-delivery of cargo occasioned by insufficient or incorrect marking.

Defective packages

156. (1) Where any cargo has been landed in packages of a defective or leaky character, despite the provisions of section 59 or the fact that the Authority has given a receipt for the cargo, delivery of cargo shall not be considered to have been made to the Authority until such packages have been repacked, re-bagged or repaired in a reasonably sound condition and such cargo checked in the presence of the ship and customs officer. Only such cargo shall be considered to have been accepted by the Authority.

(2) The Authority may decline to accept any cargo which is tendered for landing in packages of a defective or leaking character.

Acids, etc. found in a leaky container

157. (1) When acids, oils, paints or similar substances come into possession of the Authority in a leaky container, the Authority may in its discretion repair the leaky or defective container at the expense of the owner and may refill any container from which the original contents have leaked.

(2) The owner or consignee of any leaking container the contents of which either damage the Authority's property or other cargo is liable for such damage.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Unpacking of cargo

158. Except for Customs purposes cargo shall not be unpacked in a port area without the special permission of the Chief Executive Officer. All packing and other material from which cargo is so unpacked shall be immediately removed by the owner of the cargo failing which this shall be done by the Authority at the owner's risk and expense.

Destruction of dangerous and offensive cargo

159. (1) In cases of emergency or for the purpose of securing better safety for a port, the Chief Executive Officer may destroy or otherwise dispose of dangerous cargo in a port without compensation to the owner.

(2) The Chief Executive Officer may, in consultation with the customs officer, and after giving at least 2 hours notice to the owner order the removal or destruction of any goods or matter which in the opinion of the Chief Executive Officer are of an offensive nature. Such removal or destruction and any loss of Customs duties, rates or other charges incurred thereby shall be at the expense of the owner.

Storage charges on import cargo

160. (1) Storage charges after the prescribed free period in the Tariff Book shall be levied on all import cargo.

(2) In the case of large consignments the Chief Executive Officer may extend the free period when delivery is being effected as fast as the Authority requires.

Storage charges on export cargo

161. Storage charges after the prescribed free period if any in the Tariff Book shall be charged on all export cargo until the date the ship commences loading or in the event of non-shipment the date the cargo is removed from the port.

Storage charges on transhipment cargo

162. (1) Storage charges after the prescribed free period in the Tariff Book shall be charged on all transhipment cargo from the date of arrival of the ship to the date the carrying ship commences to load.

(2) The Chief Executive Officer may, according to the circumstances, prescribe special rates for handling and storing transhipment cargo.

Change of ownership of cargo

163. Any change in ownership of cargo shall be notified to the Chief Executive Officer immediately such charge takes place and in the absence of such notification before the cargo leaves the custody of the Authority the previous owner shall be held responsible for all charges.

Charges to be prepaid or secured

164. All dues and charges, prescribed in the Tariff Book and payable upon all goods landed, shipped, transhipped or warehoused shall be paid or sufficient security furnished for their payment before any orders for delivery shipping or forwarding are acted upon.

Delivery to customs warehouse

165. (1) The delivery of goods to a warehouse appointed by a customs officer shall constitute delivery of such goods to the consignee and the Authority is not liable in respect of such goods after they have been so delivered.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) Where the consignee takes delivery from the customs warehouse such goods shall not be delivered until all the dues, rates and charges of the Authority have been secured.

PART 13

MISCELLANEOUS

Obligation of lessee

166. (1) The lessee of a shed or shop must maintain bulletin boards in a conspicuous place for the purpose of posting all notices issued by the Chief Executive Officer.

(2) The lessee of a shed or shop in a port must provide in such sheds or shops accessible first aid kits and fire appliances approved by the Chief Executive Officer.

(3) The lessee of a shed or of shop in a port must not store or stock material or equipment in such a manner as to constitute a hazard to personnel or property.

(4) Any lessee who contravenes subsections (1), (2) or (3) commits an offence and is liable on summary conviction to a fine or imprisonment or to both in accordance with section 171.

Licences generally

167. Subject to the approval of the Board, the Chief Executive Officer may cancel any certificate, licence or badge granted under these Regulations or may refuse to renew or endorse the same.

Liability

168. The granting under these Regulations of any licence authorisation, certificate or permit for any purpose shall not impose any liability or responsibility upon the Authority for any accident to the person so authorised or to the holder of such licence, certificate or permit arising from any cause whatsoever.

Licensing of agents and others

169. A person shall not in a port area undertake stevedoring, ships work, ship chandlering or clearing and forwarding of goods from a port area without a licence granted by the Chief Executive Officer for that purpose and on payment of such fees as may be prescribed in the Tariff Book. The Chief Executive Officer is hereby authorised to grant and endorse such conditions as he or she sees fit with such licences.

Exclusive powers of the Chief Executive Officer

170. Unless it is stated in these Regulations or the Chief Executive Officer gives permission in writing a person shall not in any port perform or cause to be performed any work, service or facility or suffer any obstruction or nuisance to remain.

Offences and penalties

171. (1) Any person who commits a first offence under these Regulations is liable on summary conviction to a fine of $50,000 or to imprisonment for a term of 2 years, or to both.

(2) Any person who commits a second or subsequent offence under these Regulations is liable on summary conviction to a fine of $100,000 or to imprisonment for a term of 2 years, or to both.

Citation

172. These Regulations may be cited as the Seaports Regulations, Revised Regulations of Anguilla, A57-8.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

SCHEDULE

(Section 45)

PRE-ARRIVAL VESSEL NOTIFICATION FORM

Guidance Notes

1. The Agents for the vessel shall deliver the notification of arrival to the Authority c/o Superintendent of Ports at least 24 hours in advance of the declared date of arrival of the vessel at the port. The notification may be submitted by hand in hard copy or electronically to seaports@anguillanet.com.

2. Permission to enter the port or refusal to enter the port will be given to the agent at least 12 hours prior to the declared date of arrival.

3. Updates of the arrival notification shall be submitted to the Authority by the agent if there is a cancellation or change to—

(a) the vessel name;

(b) the ship's manifest if the change is substantial; or

(c) the declared time of arrival.

4. The notification shall comprise—

(a) the pre-arrival notification, vessel information on the attached pro-forma;

(b) the vessel arrival/departure update on the attached pro-forma only if it is necessary to update the arrival notification;

(c) a copy of the vessel's manifest;

(d) a copy of the vessel's particulars;

(e) a list of crew and passengers on the vessel;

(f) a copy of the dangerous goods manifest if any;

(g) upon the first visit of a vessel to the port, a letter of authorization from the owner of the vessel stating who is the designated agent in Anguilla; and

(h) general information about the vessel such as, but not limited to, the name of the ship's registry, a list of the vessel's cargo and passenger certificates.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Anguilla Air and Sea Ports Authority

seaports@anguillanet.com

Tel: 1-264-497-3467
Fax: 1-264-497-5258

Pre-arrival Notification
Vessel Notification

Vessel Name		Call Sign	Vessel ID Number		Country of Registry
			IMO	Official No.	
GRT	Length of Vessel	Draft of Vessel	Vessel's Current Position (Latitude/Longitude, place)		Type of Vessel

Registered Owner	Operator	Classification Society

INTERNATIONAL SHIP SECURITY CERTIFICATE

Date of Issuance	ISSC Issued by:	ISSC Type						Flag Administration or RSO
			None		Interim		Final	

If an Interim ISSC was issued, choose/indicate reason:

	Change of vessel owner/operator		New to or re-entry into service		Transfer of Vessels flag		Conditions to be met

CSO Name	CSO 24 Hour Tel. Number & email address	Name of Ship Security Officer (SSO)

VOYAGE INFORMATION

Port Of Arrival	Estimated Date & Time of Arrival	Estimated Date & Time of Departure
Date of Ship's Last Visit (dd/mm/yy)	Next Port of Call	Date of Report (dd/mm/yy)

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

VOYAGE HISTORY						
Last Ten Ports/Places Visited	Ship Security Level in these ports			24-hour Agent/POC (Name & Telephone Number)	Date & Time of Arrival (dd/mm/yy hh:mm)	Date & Time of Departure (dd/mm/yy hh:mm)
	1	2	3			
	1	2	3			
	1	2	3			
	1	2	3			
	1	2	3			
	1	2	3			
	1	2	3			
	1	2	3			
	1	2	3			
	1	2	3			
Have any special security arrangements been taken by the ship during ship / port interface at the last 10 ports of call?						
Yes	No	Please Detail				
CARGO						
General Description of Cargo	Quantity of Passengers/Cargo			Any dangerous cargo over 10kg?		
				No	Yes If yes attach DCM	

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai