



SAINT LUCIA

CHAPTER 8.13

Saint Lucia Air And Sea Ports Authority Act

Revised Edition

Showing the law as at 31 December 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

SAINT LUCIA AIR AND SEA PORTS AUTHORITY ACT

Act 10 of 1983 in force 1 July 1983

Amended by Act 17 of 1985 in force 18 October 1985

Amended by Act 15 of 1997 in force 6 December 1997

Amended by Act 4 of 1999 in force 30 January 1999

Amended by Act 15 of 2000 in force 23 September 2000

Amended by Act 8 of 2006 in force 6 February 2006

Amended by Act 11 of 2006 in force 22 March 2006

Amended by S.I. 66/1994 in force 26 November 1994

SAINT LUCIA AIR AND SEA PORTS AUTHORITY (SEAPORT TARIFF) REGULATIONS – Section 53

Statutory Instrument 13/1985 in force 15 February 1985

Amended by S.I. 30/1998 in force 1 May 1998

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**SAINT LUCIA AIR AND SEA PORTS AUTHORITY (AIRPORT TARIFF) REGULATIONS
– Section 53**

Statutory Instrument 74/1995 in force: Subregulation (9): 1 July 1992
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Amended by S.I. 31/1998 in force 1 May 1998
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AIRPORT (SERVICE CHARGE) REGULATIONS – Section 53

Statutory Instrument 47/1996 in force 21 September 1996
Amended by S.I. 53/1996 in force 28 September 1996
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Amended by S.I. 52/2002 in force 1 July 2002
Amended by S.I.41/2004 in force 1 June 2004
Amended by S.I.127/2006 in force 1 July 2006
Amended by S.I.135/2007 in force 20 August 2007

**SAINT LUCIA AIR AND SEA PORTS AUTHORITY (SEAPORTS) REGULATIONS –
Section 73**

Statutory Instrument 92/1985 in force 7 December 1985

AIRPORTS REGULATIONS – Section 73

Statutory Instrument 42/1976 in force 9 October 1976
Amended by S.I. 27/1977 in force 28 May 1977

HARBOUR OF CASTRIES REGULATIONS – Section 73

Gazettes 18-1-1901 in force 18 January 1901
Gazettes 16-7-1904, 19-3-1917, 5-5-1917 and S.I. 18/1922, 11/1924, 6/1926, 9/1926,
10/1926, 14/1926, 67/1936, 88/1941, 26/1953
Amended by S.I. 30/1961 in force 1 December 1961

HARBOUR OF CASTRIES (GOVERNMENT SLIPWAY) RULES – Section 73

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CHAPTER 8.13

SAINT LUCIA AIR AND SEA PORTS AUTHORITY

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CHAPTER 8.13

SAINT LUCIA AIR AND SEA PORTS AUTHORITY ACT

(Acts 10 of 1983, 17 of 1985, 15 of 1997, 4 of 1999, 15 of 2000, 8 of 2006 and 11 of 2006 and S.I. 66/1994)

AN ACT to establish an Authority to be known as the Saint Lucia Air and Sea Ports Authority, to provide for co-ordinated and integrated systems of airports, seaports and port services, to transfer to and vest in the Authority the assets, liabilities and functions of the Saint Lucia Port Authority and the assets, liabilities and generally the functions of the Airport Division of the Ministry of Communications and Works and for other connected matters.

Commencement [1 July 1983]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Saint Lucia Air and Sea Ports Authority Act.

2. INTERPRETATION

In this Act—

“**aircraft**” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“**airport**” means the airport of George F. L. Charles or the airport of Hewanorra described respectively in Parts 1 and 2 of the Schedule;

“**animal**” means any animate thing of any kind except a human being;

“**Authority**” means the Saint Lucia Air and Sea Ports Authority established under section 3;

- “**Authority pilot**” means a person licensed to act as an Authority pilot under section 60 and employed by the Authority under section 55;
- “**beacon**” means any light, mark or sign used as an aid to navigation other than a buoy, and includes aeronautical beacons and such other aids as are commonly used in aviation;
- “**buoy**” means any anchored float and includes any floating light, mark or sign used as an aid to navigation;
- “**chairperson**” means the chairperson of the Council and includes any person performing the functions of chairperson;
- “**charges**” mean any charges or rates levied by the Authority under this Act;
- “**Council**” means the Council of the Authority appointed under section 4;
- “**dues**” include pilotage dues, port dues and tonnage dues levied under this Act;
- “**financial year**” means such period of 12 months as the Authority with the approval of the Minister may determine to be its financial year, so however that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as shall be fixed by the Authority;
- “**General Manager**” means the General Manager of the Authority appointed under section 12 and includes any person performing the functions of the General Manager and any person authorised by the General Manager to perform any of the functions of the General Manager;
- “**goods**” means all kinds of movable property including animals;
- “**local authority**” means the Castries Corporation constituted under the Castries Corporation Act, 1967; or any town, village or district council constituted under the Local Authorities Act;

“**member**” means a member of the Council and when used in relation to the constitution of the Council includes the chairperson;

“**Minister**” means in relation to—

- (a) any matter concerning finance or the public service the Minister responsible for finance; and
- (b) any other matter the Minister responsible for communications and works;

“**owner**” when used in relation to—

- (a) goods, includes any consignor, consignee, shipper or agent of the owner for the sale, custody, loading, handling, unloading or delivery of such goods;
- (b) any ship or aircraft, includes any part owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of such person;

“**perishable goods**” mean goods liable to rapid deterioration and, in particular, includes fish, fruit, vegetables, meat, poultry, game, butter, eggs, milk, cheese, plants, small animals or any other thing which the Authority may by notice published in the Gazette declare to be perishable goods;¹

“**person in charge**” in relation to an aircraft means the pilot or other person having charge, command or control of the aircraft, and in relation to a ship the master or other person (other than an Authority pilot) having charge, command or control of the ship;

“**Pilotage Committee**” means the Pilotage Committee appointed under section 56;

“**port**” means an airport or a seaport;

“**premises**” include any immovable property whether open or enclosed, whether built on or not, whether public or private and whether maintained or not under statutory authority;

“**regulations**” mean the regulations made under this Act;

¹ *Editor’s note:* Gazette notice 322/1972 declares certain goods perishable.

“**seaport**” means the Seaport of Castries or the Seaport of Vieux-Fort described respectively in Parts 3 and 4 of the Schedule and includes any other place that may be declared by the Minister by order as a seaport;²

“**secondary asset**” means any asset declared to be a secondary asset by the Minister by notice published in the Gazette in accordance with subsection 28(4);

“**ship**” includes any ship, vessel, tug or boat of any kind whatsoever whether the same is propelled by steam or otherwise or is towed;

“**Tariff Book**” means the Tariff Book prepared and published under section 53;

“**vehicle**” means any vehicle towed or propelled by any means whatsoever for the portage of goods or persons otherwise than by sea or air.

(Amended by Acts 17 of 1985, 15 of 1997 and 8 of 2006)

PART 2

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF

3. ESTABLISHMENT OF AUTHORITY

- (1) There is hereby established for the purposes of this Act a body corporate to be called the Saint Lucia Air and Sea Ports Authority.
- (2) Subject to this Act, section 19 of the Interpretation Act applies to the Authority.

4. CONSTITUTION OF COUNCIL

- (1) The Authority shall be administered by a Council which shall consist of the Permanent Secretary of the Ministry of Finance And Planning, the permanent secretary of the Ministry responsible for communications and works and not more than 8 other persons whom the Governor General shall appoint and who shall be—

² *Editor's note:* Rodney Bay and Marigot Bay are established as seaports in Gazettes 151 and 152/1986 and Soufrière, by Gazette 507/1986.

- (a) an officer from the Department of Planning;
 - (b) an officer from the Attorney General's Chambers;
 - (c) a person engaged in the business of shipping agents;
 - (d) a person engaged in the business of airline representatives;
 - (e) a person engaged in the business of importing and exporting goods;
 - (f) a person engaged in the tourist industry; and
 - (g) two other persons.
- (2) Every member appointed by the Governor General shall hold office for such period not exceeding 3 years as the Governor General may direct and shall on ceasing to be a member, be eligible for re-appointment.

However, where a member ceases to be a member for any reason, the Governor General may appoint another member, subject to the provisions of this section, in his or her place for the remainder of the time for which the former member would have served but for his or her ceasing to be a member.

- (3) The Director of Finance and Planning and the permanent secretary of the Ministry responsible for communications and works is the chairperson and deputy chairperson respectively. The chairperson shall preside over the meetings of the Council and in his or her absence the deputy chairperson shall preside. In the absence of both the chairperson and deputy chairperson the members present may elect one of their number to preside over the meeting.
- (4) In the event of incapacity from illness or other temporary cause or of the temporary absence from the State of any member the Governor General may, subject to this section, appoint some other person to act as a temporary member during the time such incapacity or absence continues.
- (5) The Governor General may at any time revoke the appointment of any member if he or she considers it expedient so to do.
- (6) The appointment of any member and the termination of office of any person as a member whether by death, resignation or effluxion of time or otherwise shall be notified in the Gazette.
- (7) A member of Parliament is disqualified from being a member.

(Amended by Acts 4 of 1999 and 8 of 2006)

5. SEAL OF THE AUTHORITY

- (1) The seal of the Authority shall be kept in the custody of the chairperson or of the General Manager and may be affixed to instruments under a resolution of the Authority and in the presence of the chairperson or deputy chairperson and the General Manager.
- (2) The Seal of the Authority shall be authenticated by the signature of the chairperson or deputy chairperson and the General Manager, and such seal shall be officially and judicially noticed.
- (3) All deeds, instruments, contracts and other documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairperson, the deputy chairperson or the General Manager.

6. SERVICE OF NOTICE

- (1) Service of any notice, order or other document required or authorised under this Act or any regulation to be served on any person by the General Manager may be effected by—
 - (a) delivering it to the person;
 - (b) leaving it at the usual or last known place of abode of the person; or
 - (c) sending it by registered post addressed to the person at his or her usual or last known address.
- (2) Service of any notice, order or other document required or authorised under this Act or any regulation to be served on the General Manager may be effected by—
 - (a) delivering it to the General Manager;
 - (b) leaving it at the office of the General Manager; or
 - (c) sending it by registered post addressed to the General Manager at the office of the Authority.

7. PROCEDURE AND MEETINGS OF THE COUNCIL

- (1) The Council shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings

shall be held at such place and time and on such days as the Council may determine.

- (2) Six members constitute a quorum at any meeting of the Council.

However, where any member is disqualified from taking part in any deliberation or decision of the Council with respect to any matter, he or she shall be disregarded for the purpose of constituting a quorum for deliberating on or deciding that matter.

- (3) The chairperson may at any time call a special meeting of the Council and shall call a special meeting of the Council within 7 days of a requisition for that purpose addressed to him or her by any 3 members to consider the matters contained in such requisition.
- (4) The chairperson shall call a special meeting of the Council if directed by the Minister to do so.
- (5) The decision of the Council with regard to any question shall be determined by vote of the majority of the members present at the meeting of the Council and in any case when the votes of the members present in regard to any question shall be equally divided, the chairperson presiding at the meeting has a casting vote in addition to his or her own vote.
- (6) Minutes of the proceedings of each meeting of the Council shall be kept in such manner as the Council may determine and shall be confirmed by the chairperson as soon as practicable thereafter at a subsequent meeting.
- (7) The Council may co-opt any one or more persons to attend any particular meeting of the Council for the purpose of assisting or advising the Council, but no such co-opted person shall have any right to vote.
- (8) A member appointed by the Governor General who absents himself or herself without the leave of the chairperson from 3 consecutive meetings of the Council ceases to be a member.
- (9) Subject to the provisions of this section, the Council has power to regulate its own proceedings.

8. DISCLOSURE OF INTEREST AND ABSTAINING FROM VOTING

- (1) It is the duty of a member who is in any way, whether directly or indirectly, interested in an application to the Authority for a contract or proposed contract with the Authority, to declare the nature of his or her interest at the first meeting of the Authority at which it is practicable for him or her to do so.
- (2) A member shall not vote in respect of any contract or proposed contract with the Authority in which he or she is in any way interested, whether directly or indirectly.

9. APPOINTMENT OF COMMITTEES

- (1) The Council may appoint a committee of the Council to examine and report to it on any matter whatsoever arising out of or connected with any of its functions under this Act.
- (2) Any such committee shall consist of at least one member together with such other persons, whether members or not, whose assistance or service the Council may desire.
- (3) The Council may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Council may think fit.

10. POWER TO DELEGATE

Subject to the provisions of this Act, the Council may delegate to any member or committee of the Council the power and authority to carry out on its behalf such duties as the Council may determine.

11. REMUNERATION OF MEMBERS

- (1) There shall be paid from the funds of the Authority to the chairperson, and other members such remuneration, fees or allowances as the Governor General may determine.
- (2) Where persons, other than members, are members of a committee appointed under section 9, or where any person is co-opted under the provisions of section 7(7), the Authority may with the approval of the Minister by resolution declare any remuneration, fees or allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Authority.

12. APPOINTMENT OF GENERAL MANAGER

- (1) The Authority shall with the approval of the Minister and at such salary and upon such terms and conditions as it may determine, appoint a General Manager who shall be the chief executive officer of the Authority and shall exercise all the functions entrusted to him or her by this Act and any regulations and be present at all meetings of the Council unless he or she is instructed by the chairperson to withdraw from any meeting or he or she has obtained leave of absence from the chairperson or is incapacitated by illness or other cause from attending any meeting.
- (2) In the event of the absence of the General Manager, the Authority may by instrument in writing and with the approval of the Minister, appoint any person to act as General Manager during the period of such absence upon such terms and conditions as it may determine.

13. APPOINTMENT OF OFFICERS AND STAFF

- (1) The Authority may appoint at such remuneration and on such terms and conditions as it thinks fit such officers and staff as it considers necessary for the proper carrying out of its functions under this Act.
- (2) The persons so appointed shall perform such duties as may be assigned to them by the General Manager.

14. PUBLIC OFFICIALS

The members of the Council and the officers and staff of every description are public officials within the meaning of the Criminal Code.

15. ESTABLISHMENT AND MAINTENANCE OF PENSION SCHEME

- (1) Subject to the provisions of the National Insurance Corporation Act the Authority may, with the approval of and subject to such terms and conditions as may be imposed by the Minister, provide for the establishment and maintenance of a pension scheme for the benefit of its officers and staff.

- (2) Without prejudice to the generality of subsection (1), the pension scheme may enable the Authority to—
- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependents of, its officers and staff;
 - (b) establish contributory and superannuation schemes, and establish and contribute to superannuation funds for the benefit of its officers and staff;
 - (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such officers or staff such gratuities, pensions or allowances as are by this section authorised to be granted.

16. PROTECTION OF AUTHORITY

The validity of any act done or proceedings taken under this Act shall not be questioned on the ground of—

- (a) the existence of any vacancy in the membership of, or any defect in the constitution of, the Council;
- (b) the contravention by a member of the provisions of section 8; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

17. PROTECTION OF MEMBERS

Personal liability shall not attach to any member in respect of anything done or suffered in good faith under the provisions of this Act, and any sums of money, damages or costs which shall be recoverable against any such member in respect of any act or thing done in good faith for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Authority.

18. POLICY

- (1) The Minister may, in consultation with the chairperson, give to the Authority directions of a general character as to the policy to be followed in the performance of its functions in relation to matters appearing to him or her to concern the public interest.

- (2) The Authority shall furnish the Minister with such returns, accounts and other information as he or she may require with respect to the property and activities of the Authority, and shall afford to him or her facilities for verifying such information in such manner and at such times as he or she may reasonably require.

PART 3

DUTIES AND GENERAL POWERS, PROVISIONS RELATING TO LAND, PROPERTY AND UNDERTAKINGS OF THE AUTHORITY

19. POWERS AND DUTIES

- (1) Subject to the provisions of this Act, the Authority is hereby empowered to provide in accordance with the provisions of this Act and any regulations co-ordinated and integrated systems of airports, seaports and port services and to levy charges and dues for the use of the facilities and services provided.
- (2) Subject to the provisions of this Act, the Authority may for the purpose of performing any of its functions under this Act, do anything and enter into any transaction which in the opinion of the Authority, is necessary to ensure the proper performance of its functions.
- (3) In particular and without prejudice to the generality of the provisions of subsection (1) and (2), it is the duty of the Authority to—
 - (a) operate the ports as appears to it best calculated to serve the public interest;
 - (b) regulate and control navigation within the limits of such ports and their approaches;
 - (c) maintain, improve and regulate the use of such ports and the services and facilities therein as it considers necessary or desirable;
 - (d) provide for such ports and the approaches thereto such pilotage services, air traffic control services, beacons, buoys and other navigational services and aids as it considers necessary or desirable;
 - (e) exercise the duties and functions in any enactment relating to shipping, aviation and navigation formerly

exercisable by the Saint Lucia Port Authority and the Airport Division of the Ministry responsible for Communications and Works;

- (f) carry out exclusively the loading, unloading, landing and carrying of all goods to and from all ships and aircraft in a Port.

However, the Authority may, with the approval of the Minister, authorise in writing any person, corporation or other body to carry out the functions stated in this paragraph subject to such conditions and restrictions as the Authority may consider desirable.

- (g) administer the Shipping Act.

(Added by Act 15 of 2000)

20. COMPULSORY ACQUISITION AND VESTING OF LANDS

- (1) The Governor General, when and as often as land is required for the purposes of this Act, may acquire under the provisions of the Land Acquisition Act any lands, and may exercise all powers under the Act in relation to any acquisition or intended acquisition of such lands.
- (2) The Governor General may by order, vest any lands so acquired in the Authority. Any such order shall be published in the Gazette and shall vest the lands absolutely in the Authority as from its date, free from any encumbrances of any nature whatsoever.
- (3) This section does not prejudice the right of any person who has an interest in any lands acquired.

However, compensation for any lands acquired under this section is determined in accordance with the provisions of section 19 of the Land Acquisition Act save that the date at which such compensation is to be assessed is the date from which the declaration under section 3 of the said Act is published.

- (4) The Governor General may by order vest in the Authority any lands owned by the Crown upon such terms and conditions as he or she may consider fit.

- (5) With the approval of Cabinet the Authority may by order vest any lands owned by it in the Crown or any statutory authority.

21. POWER TO VEST RECLAMATIONS IN AUTHORITY

- (1) Any wharf, dock or other public work constructed by the Government along, across or extending out from the foreshore within the limits of a port and the land on which the same is constructed, any land reclaimed from the sea, and any part of the foreshore situate within these limits, may be vested in the Authority by the Governor General upon such terms and conditions as he or she may determine.
- (2) This section does not derogate from or interfere with the use of private rights and the payment of adequate compensation under any enactment providing for compensation.

22. APPARATUS NOT SUBJECT TO DISTRESS

When any apparatus, fixture or fitting is placed in or upon any premises which is not in the possession of the Authority for the purposes of carrying out the functions of the Authority, such apparatus, fixture or fitting shall not be subject to distress or be taken in execution under process of any court or any proceedings in bankruptcy against the person in possession.

PART 4 FINANCIAL

23. REVENUE OF AUTHORITY

- (1) The Revenue of the Authority shall consist of—
- (a) the sums received by the Authority in respect of dues and charges levied and payable under the provisions of this Act and any regulations; and
- (b) all other sums other than loans that may become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

- (2) All sums referred to in subsection (1) and all loans shall be paid into and placed to the credit of an account at a bank approved by the Minister.

24. APPLICATION OF REVENUE OF AUTHORITY

The revenue of the Authority in any financial year shall be applied in payment of the following charges—

- (a) the interest and other charges on, and provisions for repayment of, any loan payable by the Authority;
- (b) the sums required to be paid towards the repayment of any loan made to the Authority;
- (c) the remuneration, fees and allowances payable under this Act;
- (d) the salaries, remuneration, allowances, pensions, gratuities, provident fund and other superannuation benefits of the officers and staff, employed in or in connection with the activities carried on by the Authority;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of the property and installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;
- (f) such sums as the Authority may consider appropriate to set aside in respect of obsolescence and depreciation or renewal of the property or installations of the Authority;
- (g) the cost, or any portion thereof, of any new works, plant, or appliances not being a renewal of property of the Authority, which the Authority may determine to charge to revenue;
- (h) sums to be appropriated to the Reserve Fund established under section 29;
- (i) any other expenditure authorised by the Authority and properly chargeable to revenue.

25. TEMPORARY INVESTMENT OF FUNDS

- (1) The Authority may temporarily invest any of its funds not required to be expended in the meeting of its obligations or in the discharge of its functions.
- (2) All income from such investment shall be paid to the credit of the Authority's account as provided in section 23(2).

26. POWER TO BORROW

- (1) Subject to the provisions of this Act the Authority may for the purposes of this Act raise loans—
 - (a) from the Government; or
 - (b) with the consent of the Minister from any other source.
- (2) The power to borrow under this section may be exercised—
 - (a) to borrow and reborrow moneys by the creation, issue and sale of debentures or debenture stock or other security for the purpose of raising funds for the Authority for the effectual exercise by it of the powers conferred by this Act;
 - (b) to create and issue debentures or debenture stock or other security for any debentures or debenture stock or other security respectively issued in respect of moneys previously borrowed by the Authority, and not repaid;
 - (c) to create, issue and sell debentures or debenture stock or other security for the purpose of borrowing money for redeeming any loans owing by the Authority and for paying the expenses incurred in the creation and issue of the debentures or debenture stock or other security and otherwise carrying out the provisions of this Act;
 - (d) to effect any conversion authorised by this section either by arrangement with the holders of the existing debentures or debenture stock or other security, or by the purchase of the debentures or debenture stock or other security out of moneys raised by the sale of the debentures or debenture stock or other security or partly in the one way or partly in the other.

- (3) Without prejudice to the next following section, the power of the Authority to borrow under this section shall not be exercised unless a proposal in writing showing—
- (a) the amount and particulars of the proposed loan;
 - (b) the rate of interest to be paid on the loan;
 - (c) the source or sources from which the loan is to be obtained;
 - (d) the purposes to which the money proposed to be borrowed is to be applied; and
 - (e) the manner in which the loan is to be repaid; is first submitted to and approved by the Minister.

27. TEMPORARY BORROWING

The Authority may with the consent of the Minister, borrow by way of a temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require—

- (a) for the purpose of defraying expenses pending the receipt of revenues recoverable by it in respect of the period of account in which those expenses are chargeable; or
- (b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to be raised under section 26(1), expenses intended to be defrayed by any such loan.

28. GUARANTEE OF BORROWING OF AUTHORITY

- (1) With the approval of Parliament the Minister may guarantee, in such manner and on such conditions as he or she may think fit, the repayments of the principal of and the payments of interest and other charges on any authorised borrowing by the Authority.
- (2) Where the Minister is satisfied that there has been default in the repayment of any such principal or the payment of any such interest or other charges guaranteed under the provisions of this section he or she shall direct the payment out of the Consolidated Fund of the amount in respect of which there has been such default.

- (3) The Authority shall make to the Accountant General at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.
- (4) Subject to subsection (5), the Minister may, by notice published in the Gazette, on the recommendation of the Authority, declare any asset of the Authority, not critical to the daily operations of the airports and seaports, to be a secondary asset.
- (5) An asset shall be deemed to be a secondary asset 7 days after the date of publication of the notice under subsection (4).
- (6) The Minister may, by notice published in the Gazette, on the recommendation of the Authority withdraw an asset as a secondary asset.
- (7) Where a secondary asset is withdrawn pursuant to subsection (6), sufficient alternative guarantee or security must be provided by the Authority to a party in whose favour a guarantee or hypothec against the secondary asset has been affected, prior to the withdrawal of that asset as a secondary asset.
- (8) Despite the provision of subsection (1), the Authority may effect a guarantee or hypothec against a secondary asset of the Authority, without requirement for Parliamentary approval of such guarantee or hypothec, in such manner and on such terms as may be required in the circumstances and otherwise in accordance with this Act.

(Amended by Acts 8 of 2006 and 11 of 2006)

29. RESERVE FUND

The Authority shall establish and maintain a Reserve Fund which shall be dealt with and applied as the Authority may determine.

30. APPLICATION OF SURPLUS

Any balance at the end of the financial year resulting from the activities carried on by the Authority under this Act which is available after making full allowance for the matters enumerated in section 24 shall be paid to the credit of the Consolidated Fund.

31. BUDGET IN RESPECT OF FINANCIAL YEAR

- (1) The Authority shall cause to be prepared and shall adopt every year a budget in respect of the ensuing financial year.
- (2) The Authority may revise the budget so adopted at any subsequent meeting.
- (3) A copy of every budget and revised budget shall after adoption by the Authority be sent to the Minister.

32. ACCOUNTS

- (1) The Authority shall keep proper books of account in which shall be recorded all its transactions to the satisfaction of the Minister and shall prepare and retain financial statements in respect of each financial year.
- (2) The financial statements shall present a true and fair view of the financial position of the Authority and of the results of the operations of the Authority.

33. AUDIT

- (1) The accounts of the Authority shall be audited in each financial year by an independent qualified and experienced accountant appointed by the Authority.
- (2) The Council, officers and staff of the Authority shall grant to the Accountant appointed to audit the accounts under subsection (1) all books, deeds, contracts, accounts, vouchers or other documents which he or she may consider necessary to call for, and may require any person holding or accountable for any such document to appear before him or her and make a signed statement in relation thereto and may require from such person such information as he or she considers necessary.

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- (3) Any person to whom a request to produce a document or to enter an appearance and make and sign a statement or furnish information, who fails without reasonable excuse, to comply with such requisition, commits an offence under this Act and is liable on summary conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding 3 months.

34. ACCOUNTANT'S REPORT

Such accountant shall as soon as practicable and not later than 3 months after the end of each financial year send copies of the audited financial statements and the report thereon to the Authority.

35. REPORT TO THE MINISTER

- (1) The Authority shall as soon as practicable and not later than one month of the receipt of such financial statements and report as provided in section 34 submit a report to the Minister containing—
 - (a) such audited financial statements and report thereon; and
 - (b) a review of the activities of the Authority during the preceding financial year in such form as the Minister may direct.
- (2) The Minister shall cause a copy of the review together with a copy of the audited financial statements and the auditors' report to be tabled in Parliament within one month of receipt.

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PART 5

RESPONSIBILITY OF THE AUTHORITY AS A WAREHOUSER

36. LIABILITY FOR LOSS OF GOODS

Subject to the provisions of this Act or any regulations or of any contract, the Authority is not liable for the loss, misdelivery or detention of or damage to goods—

- (a) delivered to or in the possession of the Authority, otherwise than for the purposes of carriage and warehousing except where such loss, misdelivery, detention or damage is caused by want of reasonable foresight and care on the part of any person employed by or on behalf of the Authority;
- (b) accepted by the Authority for carriage or warehousing where such loss, misdelivery, detention or damage occurs otherwise than while the goods are intransit or being warehoused and is not caused by the want of reasonable foresight and care on the part of any person employed by or on behalf of the Authority.

However, the Authority shall in no case be liable for such loss, misdelivery, detention or damage arising from—

- (i) act of God,
- (ii) act of war or the Queen's enemies,
- (iii) arrest or restraint of princes or rulers, or seizure under legal process,
- (iv) act or omission of the consignor, consignee, or depositor, or of the servant or agent of any such person,
- (v) fire, flood, tempest, riots, civil commotion, strikes, lockouts, stoppage or restraint of labour from whatever cause, whether partial or general,
- (vi) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration or vermin,
- (vii) deficiency in the contents of unbroken packages,

(viii) unprotected cargo, insufficiency or improper packing or leakage from defective drums, containers or packages.

Further, where such loss, misdelivery, detention or damage occurs in relation to goods accepted by the Authority for carriage or for warehousing the limitation contained in section 37 shall apply. Any claim in respect of a single package shall not exceed \$1,000.

37. LIMITATION OF LIABILITY FOR LOSS

The liability of the Authority in respect of any goods accepted by the Authority for carriage or warehousing and in relation to which an account false in any material particular has been given under section 49, shall not in any case exceed the value of the goods as calculated in accordance with the description contained in such false account.

38. BURDEN OF PROOF IN PROCEEDINGS UNDER SECTION 36

In any proceedings to which the provisions of section 36 apply, it shall not be necessary for the person claiming damages or compensation to prove how the loss, misdelivery, detention or damage to goods was caused.

PART 6

SHIP AND AIRCRAFT DUES AND CHARGES, TARIFF BOOK

39. DUES AND CHARGES

Subject to the provisions of this Act and the regulations—

- (a) every ship which enters a port for the purpose of loading or unloading cargo or embarking or disembarking passengers or which occupies an anchorage or berth within a port; and
- (b) every aircraft which uses a port,

shall pay to the Authority the dues and charges in respect of such ship or aircraft and for any service performed or facility provided in respect of such ship or aircraft in accordance with the regulations under this Part.

40. PAYMENT OF DUES AND CHARGES

- (1) All dues and charges payable under this Part shall be paid at the prescribed time, and where no such time is prescribed such dues and charges shall be paid on demand.
- (2) All dues and charges payable under this Part shall be deemed to have been demanded when they become payable.
- (3) Any dues and charges, being in whole or in part, not paid to the Authority at the prescribed time or on demand, shall bear interest, after the expiration date when the payment is due and payable, at the rate of one percent per month or part thereof, or such other rate as may be prescribed by the Minister by order published in the Gazette.

(Substituted by Act 8 of 2006)

41. APPOINTMENT OF AGENT

Every ship and aircraft shall appoint an agent who shall be responsible for the payment of the dues and charges without prejudice to the recovery by the agent from the owner or person in charge of the ship or aircraft of such sums paid on behalf of any such ship or aircraft.

42. SECURITY FOR CHARGES

An agent who intends to incur a liability in respect of any of the sums mentioned in section 39 may deposit with the Authority, or guarantee such sums as are in the opinion of the Authority reasonable, having regard to the amount or probable amount of the sums which such agent is liable to pay to the Authority.

43. DETENTION BY AUTHORISED OFFICER

- (1) Where any sums mentioned in section 40 are owing in respect of any ship or aircraft, any officer authorised by the General Manager may with such assistance as he or she considers necessary enter such ship or aircraft and may arrest the ship or aircraft and the furniture, fixtures and equipment, and may detain it until the said sums are paid.
- (2) Where, after such arrest, such sums remain unpaid for a period of 7 days an officer authorised by the General Manager may

cause the ship or aircraft and the furniture, fixtures and equipment thereof arrested to be sold, and out of the proceeds of such sale he or she shall retain the amount necessary to meet the expenses of the detention and sale and shall after paying the amount of any sums which are owing to the Authority, deliver the balance to the agent.

- (3) Where any ship or aircraft in respect of which the sums mentioned in section 40 are owing and have not been secured as provided in section 42 leaves a port and enters or is in any other port, then such ship or aircraft may be dealt with as if such sums so owing and not secured as aforesaid were sums owing in respect of such other port.

44. CERTIFICATE OF AUTHORISED OFFICER REQUIRED BEFORE CLEARANCE REQUESTED

Before the person in charge of a ship or aircraft in a port shall obtain outward clearance from that port he or she shall first obtain from an officer authorised by the General Manager a certificate stating that—

- (a) all dues and charges in respect of the ship or aircraft and all penalties and expenses to which the ship or aircraft and the person in charge are liable under this Act or regulations have been paid or secured to the satisfaction of the person authorised by the General Manager; and
- (b) he or she has complied with the provisions of this Act and the regulations.

45. ALL GOODS CONSIDERED TO BE IN CUSTODY OF AUTHORITY

Despite anything enacted in the Customs (Control and Management) Act or in any other enactment all goods except the goods mentioned in section 136 of that Act shall on importation or exportation by sea or air be considered to be in the custody of the Authority.

46. POWER TO DETERMINE CONDITIONS, AND CARRIAGE OR WAREHOUSING OF GOODS OR OTHER SERVICE OR FACILITY

The Authority may subject to the provisions of this Act and any regulations determine—

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- (a) the conditions upon which goods shall be carried or warehoused and different conditions may be determined in different cases;
- (b) the charges for the carriage or warehousing of goods by the Authority and for any other service or facility performed or provided by the Authority.

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47. THE AUTHORITY MAY RETAIN GOODS UNTIL FREIGHT IS PAID

- (1) Where the agent of a ship or aircraft from which any goods have been landed at a port and accepted by the Authority for carriage or warehousing or for delivery to the consignee, notifies the General Manager in writing that the freight or other charges in respect of such goods remain unpaid, the General Manager shall retain the goods and refuse delivery of them to the consignee or any other person until—
 - (a) the payment of such freight or other charges in respect of such goods; or
 - (b) the production of a receipt for, or a release from, the payment of such amount signed, or purporting to be signed by or on behalf of the agent.
- (2) Where the Authority causes to be delivered any goods in respect of which a notice is given under subsection (1) to a person making such payment or producing such receipt or release as is referred to in paragraphs (a) or (b) of that subsection, the Authority shall be freed from all liability to any person in respect of the goods.
- (3) This section shall not be construed as requiring any person to take into the custody of the Authority any goods which would not otherwise be receivable by the Authority under the provisions of this Act or any regulation or as requiring the Authority to inquire into the validity of any claim made for freight or any other sums mentioned in any notice given by an agent under subsection (1).

48. CONSIGNOR OR CONSIGNEE LIABLE FOR PAYMENT OF CARRIAGE OR WAREHOUSING

The consignor of or the person tendering any goods for carriage or warehousing by the Authority, or the consignee of or person receiving any goods which have been carried or warehoused by the Authority, is liable in accordance with the regulations under this Part for the charges of such carriage or warehousing and any other services performed or facility provided by the Authority in respect of the goods.

49. DUTY TO DELIVER DESCRIPTION OF GOODS

- (1) The consignor of or the person tendering any goods for carriage or warehousing by the Authority, and, on request by the General Manager, the consignee of or person receiving any goods which have been carried or warehoused by the Authority, shall deliver to the General Manager the documents as prescribed in the regulations under this Part to enable him or her to determine the charges payable in respect of the carriage or warehousing or any other service performed or facility provided in respect of the goods.
- (2) The General Manager may, for the purpose of verifying the documents delivered under subsection (1) require such consignor, person or consignee, as the case may be, to permit him or her to examine such goods.
- (3) If such consignor, person or consignee fails to deliver the documents referred to in subsection (1) or to permit such goods to be examined as required in subsection (2), the General Manager may, in respect of the goods which are tendered for carriage or warehousing by the Authority, refuse to accept the goods for such carriage or warehousing unless in respect thereof a charge not exceeding the highest payable for any class of goods is paid.
- (4) If in respect of goods which have been carried or warehoused by the Authority, any document delivered under subsection (1) is found to be false in any material particular with respect to the description of any goods to which it purports to relate, the General Manager may refuse to deliver such goods unless in respect of warehousing or carriage of the goods, a charge not exceeding double the highest charge payable for any class of goods is paid without prejudice to any penalty that may be imposed under any other section of this Act.

50. POWER TO LEVY CHARGES

In respect of all goods in custody of the Authority under section 45, the General Manager is entitled to levy such charges as may be determined in accordance with the regulations made under this Act, and he or she may do all such reasonable acts and incur such reasonable expenses as are necessary for the proper custody and preservation of the goods, and the Authority shall have a lien on the

goods for such charges and any other expenses and shall be entitled to seize and detain the goods until such charges are fully paid.

51. EFFECT OF NON-REMOVAL OF GOODS

(1) Subject to the provisions of this section and without prejudice to the provisions of section 50 where any goods in the custody of the Authority and on any premises of the Authority are not removed therefrom within a period of 15 days from the time when the goods were placed in or on such premises the General Manager shall cause a notice to be served on the owner requiring him or her to remove the goods.

(2) Where—

- (a) the owner of any goods in the possession of the Authority is not known;
- (b) the notice referred to in subsection (1) cannot for any reason be served; or
- (c) there has been a non-compliance with the provisions of any notice served under subsection (1),

the General Manager, may within a reasonable time not being less than 6 weeks sell the goods by public auction after giving 7 days notice in the Gazette before the sale.

(3) Where the goods are perishable the General Manager may require their removal within a shorter period, not being less than 24 hours after the landing thereof or he or she may sell the goods without giving the said notice but shall as soon as practicable inform the owner of the action that has been taken.³

52. APPLICATION OF THE PROCEEDS OF SALE

The proceeds of any sale under section 51 shall be applied by the Authority as follows, and in the following order—

- (a) in the payment of any duty payable in respect of the goods;
- (b) in the payment of the expenses of sale;

³ *Editor's note:* Gazette notice 322/1972 declares some goods perishable and is liable to be sold by public auction within 15 days of importation.

- (c) in payment of the sums due to the Authority in respect of the carriage or warehousing and other service performed or facility provided in respect of the goods;
- (d) in payment of freight and other claims of which notice under the provisions of this Act has been given,

and by rendering the surplus, if any to the owner on demand, and if no such demand is made within one year from the date of the sale of the goods, by paying the surplus into the funds of the Authority, whereupon all rights to the same of the owner shall be extinguished.

53. COMPILATION OF DUES AND CHARGES AND TARIFF BOOK

- (1) Subject to the provisions of this Act, the dues, charges and conditions for any service or facility performed or provided by the Authority when determined, shall be in the form of regulations, and shall be first submitted to and approved by the Minister.
- (2) Such regulations shall have effect from the date of their publication or from such later date as may be specified therein.
- (3) Subject to the approval of the Minister, and without prejudice to subsection (1) and (2), the regulations shall be considered to have been made and be embodied in the Tariff Book as provided in accordance with subsection (4).
- (4) The Authority shall cause to be prepared and published in such manner as it may think fit—a “Tariff Book” containing all matters which under this Act or any regulation are required to be contained therein, together with such other matters as the Authority may determine.

PART 7 PILOTAGE

54. COMPULSORY PILOTAGE

- (1) Seaports are compulsory pilotage ports and all ships other than exempted ships, navigating whether by entering, leaving or moving within their limits shall be under the pilotage of an Authority pilot.

- (2) For the purposes of this section the following ships are exempted ships—
 - (a) ships belonging to Her Majesty;
 - (b) ships owned or operated by the Authority;
 - (c) pleasure yachts or fishing vessels;
 - (d) ferrying boats plying as such exclusively within the limits of a port;
 - (e) ships of less than 100 tons gross register;
 - (f) ships trading exclusively between seaports and other parts of the State;
 - (g) tugs, dredges, barges or similar vessels whose ordinary course of navigation does not extend beyond the limits of the State.
- (3) The General Manager may exempt from compulsory pilotage any ship in any particular case.

55. AUTHORITY TO EMPLOY PILOTS

- (1) Subject to the provisions of this Act, the Authority may employ such number of Authority pilots as it considers necessary or expedient for the purpose of providing an adequate and efficient pilotage service.
- (2) A person shall not be employed as an Authority pilot unless he or she is in possession of a valid licence to act as an Authority pilot issued under the provisions of section 60.
- (3) The Authority may require an Authority pilot to give a bond in favour of the Authority for the proper performance of his or her duties in such amount as the Authority determines.

56. APPOINTMENT AND FUNCTIONS OF THE PILOTAGE COMMITTEE

The Authority shall appoint a Pilotage Committee for the purpose of—

- (a) holding examinations and issuing, on behalf of the Authority, licences to act as an Authority pilot;
- (b) holding inquiries concerning the conduct of Authority pilots in the discharge of their duties;

- (c) making such arrangements as may be necessary for the training of persons selected for or in the pilotage service of the Authority;
- (d) investigating and advising on such matters as may be referred to the Committee by the Authority; and
- (e) carrying out such other functions as are conferred on the Pilotage Committee by this Act.

57. CONSTITUTION OF PILOTAGE COMMITTEE

- (1) The Pilotage Committee shall consist of—
 - (a) the General Manager who shall be the chairperson of the Committee; and
 - (b) four other persons who by reason of their knowledge of or experience in nautical matters, are, in the opinion of the Authority, fit and proper persons to be members of the Committee.
- (2) The appointment of a member of the Pilotage Committee shall be for any period not exceeding 3 years but such member shall be eligible for re-appointment on completion of every such period.
- (3) Three members of the Pilotage Committee constitute a quorum at any meeting of the Committee.
- (4) The chairperson of the Pilotage Committee shall preside at all meetings.

However, if the chairperson is absent from a meeting or any part of it, such member as the members of the Pilotage Committee present shall choose, shall preside in his or her place.
- (5) The chairperson or member presiding at any meeting of the pilotage Committee shall have a vote and, in the case of an equality of votes, a second or casting vote.
- (6) Members of the Pilotage Committee who are not employees of the Government or of the Authority may be paid, out of the funds of the Authority, such fees and allowances as the Authority may determine.

58. MEMBERS CONSIDERED TO BE PUBLIC OFFICIALS

The members of the Pilotage Committee are considered to be public officials within the meaning of the Criminal Code.

59. RULES

Subject to the provisions of this Act, the Authority may, make, vary or revoke rules for the purpose of regulating the meetings and proceedings of the Pilotage Committee.

60. EXAMINATION FOR LICENCE

- (1) The Pilotage Committee shall examine candidates for employment by the Authority as pilots and on being satisfied as to a candidate's general fitness and competency, including physical fitness, to act as an Authority pilot may, on behalf of the Authority, issue to him or her a licence to act as such, and such licence may contain such conditions as the Pilotage Committee may consider fit.
- (2) Every Authority pilot shall whenever the Pilotage Committee considers that, owing to changed conditions or for any other sufficient reason, the further testing of the knowledge, efficiency or physical fitness of any such pilot is necessary, present himself or herself for further examination, and shall in every such case first deposit with the Pilotage Committee his or her licence issued by the said Committee on behalf of the Authority to be returned or cancelled by the said Committee on behalf of the Authority as the result of such examination determines.
- (3) The Authority shall not continue to employ as an Authority pilot any pilot whose licence to act as such is cancelled as the result of any examination carried out or held under the provisions of subsection (2).
- (4) Any licence issued under the provisions of this section shall cease to be valid upon the termination of any Authority pilot's employment with the Authority.

61. ENQUIRIES BY PILOTAGE COMMITTEE

- (1) The Pilotage Committee may, and when directed by the Authority shall, hold an inquiry into the conduct of an Authority pilot where it appears that he or she commits misconduct affecting his or her capability or has failed in or neglected his or her duty or has otherwise become incompetent to act as an Authority pilot.
- (2) For the purposes of such inquiry, the Pilotage Committee may summon any person in the State to attend any meeting of the said Committee to give evidence on oath or produce any document or other thing in his or her possession and to examine him or her as a witness or require him or her to produce any document or other thing in his or her possession relative to the matters which are the subject matter of such inquiry.
- (3) Any person who—
 - (a) being summoned to attend any such inquiry, fails to do so;
 - (b) offers any act of disrespect or any insult or threat to the Pilotage Committee or any member during an inquiry; or
 - (c) being required by the Pilotage Committee to give evidence on oath or affirmation or to produce a document or other thing, refuses to do so,commits an offence and is liable on summary conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding 3 months.

62. SUBMISSION OF PILOTAGE COMMITTEE'S FINDINGS AND RECOMMENDATIONS TO AUTHORITY

- (1) Where the Pilotage Committee, after due inquiry in accordance with the provisions of this Part, and after hearing any statement that may be offered in defence, finds that an Authority pilot commits misconduct affecting his or her capability or has failed in or neglected his or her duty or has otherwise become incompetent to act as an Authority pilot, it shall submit to the Authority a copy of the record of the inquiry and its findings and recommendations in respect of the inquiry.
- (2) The Authority may, after considering the findings and recommendations of the Pilotage Committee, suspend or cancel

the licence of such Authority pilot, or impose such other punishment as the Authority may think fit.

- (3) Any Authority pilot who is aggrieved by any decision of the Authority made under the provisions of subsection (2) may, within 14 days from the date of such decision, appeal to the Minister whose decision shall be final.

63. LIABILITY OF THE OWNER AND PERSON IN CHARGE

The owner and the person in charge of a ship, navigating in circumstances in which pilotage is compulsory shall be answerable jointly and severally for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as it would if pilotage were not compulsory.

64. PILOTAGE COMMITTEE AND AUTHORITY NOT LIABLE FOR LOSS OR DAMAGE OCCASIONED BY PILOTS

- (1) The issue of a licence to an Authority pilot by the Pilotage Committee on behalf of the Authority under section 60 shall not impose any liability on the Pilotage Committee for any loss or damage occasioned by any act, omission or default of such Authority pilot.
- (2) Any Authority pilot whilst engaged in any pilotage act shall, although he or she may be employed at a salary by the Authority, be considered to be the servant only of the person in charge and owner of the ship under pilotage and neither the Authority nor the Authority pilot is liable for any loss or damage occasioned by any act, omission or default of such Authority pilot.

PART 8 SPECIAL PROVISIONS

65. SUPPLY OF INFORMATION

The person in charge of any ship or aircraft arriving in or departing from a port shall produce to the Authority such documents and supply such information in relation to the ship or aircraft, and the persons and goods carried on it, as the Authority may reasonably require.

66. POWER OF GENERAL MANAGER

- (1) Despite the provisions of any regulations made under section 73 the General Manager may—
 - (a) direct where any ship or aircraft shall be berthed, moored, anchored or parked and the method of anchoring of ships and parking of aircraft within a port and the approaches to a port;
 - (b) direct the removal of any ship or aircraft from any berth, station, anchorage or position to another berth, station, anchorage or position, and the time within which such removal is to be effected, within a port and the approaches to a port; and
 - (c) regulate the moving of ships and aircraft within a port and the approaches to a port.
- (2) In case of any refusal or neglect or of any failure to comply with any direction given under subsection (1), the Authority may, without prejudice to any proceedings being instituted against any person, cause to be done all such acts as are in its opinion reasonable or necessary for the purpose of carrying out such direction and may hire and employ such persons as it considers proper and necessary for such purpose.
- (3) All expenses incurred in doing such acts shall be paid and borne by the person or persons so offending.

67. POWER IN RESPECT TO WRECKS

- (1) The General Manager may—
 - (a) remove any wreck in or other obstruction to a port or its approaches, or any timber, raft or other thing floating or lying in a port, which endangers, or obstructs, or is likely to endanger or obstruct, the free navigation of the port or the use of any facility therein;
 - (b) in the case of urgent necessity take any action in a port which in his or her opinion may be necessary to prevent any danger to life or limb or damage to goods or premises;
 - (c) enter upon any ship or aircraft or into any building in a port if it is necessary for him or her to do so in the performance of any duty under this Act or any regulation

or if he or she has reasonable grounds for believing that an offence against this Act or any regulation has been, or is about to be committed.

However, this section shall not apply to accidents to aircraft in a port.

- (2) The owner of any wreck or other thing removed by the General Manager under the provisions of subsection (1)(a), without prejudice to any other action which may be taken against him or her, is liable to pay the reasonable expenses of such removal; such wreck or other thing shall be detained by the General Manager until such expenses and customs duties, dues or charges payable in respect thereof are paid.
- (3) Where any wreck or thing is removed under the provisions of subsection (1)(a) and the expenses of removal have not been paid within 7 days of such removal, the General Manager may cause such wreck or thing to be sold by public auction and shall out of the proceeds of sale retain the amount necessary to meet the expenses of such removal, detention and sale and any customs duties, dues or charges payable and shall retain the balance, if any, for the person appearing to him or her to be entitled.

68. FIRE ON BOARD SHIP OR AIRCRAFT

- (1) In the event of fire breaking out on board any ship or aircraft in a port, the General Manager may proceed on board such ship or aircraft with such assistance and persons as to him or her seem fit, and may give such orders as to him or her seem necessary for scuttling such ship or destroying such aircraft, or for removing such ship or aircraft or any other ship or aircraft, to such place as to him or her seems proper to prevent in either case danger to other ships or aircraft and for the taking of any other measures that appear to him or her expedient for the protection of life and property.
- (2) If such orders are not carried out by the person in charge of such ship or aircraft the General Manager may himself or herself proceed to carry them into effect.
- (3) Any expenses incurred in the exercise of the powers conferred by subsection (1) and (2) shall be recoverable from the person

in charge or the owner of the ship or aircraft concerned as a civil debt.

69. ACCIDENTS IN PORTS

- (1) Where any accident occurs in any port, then if that accident—
 - (a) is attended, or is of a kind usually attended, with loss of human life or with serious injury to person or property;
 - (b) involves any collision between ships or aircraft;
 - (c) is of such other kind as the Minister may specify,the Authority shall, as soon as practicable, give notice of the occurrence of the accident to the Minister.
- (2) The Authority may order such enquiry into any accident which occurs in any port as it may think fit and shall order an enquiry into any such accident when so required by the Minister.
- (3) The Authority shall present a report on any accident inquired into, setting out, inter alia, the probable cause of such accident and the steps if any, which have been taken or it has directed shall be taken with a view to avoiding a repetition thereof.
- (4) The Authority shall make to the Minister a return, in such form and at such intervals as the Minister may direct, of all accidents, occurring in any port, whether or not such accident is attended with injury to any person.

70. LIABILITY FOR DEMURRAGE OR OTHER CHARGES

The Authority is not liable for any demurrage or other charge which may occur or be due on any ship or aircraft, howsoever such charge may have been caused.

71. DELEGATION OF AUTHORITY

- (1) All acts, orders or directions under this Part or regulations under it authorised to be done or given by a particular officer of the Authority may be done or given by any other officer of the Authority authorised in writing on that behalf by the Authority or the General Manager.
- (2) Any person authorised to do any such act may call to his or her aid such assistance as is necessary.

72. NON-LIABILITY OF AUTHORITY

The Authority is not liable for any *mala fide* act, omission or default of the General Manager.

73. REGULATIONS

- (1) The Minister may, on the recommendation of the Authority, make regulations generally with respect to the maintenance, supervision, control and management of the ports and the approaches, and the services performed and the communication navigation and other facilities provided by the Authority and for the maintenance of order on any premises or in any ship, aircraft or vehicle in a port and the approaches and for the carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, regulations made under this section may contain provisions with respect to—
 - (a) the proper control and management of the foreshores of any port and the entrances thereof, the prevention and removal of obstructions therein and the regulation of any work, service or facility performed or provided thereat;
 - (b) the control of all persons and vehicles on such premises, the maintenance of order thereon and the admission or exclusion of persons therefrom and the charges, if any, to be made for such admission;
 - (c) regulating, controlling and prohibiting the doing or omission of any thing or class of thing within the boundaries of any port or any specified part or parts of any port either at all times and on all occasions or at any time or times or on any occasion or occasions;
 - (d) the regulation, restriction and control (without prejudice to the conduct of navigation) of the depositing of any substance, solid matter, article or thing polluting or likely to cause pollution of the waters of any port;
 - (e) the regulation of traffic and navigation of ships and aircraft within the limits and approaches to any port and all matters relating to the protection of life and property;
 - (f) the regulation of the mode and place of mooring, anchoring and berthing of ships and the parking of aircraft and the removal of ships and aircraft from a mooring, anchorage, berth or position to another mooring,

- anchorage, berth or position and the time within which the removal shall be effected;
- (g) the protection of ships and aircraft and their cargoes and the removal, destruction, sale or abandonment of stranded ships, aircraft and their cargoes and appurtenances which obstruct or are likely to obstruct the fairway or runway of any port, the payment of expenses including salvage incurred in connection therewith and the levy and recovery of a charge for the right of a hulk or wreck or wreckage to lie in any port;
 - (h) the examination, licensing, duties and obligations, and the conduct and discipline of Authority pilots and the charges to be paid for pilotage;
 - (i) the regulating of the times, places, order and mode of loading, unloading, warehousing, storing and the depositing of goods;
 - (j) the fixing of dues and charges payable in respect of any ship or aircraft, with different dues or charges being applicable in respect of different ships or aircraft or classes of ships or aircraft, the exemption or the remission thereof or part thereof;
 - (k) the fixing of the dues and charges payable in connection with the loading, unloading, carrying or warehousing of goods and for any service or facility performed or provided by the Authority including the exemption, refunding or remission of any such charges;
 - (l) the fixing of the dues and charges payable in respect of any other service or facility performed or provided by the Authority;
 - (m) the licensing of shipping agents, customs brokers, landing agents, forwarding agents, baggage and parcel agents, porters, contractors for supplies and victualling, and other persons concerned in or engaged in or performing any service or work in connection with the ports;
 - (n) anything required to be prescribed by this Act and any matter or thing in respect of which it may be necessary or expedient to make regulations to give effect to the purposes of this Act.

- (2) The Minister shall, on the recommendation of the Authority, make regulations generally for the conveyance, loading, unloading and storage of dangerous goods within the limits of the ports, and without prejudice to the generality of the foregoing, may make regulations with respect to—
- (a) the classification of goods as dangerous goods;
 - (b) the regulation of the navigation and place of berthing of ships and parking of aircraft carrying dangerous goods;
 - (c) the regulation and control of loading and unloading dangerous goods;
 - (d) the prohibition or subjection to conditions and restrictions of the conveyance of any kind of dangerous goods with any other kind of goods;
 - (e) the prohibition of the loading or unloading of dangerous goods at places where such loading or unloading appears dangerous to the public;
 - (f) the fixing of places and times at which dangerous goods are to be loaded and the quantity to be loaded or unloaded at any one time;
 - (g) the regulation of the mode and the precautions to be observed in conveying or keeping dangerous goods and in the loading or unloading of the same;
 - (h) the protection, whether by means similar to those abovementioned or not, of persons and property from danger generally.
- (3) Subject to the provisions of any enactment relating to merchant shipping, or air navigation, the Minister may, on the recommendation of the Authority, make regulations with respect to—
- (a) the taking of measures for the prevention of ships or aircraft from leaving any port if overloaded, improperly loaded, found insufficiently manned or without qualified officers or engineers or with a number of passengers in excess of the number that can be carried with reasonable safety; or if otherwise not seaworthy or airworthy, as the case may be;
 - (b) the examination, certification and licensing of masters, mates and engineers of ships and of pilots of aircraft, and the licence fees payable in respect thereof;

- (c) the inspection, licensing, registration or certification of ships and aircraft the charges to be paid therefor and the number of passengers to be carried therein.
- (4) Regulations made under this section in relation to the use of roadways in any port, shall take effect although such roadways may be roads which are subject to the Motor Vehicles and Road Traffic Act, and regulations thereunder.
- (5) Despite anything enacted in the Interpretation Act, regulations may provide that any breach or contravention of any such regulations shall be punishable on summary conviction by a fine not exceeding \$2,000 or by a term of imprisonment not exceeding 6 months or by both such fine and imprisonment.
- (6) All regulations made under this Act shall be subject to negative resolution of Parliament within 6 weeks.

PART 9

THE SAINT LUCIA PORT POLICE

74. CONSTITUTION OF BODY OF PORT POLICE, ITS RESPONSIBILITY AND THE DUTIES OF PORT CONSTABLES

- (1) There is hereby constituted for the purposes of this Act a body of Police to be known as the Saint Lucia Port Police.
- (2) The Saint Lucia Port Police shall be under the general command and superintendence of the Commissioner of Police and shall consist of such number of port constables as may be determined by the Authority.
- (3) It shall be the responsibility of the Saint Lucia Port Police and the duty of every port constable—
 - (a) to prevent crime and maintain order within the ports;
 - (b) to protect and ensure the safety of goods and other property within the ports;
 - (c) to prevent persons from boarding any ship or aircraft without the permission of the person in charge and if necessary to remove any person from such ship or aircraft;
 - (d) to assist in the enforcement of the provisions of any law relating to quarantine and immigration;

- (e) to assist in the detection and prevention of contraventions of the revenue and customs laws; and
- (f) generally to assist in the enforcement of the provisions of this Act and the regulations.

75. APPOINTMENT OF PORT CONSTABLES, STANDING ORDERS, ETC

- (1) The Authority may, after consultation with the Commissioner of Police and subject to standing orders made by the Authority, appoint persons to be port constables.
- (2) Such standing orders shall provide for the terms and conditions, and the suspension and termination, of appointment of persons as port constables.
- (3) Every port constable shall in the execution of his or her duty under section 74, have all the protection, exercise all the powers, and be liable to the same responsibilities and discipline as a police officer.
- (4) Assaulting or obstructing a port constable in the execution of his or her duty shall be punishable in the same way as assaulting or obstructing a police officer in the execution of his or her duty.

PART 10 OFFENCES

76. DAMAGING PROPERTY LIKELY TO ENDANGER LIFE

Any person who unlawfully damages or in any way interferes with any lighthouse, buoy, beacon, ground light or other property of the Authority in such manner as to endanger, or as might endanger, the life of any person, commits an offence and is liable on conviction to imprisonment for a term not exceeding 10 years.

77. ENDANGERING SAFETY OF OTHER PERSONS

Any person, whether on duty or lawfully employed or not, who on any premises of the Authority or upon any ship aircraft or vehicle in a port, endangers the safety of any other person by—

- (a) contravening any of the provisions of this Act or of any regulations;
- (b) contravening any lawful order, direction or rule given to such person, or made in respect of his or her service;
- (c) being under the influence of alcohol or drugs; or
- (d) any rash or negligent act,

commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

78. FAILURE TO COMPLY UNDER DIRECTIONS OF SECTION 66

Any person who, without lawful excuse refuses or neglects to obey any direction given under section 66 or under any regulation made under Part 8 commits an offence and is liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

79. FAILURE TO EMPLOY AUTHORITY PILOT

If any ship is navigated in circumstances in which pilotage is compulsory and such ship is not under the control of an Authority pilot, the person in charge of it commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or in default of payment to imprisonment for a term not exceeding 3 months.

80. FAILURE TO COMPLY WITH SECTION 65

Any person in charge of a ship or an aircraft who fails to comply with the provisions of section 65 or gives any information which is false in any material particular, commits an offence and is liable on summary conviction to a fine not exceeding \$500 or in default of payment thereof to imprisonment for a term not exceeding 3 months.

81. OFFENCE WHERE AUTHORISED OFFICER REFUSED ENTRY

Any person in charge of a ship or an aircraft who without lawful excuse refuses to allow an officer authorised by the General Manager to enter his or her ship or aircraft in contravention of section 67(1)(c) commits an offence and on summary is liable to a fine not exceeding

\$500 or in default of payment thereof to imprisonment for a term not exceeding 3 months.

82. FALSE RETURNS

Any person who, in any return, claim or other document required or authorised to be made under this Act or any regulations, makes, either knowingly or recklessly, any statement which is false in any material particular commits an offence and is liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

83. EVASION OF DUES AND CHARGES

A person, who by any means whatsoever eludes or evades or attempts to elude or evade any dues or charges leviable under this Act or regulations, commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

84. DEMANDING IMPROPER AMOUNT

Any person who, with intent to defraud, demands or receives from any person delivering goods for carriage or warehousing by the Authority, or from any other person making use of the facilities provided by the Authority, any greater or lesser amount than he or she should demand or receive on summary conviction is liable to a fine of \$1,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

85. MISCELLANEOUS OFFENCES

Any person who—

- (a) being on any premises of the Authority or on any ship, aircraft or vehicle in a port—
 - (i) refuses when called upon by an officer authorised by the General Manager, police officer or port constable, to give his or her name and address or gives a false name or address for the purpose of avoiding prosecution,

- (ii) without lawful excuse the proof of which lies on him or her, discharges any firearm or does anything which may cause injury to any person on such premises, or upon such ship, aircraft or vehicle,
- (iii) without lawful excuse contravenes any direction given by any officer authorised by the General Manager;
- (b) defaces the writing on any board or notice authorised to be maintained upon any premises of the Authority or upon any ship, aircraft or vehicle in a port;
- (c) damages or interferes with any property of, or goods in the custody of, the Authority;
- (d) wilfully obstructs or impedes any other person in the discharge of his or her duties arising out of his or her employment with the Authority; or
- (e) gives or offers to any other person any inducement in cash or otherwise for the purpose of avoiding payment of any sum due to the Authority,

commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

86. POWERS OF ARREST

- (1) Any person who commits any offence mentioned in sections 76, 77 or 85 may be arrested without warrant by any officer authorised by the General Manager, police officer or port constable.
- (2) Any person who commits any offence against this Act or regulations other than an offence mentioned in subsection (1) may be arrested by any officer authorised by the General Manager, police officer or port constable if—
 - (a) there is reason to believe that such person will abscond;
 - (b) he or she refuses on demand to give his or her name or address; or
 - (c) there is reason to believe that the name or address given by him or her is incorrect.

However, where there is reason to believe that such person will not abscond, he or she shall, if his or her true name and address are ascertained, be released on his or her executing a bond for his or her appearance before a magistrate when required.

87. PLACE OF TRIAL

Any person charged with any offence against this Act other than an offence mentioned in section 76 or 82, may be proceeded against, tried and punished in any place in which he or she may be in custody for that offence as if the offence had been committed in such place; and the offence shall for the purposes incidental to, or consequent upon, the prosecution, trial or punishment thereof, be considered to be committed in that place.

However this section does not preclude the prosecution, trial and punishment of such person in any place in which, but for the provisions of this section, such person might have been prosecuted, tried and punished.

88. GENERAL MANAGER MAY CONFER POWER ON OFFICERS

The General Manager may, by notice in writing authorise any officer of the Authority to maintain order upon any premises used by the Authority or on any ship, aircraft or vehicle in a port and any officer so authorised shall, in the performance of such duty, have all the powers, rights, privileges and protection of a police officer.

PART 11 LEGAL PROVISIONS

89. NOTICE OF CLAIMS

Despite anything contained in any enactment—

- (a) a person is not entitled to compensation or damages for non-delivery of the whole of a consignment of goods, or of any separate package forming part of such consignment, accepted by the Authority for carriage or warehousing unless a claim in writing, giving such particulars as may reasonably be necessary is given to the

General Manager within 6 months of the date upon which such goods were accepted by the Authority;

- (b) a person is not entitled to compensation or damages for any goods missing from a packed or unpacked consignment or for misdelivery or detention of, or damage or delay to any goods accepted by the Authority for carriage or warehousing unless—
 - (i) the General Manager is notified of such fact in writing within 7 days of the date upon which such goods were delivered to the consignee or person entitled to take delivery of them, and
 - (ii) a claim in writing, giving such particulars as may reasonably be necessary, is given to the General Manager within one month of such date.

90. LIMITATION

Where, after the commencement of this Act, any legal proceeding is commenced against the Authority for any act done under, or execution or intended execution of this Act, or regulations or of any public duty or authority imposed or conferred by this Act or any regulations, or in respect of any alleged neglect or default in the execution of this Act, such regulations or of any such duty or authority, the following provisions shall have effect despite anything contained in any enactment, that is to say—

- (a) the legal proceeding shall not be commenced until at least one month after written notice containing the particulars of the claim, and of the intention to commence legal proceeding, has been served upon the General Manager by the plaintiff or his or her agent;
- (b) the legal proceeding shall not lie or be instituted unless it is commenced within 12 months next after the act, neglect or default or damage complained of, or in the case of a continuing injury or damage within 6 months next after the cessation.

91. RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE AUTHORITY

- (1) Despite anything to the contrary in this Act or any regulations or in any other enactment or in regulations made under any other enactment, where any judgment or order of any Court or any award of an arbitration or tribunal has been obtained against the Authority for or in respect of anything done or omitted to be done under the provisions of this Act, and any regulation, any contract or otherwise for or in respect of the Authority or its purposes—
 - (a) execution or attachment or process in the nature thereof shall not be issued against the Authority, but such amounts as may by the judgment or order, be awarded against the Authority shall be paid by the Authority from its funds to the person entitle;
 - (b) property of the Authority shall not be seized or taken by any person having by law power to attach or distrain property.
- (2) The provisions of subsection (1) shall not apply where a guarantee or hypothec is effected against a secondary asset of the Authority.

(Amended by Act 8 of 2006)

92. OVERPAYMENT OR UNDERPAYMENT OF DUES AND CHARGES

Where the amount paid in respect of any dues or charges, is found to be incorrect, then if such amount is—

- (a) overpaid, the person who overpaid any such amount then is entitled to a refund of the amount so overpaid;
- (b) underpaid, the amount of such underpayment may be collected from the person who made such payment.

However, despite anything contained in any enactment such overpayment or underpayment shall not be refunded, or collected, as the case may be, unless notice in writing containing such particulars as may reasonably be given—

- (a) by the person claiming such overpayment, to the General Manager; or

- (b) by the General Manager, to the person against whom the underpayment is claimed,

within 6 months after the goods were accepted or the the services rendered, as the case may be, by the Authority so, however, that where such underpayment is caused by information or description subsequently found to be incorrect, such period of 6 months shall commence from the date of the discovery by the General Manager of the correct information or description.

PART 12

MISCELLANEOUS AND GENERAL

93. TRANSFER OF ASSETS, LIABILITIES, FUNCTIONS, ETC

- (1) Upon commencement of this Act—
- (a) all lands and other property vested immediately before the commencement of this Act in the Saint Lucia Port Authority are hereby transferred to and vested in the Authority without further assurance;
 - (b) all lands of the Crown within the boundaries of the airports and such warehouses, buildings, machinery, plant tools and other property within the boundaries of the airports as were the property of the Crown immediately before the commencement of this Act are hereby transferred to and vested in the Authority without further assurance.
- (2) All rights, privileges and advantages and all the obligations to which, immediately before the commencement of this Act the Saint Lucia Port Authority was entitled or subject to as the case may be, are hereby transferred to and conferred or imposed on the Authority for the purposes of this Act.
- (3) All rights, privileges and advantages and all the obligations to which, immediately before the commencement of this Act the Government was entitled or subject to, as the case may be, in respect of its responsibility for the airports are hereby transferred to and conferred or imposed on the Authority for the purposes of this Act.
- (4) A reference in any deed, contract, bond or security or other document subsisting immediately before the commencement of

this Act against or in favour of the Saint Lucia Port Authority or of the Government in respect of its responsibility for any airport shall have full force and effect against or in favour of the Authority and be enforceable as fully and effectually as if, instead of the Saint Lucia Port Authority or the Government or any person acting on behalf thereof, the Authority had been named therein and had been a party thereto.

- (5) The Authority may, with the approval of the Minister, sell, transfer, or dispose of any secondary asset as it deems necessary.

(Amended by Act 8 of 2006)

94. TRANSFER OF OFFICERS AND SERVANTS

- (1) The Public Service Commission may approve the transfer and appointment of an officer from the Public Service to the Service of the Authority or from the Service of the Authority to the Public Service.
- (2) Where a transfer and appointment has been approved under subsection (1) arrangements shall be made by the Government or the Authority to pay to the Government or the Authority as the case may be, such contributions as may be provided for in the rules made by the Minister in respect of pensions and gratuities and any such rules may make provision in different classes of cases.

95. EXEMPTION FROM DUTIES AND TAXES

Despite the provision contained in any other law the Authority is not liable to pay any import duty, stamp duty, income tax, municipal tax, rate or any other duty or tax whatsoever.

96. SAVINGS, AIRPORT CHARGE

- (1) Despite the repeal by this Act of the Airport Service Charge Act 1969, the provisions of that enactment and of any subsidiary legislation made under it, subject to subsection (2), remains in force as regulations and are subject to modification by regulations under this Act.

- (2) Any airport service charge collected after the coming into operation of this Act shall be paid or caused to be paid by the collector to the Authority as part of the revenue of the Authority under the provisions of section 23(1).

97. OTHER SAVINGS

Despite the repeal by this Act of any other enactment specified in Schedule 2, any subsidiary legislation made under any such enactment remains in force as regulations and are subject to modification by regulations under this Act.

98. LANDING PARKING

Regulation 3(1) of the Air Navigation (Landing and Parking Fees) Regulations, 1973, as amended and in force immediately before the commencement of this Act, shall after commencement of this Act continue in force as if made under this Act and is considered to be part of the Tariff Book prepared and published under section 53.

99. POWER TO KILL ANIMALS FOUND TRESPASSING

Despite any law in force to the contrary, it is lawful for any police officer or port constable or any other person authorised in writing on that behalf by the General Manager to destroy by shooting any animal found trespassing on any port.

100. SUSPECTED PERSONS

Any person suspected of having contravened or of being about to contravene any of the provisions of, or regulations made under this Act shall upon being requested to do so by a police officer or port constable or by any other person authorised on that behalf in writing by the General Manager correctly state his or her name and address and the purpose of his or her being at the port, and upon his or her failure so to do may be removed from the port or any part thereof by such police officer, port constable or person authorised by the General Manager, as the case may be.

101. REMOVAL OF PERSONS AND THINGS

Any person found contravening any provision of or regulation made under this Act, and any vehicle, animal or thing found in the area in contravention of any such provision or regulation, may be removed from the area to which the provision or regulation applies by a police officer or port constable or by any other person authorised in that behalf in writing by the General Manager; and upon conviction for any such contravention before a magistrate, the owner or person in charge of any such vehicle, animal or thing may in addition to any other penalty be ordered by the magistrate to pay the cost of such removal.

102. BONDED WAREHOUSE

- (1) If any warehouse of the Authority is approved and appointed under any enactment relating to customs, the Authority may give general security by bond or otherwise for the payment of the customs duties payable in respect of goods stored in such bonded warehouse or for the due exportation of such goods.
- (2) When such security has been given by the Authority, a further security shall not be required by the Comptroller of Customs from any other person to the same effect.
- (3) This section shall not be taken however to absolve any person who is liable to pay duties from paying any such duty as he or she would be compelled to pay in respect of any such goods.

103. GENERAL MANAGER'S FIAT

Proceedings for offences arising out of the provisions of this Act shall be instituted in writing by the General Manager or by any officer duly authorised by him or her in writing.

104. PROOF

In any proceedings for any offence, the averment that such offence was committed within the limits of a port is sufficient without proof of such limits, unless the contrary is proved.

105. RECOVERY OF SUMS

In addition to any other remedy given under this Act, all dues, charges, compensation, damages, costs, expenses or other sums due to the Authority under the provisions of this Act may be recovered by the Authority as a civil debt.

106. MONIES RECOVERED TO BE PAID INTO ACCOUNT OF THE AUTHORITY

All fines, compensation, damages, costs or other sums directed to be paid in respect of any offence, proceeding or matter arising out of the performance of the duties powers and functions of this Act or any regulations shall be paid into the account of the Authority.

SCHEDULE 1

(Section 2)

PART 1

The limits for George F. L. Charles Airport are defined as follows—

Commencing from a point north of the junction of Gros Islet Road with Nelson Mandela Drive and 95.9 feet from this junction, and proceeding in azimuth 255° for a distance of 155 feet along a parcel belonging to Heirs Thomas Butcher, then (in the same azimuth) for a distance of approximately 50 feet across an inoperative road reserved, then for 674.6 feet along a parcel belonging to E. W. Harris, then along a parcel belonging to Heirs Demile Thomas, then along the northern edge of the continuation of L'Anse Road to within the vicinity of the sea, all in azimuth 255° and for a total distance of 5,800 feet; then in azimuth 345° for a distance of 300 feet; then in azimuth 75° for approximately 250 feet against Vigie Lot No. 47, then for approximately 130 feet against Vigie Lot No. 46, then along the vicinity of Choc Bay, then along the southern side of Vigie Road up to its junction with Choc Cemetery Road all in azimuth 75° and for a total distance of 5,800 feet; then in

azimuth 165° along western edge of Choc Cemetery Road for a distance of 300 feet to the point of commencement which demarcation is described by a wire fence and which encloses an area of approximately 4 acres.

PART 2

The limits of Hewanorra Airport are defined as follows—

Beginning at the junction of the Vieux-Fort—Laborie Road with the Vieux-Fort Village Road and following the Vieux-Fort Village Road in an easterly direction up to where it turns into Dock Road; then continuing along a line still going east, following a channel for part of the way, meeting the Beane Field Road, off Dock Road, in the vicinity of the eastern end of the runway; then following this road round the eastern end of the runway to its junction with the Terminal Building Road; then along the Terminal Building Road in a westerly, then in a north-westerly direction for approximately 3,100 feet; then in azimuth 285° for a distance of approximately 950 feet, then in azimuth 225° for a distance of approximately 3,050 feet to the Vieux-Fort—Laborie Road and then along the Vieux-Fort—Laborie Road in a southerly direction to its junction with the Vieux-Fort Village Road which is the point of commencement; all of which boundary is delineated by a wire fence and encloses an area of approximately 230 acres.

PART 3

The limits of the Seaport of Castries are defined as follows—

From latitude $14^{\circ} 01' 24''$ N longitude $61^{\circ} 00' 05''$ W hence in the true direction of 301° T for one mile, thence in the direction of 211° T for 1.2 miles, thence in the direction of 121° T for .88 miles to La Toc Point at latitude $14^{\circ} 00' 30''$ N longitude $61^{\circ} 00' 46''$ W thence along foreshore at the average high water mark from La Toc Point around La Toc Bay to Tapion Point, thence along to Cocoa Point, thence along to Pointe Bananes, thence along to the Castries River mouth and thence to the opposite bank including all marine works, wharves and property vested in the Crown. All around the bay to Serafin Point, thence all around the bay to Vieille Ville Point, thence to

St. Victor Point and thence all around the shore to Vigie Point and then to latitude $14^{\circ} 01' 24''$ N longitude $61^{\circ} 00' 05''$ W.

Being the area that includes all waters and ocean bed to the average high water mark of Castries Harbour lying within the defined limits so described.

(Substituted by S.I. 66/1994)

PART 4

The limits for the Seaport of Vieux-Fort are defined as follows—

From Mathurin Point Latitude $13^{\circ} 42' 34''$ N Longitude $60^{\circ} 57' 30''$ W hence in the true direction of 319° T for 1.43 miles to Georgia Point Latitude $13^{\circ} 43' 39''$ N Longitude $60^{\circ} 58' 27''$ W, thence along the foreshore at the average high water mark to Battery Point, thence to Noir Point and thence to Mathurin Point being the area that includes all waters and ocean bed up to the average high water mark of Vieux-Fort Harbour and Marine works and upland vested in the Crown for port use lying within the defined limits so described.

SCHEDULE 2

(Section 96)

Airports Act, 1965

Port Authority Act, 1972

SAINT LUCIA AIR AND SEAPORTS AUTHORITY (SEAPORT TARIFF) REGULATIONS – SECTION 53

(Statutory Instruments 13/1985 30/1998, 32/1999, 23/2001, 97/2002, 38/2003 and 45/2003)

Commencement [15 February 1985]

1. SHORT TITLE

These Regulations may be cited as the Saint Lucia Air and Sea Ports Authority (Seaport Tariff) Regulations.

2. INTERPRETATION

In these Regulations, unless the context otherwise requires—

“**Act**” means Saint Lucia Air and Sea Ports Authority Act;

“**Authority**” means the Saint Lucia Air and Sea Ports Authority incorporated under the Act;

“**authorised officer**” means a person authorised by the General Manager to exercise powers or perform the duties in respect of which the expression is used;

“**blaster**” means in relation to a ship any person (other than an Authority Pilot) having charge of a ship;

“**charter yacht**” means a yacht propelled by sail, power or otherwise plying for hire or reward and includes in its meaning master, owner or agent thereof;

“**cargo**” means all kinds of movable property including animals;

“**cargo handling**” means the manipulation of cargo from ship’s hook to place of rest or delivery or *vice versa*;

“**containers**” means a shipping container suitable for shipping or storing a number of smaller containers, packages, pieces or bulk material that confines and protects the content from loss or damage, can be handled in transit as a unit and is large enough to require mechanical handling; It shall not measure less than 320 cu. ft.;

- “**Council**” means the Council appointed under the provisions section 4 of the Act;
- “**documents**” means documents used in connection with ships and cargo;
- “**exports**” means cargo loaded or intended to be loaded into a ship in a port;
- “**free period**” means the specified period during which cargo may be stored within a terminal facility free of storage charges;
- “**General Manager**” means the General Manager of the Authority and includes any person appointed to act as General Manager or any Authorised Officer delegated by the General Manager to carry out any duty arising from the implementation of the Tariff;
- “**gross registered tonnage**” means the highest gross registered tonnage of a ship as shown in Lloyds Register or similar register or from the ship’s registration papers;
- “**imports**” means cargo other than transshipment cargo or overlanded cargo discharged at a port from a ship;
- “**N.O.S.**” means Not Other-wise Specified;
- “**owner**” when used in relation—
- (a) to cargo, includes any consignee, consignor, shipper or agent of the owner for the sale, custody, loading, handing, discharge or delivery of such cargo;
 - (b) to any ship, includes any part owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of such a person;
- “**passenger**” means a person, other than a stowaway being carried on a ship, who is not a member of the crew of that ship;
- “**port users**” means ships, owners of cargo and any other person or persons using a port or terminal facility;
- “**pilot**” means a pilot employed by the Authority under the provisions of section 55 of the Act;

“**place of rest**” means a location designated by the General Manager within a terminal facility where cargo may be placed and allowed to remain whilst awaiting delivery or loading on board a ship;

“**private yacht**” means any ship used for recreation not plying for hire or reward and includes its master, owner or agent thereof;

“**port**” means the Seaport of Castries or the Seaport of Vieux-Fort as defined in the Act;

“**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 its master, owner or agent;

“**ship’s hook**” means the point of transfer from ship to a terminal facility or *vice versa*;

“**shifting of a ship**” means the moving of a ship from one point to another within a port at the request of the Authority, master, agent or owner;

“**stevedoring**” means the on-board operation of discharging, loading or restowing cargo in a ship;

“**storage charge**” means the penal charge made on cargo remaining in a terminal facility after the expiry date of any free period;

“**tariff**” means the Tariff Book and regulations under section 53 of the Act;

“**T.E.U.**” means 20 foot equivalent unit when used in connection with containers;

“**terminal facility**” means any equipment, premise or area provided by the Authority for the interchange of cargo from ship to shore or *vice versa*;

“**ton**” means 2,000 lbs. or 40 cubic feet;

“**transshipment**” means cargo declared as such in a port and brought in by a ship from outside Saint Lucia for the purpose of reshipment to a foreign place;

“**vehicle**” means any vehicle towed or propelled by any means whatsoever for the portage of cargo or persons otherwise than by sea;

“**tug**” means a tug owned or chartered by or otherwise under the control of the Authority.

3. FIXING OF DUES AND CHARGES

The dues and charges set out in Schedules 3, 4, 5, 6, 7, 8 and 9 are hereby fixed and subject to the conditions specified in Schedule 1 and also subject to the general provisions of Schedule 9, shall be paid to and collected by the Authority.

SCHEDULE 1

CONDITIONS GOVERNING APPLICATION OF THE TARIFF IN ACCORDANCE WITH SECTION 16 OF THE ACT

The dues and charges as published in this Tariff shall be subject to the undermentioned conditions—

1. APPLICATION OF TARIFF AND SUPPLEMENTS

The dues, charges and conditions whether general or special in the tariff apply equally to all users of all traffic in any port or terminal facilities owned, operated or administered by the Authority under the jurisdiction of the General Manager on and after the effective date of the Tariff or any supplements to it.

The General Manager by delegation from the Council is the sole judge as to the application of the Tariff and shall decide priorities as it appears to him or her best calculated to serve the public interest and in such a manner that no undue advantage may be gained or disadvantage suffered by any port user or class of port user having regard to the use of the port by other port users or other classes of port users.

2. OTHER DUES AND CHARGES

The General Manager may fix the dues or charges to be paid in respect of any matter not included in the Tariff and for that purpose he or she shall take into account the total cost of any service provided by the Authority in respect of that matter and the nature of that service.

3. ADJUSTMENT OF DUES AND CHARGES

The General Manager may where the circumstances of the case are unusual or exceptional make such adjustment to the dues or charges in the Tariff as the case may in his or her opinion require.

4. APPEALS

An appeal may be made to the Council on any ruling given by the General Manager on the tariff.

5. CONSENT TO THE TERMS OF THE TARIFF

The use of a port or terminal facility under the jurisdiction of the General Manager constitute a consent to the terms and conditions of the dues and charges in the Tariff and evidence of an agreement on the part of port users to pay all dues and charges specified in the tariff and be governed by the regulations in it.

6. GENERAL RESTRICTIONS

The Authority is not obliged to—

- (a) provide storage or accommodation for cargo which has not been transported nor is intended to be transported by water to or from a port;
- (b) provide any service beyond the reasonable capacity of the terminal facilities available at that time;
- (c) provide extended storage for cargo, beyond any free storage period provided for in the tariff; and
- (d) accept any cargo which in the opinion of the General Manager is considered undesirable.

7. FURNISHING DOCUMENTS

All port users shall furnish the General Manager with copies of inward and outward manifests and any other documents showing such information as may be reasonably required by the General Manager at such time and in such a manner as may be stipulated by him or her.

8. PAYMENT OF BILLS

All dues and charges assessed under the Tariff are due as they accrue and are payable within 15 calendar days after presentation of invoices. The Authority reserves the right in the event of a delay or failure to pay invoices when due to demand payment of dues or

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charges in advance before further services are performed or facilities used.

The Authority does not recognise individual owners of cargo and shall not attempt to collect dues and charges on behalf of the ship. The Authority shall be paid when such dues and charges are due regardless of when the ship is reimbursed.

9. DEPOSITS

The Authority may require a deposit for all dues and charges in advance which may accrue against a port user for the use of a port or terminal facility; such use may be denied until such advance payments or deposits are made.

Cash deposits required from ships—

(i) per ton unloaded	\$ 35
(ii) per ton loaded	\$ 20
(iii) containers per T.E.U.	\$ 800
(iv) tankers and bulk carriers per ton	\$ 10
(v) passenger ships	
(a) under 8,000 GRT per ship	\$ 750
(b) 8,000 GRT and over per ship	\$1,500

10. APPOINTMENT OF AN AGENT

Every ship shall appoint an agent who is responsible for the payment of dues and charges without prejudice to the recovery by the agent from the owner or person in charge of the ship of such sums paid on behalf of any such ship.

11. LIEN FOR DUES AND CHARGES

- (1) Where any dues or charges payable under the tariff have not been paid within the period or at the time or place stipulated for their payment, the Authority may—
 - (a) in the case of cargo in the port detain the cargo;
 - (b) in the case of cargo on board a ship, seize the cargo and detain it; and

- (c) in the case of a ship detain the ship and appurtenances.
- (2) Where any cargo in respect of which charges are due and payable is removed from the port the General Manager may so long as the charges due remain unpaid detain any other cargo standing in the port or on board any ship which belongs to the person liable for the payment of those charges.
- (3) Where any ship in respect of which any dues and charges are due and payable has left the port the General Manager may so long as the dues and charges remain unpaid detain any other ship using a port which belongs to the person liable for the payment of those dues and charges.

12. INSURANCE

The dues and charges in the tariff do not include any insurance of any nature. Port users using a port or terminal facility are required to insure against any risk arising from such use.

13. DAMAGE TO FACILITIES

Port users of a port or terminal facility are responsible for any injury or damage to any person, port, ship, cargo, or terminal facility occasioned by them. It is the responsibility of the port users to report any damage occasioned by them immediately to the General Manager.

The Authority may detain any ship or vehicle responsible for any damage until a deposit is made to cover such damage or other indemnity given to the satisfaction of the General Manager.

14. ACCEPTANCE OF LIABILITY

In accordance with section 46(a) of the Act, the Authority has determined the following conditions under which liability is accepted—

- (a) allowing cargo to remain in a terminal facility after the expiry of any free period is considered to be an omission by the owner and according to section 36(b)(iv) of the Act no liability whatsoever is accepted for any loss or damage to such cargo

except in the case of the cargo being sold without adequate notice of the sale;

- (b) Section 36(b)(viii) of the Act shall be considered by the Authority to cover all unprotected cargo and the Authority shall accept no liability for any loss or damage of such cargo howsoever caused;
- (c) cargo stored in the open is held at owner's risk and the Authority shall accept no liability for any loss or damage howsoever caused to such cargo.

15. NOTICE FOR CLAIMS UNDER SECTION 89

In accordance with section 89 of the Act, notice for claims shall be given to the General Manager in writing within the time specified in that section.

16. BERTHING

An "Application for a Berth" Form as in Appendix (1) shall be completed by a ship desiring a berth, and submitted to the General Manager 72 hours before the expected time of arrival of the ship.

An application for a berth shall be lodged with the General Manager, Monday—Friday not later than 3:00 p.m.

Once a berth is assigned which means a ship has been granted permission to use a specific berth a ship shall remain there until further directions or permission to move is given by the General Manager.

17. REQUISITION FOR PORT SERVICES

Any port user requesting port services at a port shall complete a "Requisition for Port Services" as in Appendix (2) as far as reasonably possible in advance of the date such services are required and submit the completed forms to the General Manager.

18. ACCESS TO RECORDS

All port users are required to permit access to any relevant document for the following purposes—

- (a) audit;
- (b) ascertaining the correctness of reports submitted;
- (c) securing necessary data to permit correct rating of dues and charges.

19. DECLARED TONNAGES

The Authority reserves the right to remeasure any ship and to weigh and measure any cargo in order to assess the accuracy of the GRT of ships and weights and measurements of cargo submitted for dues and charges purposes by port users. In the event of any error the cost of such operation shall be at the expense of the port user.

20. LIABILITY FOR DELAYS

The Authority is not liable for any loss or damage arising from any detention of cargo or delay in the discharge or loading of any ship or any stoppage by or connected with any ship in the delivery of cargo or shipment of cargo or any detention or delay of ships or vehicles howsoever caused. Any dues and charges incurred in the tariff shall be payable despite the occurrence of any such event.

21. OFFENCES

The attention of port users is drawn to Part 10 of the Act in particular sections 79, 80, 82, 83 and 84, which apply to the tariff.

SCHEDULE 2

MARINE DUES

1. PILOTAGE

In accordance with section 54 of the Act, pilotage is compulsory for ships over 100 GRT unless exempted under subsection (2).

2. PILOTAGE DUES

Ships shall be charged pilotage dues as follows—

- (1) Pilotage wholly carried out between 0800–1600 hours Monday to Friday—
 - (a) for ships on arrival and departure to or from a berth and shifting from one berth or anchorage to another in the harbour—

(i)	under 100 GRT	EC \$ 25 per move
(ii)	100 GRT–500 GRT	\$ 75 „ „
(iii)	501 GRT–2,000 GRT	\$ 95 „ „
(iv)	2,001 GRT–5,000 GRT	\$125 „ „
(v)	5,001 GRT–10,000 GRT	\$200 „ „
(vi)	10,001 GRT–15,000 GRT	\$220 „ „
(vii)	15,001 GRT–20,000 GRT	\$250 „ „
(viii)	over 20,000	\$300 „ „
 - (b) for ships from Port Castries to any anchorage outside harbour limits the rates in (i) above will be increased by 100%;
 - (c) for ships not engaged in commerce—
 - (a) Not exceeding 50 GRT EC \$ 10 per move
 - (b) 50 GRT— 99 GRT \$ 20 „ „
 - (c) and above 100 GRT as in (i) above.
- (2) Pilotage when any part is carried out between 1600 hours and 0800 hours Mondays to Fridays and any time Saturdays, Sundays or public holidays the dues shown in (1) above will be increased by 75%.

3. EXTRA CHARGES PILOT

If a pilot is required to go from his or her permanent pilot station either from Castries or Vieux-Fort to take a ship to other ports in Saint Lucia (excluding Castries and Vieux-Fort) the ship shall arrange transportation and reasonable accommodation if necessary for the pilot. The Authority shall charge an additional \$40 per hour for the full period a pilot is away from his or her permanent station.

4. NOTIFICATION REQUIRED

Ships shall give the Authority 72 hours notice confirmed in writing for any Pilotage required.

5. CANCELLATION

A cancellation of a pilotage request confirmed in writing shall be made at least 3 hours before the time originally requested.

If such a cancellation is not received, a stand-by charge shall be levied. The stand-by charge subject to a minimum charge as for 3 hours shall be as follows—

- | | | |
|-----|---------------------------------------|--------------------------------|
| (a) | 0800–1600 hours Monday to Friday..... | \$40 per hour or part thereof. |
| (b) | any other time | \$80 per hour or part thereof. |

6. RUNNING LINES

A charge shall be made for running lines at the arrival, departure and shifting of ships.

The charge for running lines shall be as follows—

	0800 hrs.–16.00 hrs Monday—Friday	Any Other Time
(a)	ships under 100 GRT	\$15
(b)	100 GRT–500 GRT.....	\$20
(c)	501 GRT–5,000 GRT.....	\$40
(d)	over 5,000 GRT	\$80
		\$160

7. PRATIQUE

The charge for pratique shall be as follows—

- (i) for ships, excluding yachts, under 100 GRT not engaged in commercial trading \$10 at any time.
- (ii) for ships, excluding yachts, under 100 GRT engaged in trading
 - (a) Mondays to Fridays 0800–1600 hours \$10
 - (b) any other time 1600–0800 hours \$20
- (iii) for ships, excluding yachts, over 100 GRT
 - 0800–1600 hours \$20
 - 1600–0800 hours \$40

(Amended by S.I.97/2002)

8. CLEARANCE CHARGE

The charge for clearance for ships, excluding yachts, is \$20.00.

(Amended by S.I.97/2002)

9. NAVIGATIONAL AIDS

The charge per call for navigational aids is as follows—

Two cents per GRT of any ship, excluding yachts, subject to a minimum charge of \$15 and a maximum charge of \$100 subject to a ceiling limit of 6 charges in respect of any ship excluding yachts, in any one calendar year. *(Amended by S.I. 97/2002)*

10. TOWAGE

Charges for the services of a tug shall be determined by the General Manager.

SCHEDULE 3

PORT CARGO AND PASSENGER DUES

1. PORT DUES

Ships using a port shall pay port dues as follows—

- (a) Ships not registered in Saint Lucia

	First 48 hours	Each 24hrs. or part thereof thereafter
(i) under 100 GRT	\$15	\$10
(ii) 100–500 GRT	\$42	\$28
(iii) 501–1,000 GRT	\$90	\$60
(iv) 1,001–2,000 GRT	\$120	\$80
(v) 2,001–5,000 GRT	\$150	\$100
(vi) 5,001–10,000 GRT	\$210	\$140
(vii) 10,001–15,000 GRT	\$240	\$160
(viii) over 15,000 GRT	\$300	\$200

- (b) Ships registered in Saint Lucia shall be charged 75% of the rates shown in (a) above.

2. EXEMPTION FROM PORT DUES

The following ships shall be exempted from paying Port dues—

- (a) Saint Lucian fishing ships
- (b) Royal Naval Ships
- (c) Foreign Naval Ships not engaged in trade
- (d) Ships owned by the Government of Saint Lucia
- (e) Ships employed exclusively coast wise in Saint Lucia waters.

3. EXCESS PORT DUES FOR UNAUTHORISED BERTHING

Despite the provisions in paragraph 21 of Schedule 1 herein any ship berthed in an unauthorised manner or shifted without the approval of

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the General Manager shall be subject to the dues shown in paragraph 1 above plus 100% subject to a minimum charge of \$100.

4. CARGO DUES

Ships using a port shall pay cargo dues as follows—

- (a) cargo carried in ships over 100 GRT – \$6 per ton or part thereof landed or loaded;
- (b) cargo N.O.S. carried in ships under 100 GRT – \$1 per ton or part thereof landed or loaded;
- (c) cargo consisting of agricultural products of Saint Lucia carried in ships under 100 GRT \$0.50 per ton or part thereof landed or loaded.

5. CONDITIONS APPLYING TO CARGO DUES

The following conditions shall apply to cargo dues—

- (a) cargo dues shall not be charged on ships' stores.
- (b) cargo dues shall be charged on transshipment cargo on both movements.

6. PASSENGER DUES

Ships using a Port shall pay passenger dues as follows—

Passenger embarking or disembarking—EC15.00 per passenger.

This charge shall not be levied on passengers in transit and children under 12 years.

(Amended by S.I. 32/1999, 23/2001 and 45/2003)

7. IN TRANSIT PASSENGER FEE

A fee of EC\$17.66 or US\$6.50 per passenger on board shall be imposed on every tourist vessel which comes alongside the dock or anchors off shore. *(Inserted by S.I. 30/1998)*

SCHEDULE 4

CARGO HANDLING CHARGES — BREAK BULK CARGO

1. CARGO HANDLING CHARGES

The cargo handling charge covers the service of receiving from ship's hook sorting and checking to bill of lading, transfer to a place of rest and delivery and *vice versa*.

2. IMPORT CARGO HANDLING

Cargo handling shall be charged, on import cargo as follows—

- | | |
|--|---------------------------------|
| (a) general cargo N.O.S. | \$20 per ton or
part of ton |
| (b) cargo handled direct into vehicles in complete bills of lading of over 25 tons | \$10 per ton or
part of ton. |

3. EXPORT CARGO HANDLING

Cargo handling shall be charged on export cargo as follows—

- | | |
|---|---------------------------------|
| (a) General Cargo N.O.S. | |
| (i) at Vieux-Fort | \$10 per ton or
part of ton. |
| (ii) at Castries | \$15 per ton or
part of ton. |
| (iii) cargo handled direct from vehicles at Casteries | \$10 per ton or
part of ton |
| (b) Agricultural products of Saint Lucia | |
| (i) not handled by the Authority per ton or part of ton | \$2 |
| (ii) handled by the Authority per ton or part of ton | \$6.50 |

4. OVERLANDED OR OVERCARRIED CARGO

Overlanded and over carried cargo shall be charged as follows—

- | | |
|---|------|
| (a) cargo handling per ton or part of ton | \$20 |
|---|------|

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- (b) Transferring per ton or part of ton \$10.

5. TRANSHIPMENT

The cargo handling charge for transshipment cargo shall be \$16 per ton or part of a ton.

Transferring when on carrying ship is not alongside the shed which contains the cargo shall be charged in addition at \$10 per ton or part of ton.

6. SORTING

A charge shall be made for sorting cargo within a bill of lading. The charge for sorting shall be as follows—

- (a) sorting to any one mark or size – \$10 per ton on bill of lading quantity;
- (b) sorting to any additional mark concurrently with (i) above – \$15 per ton on bill of lading quantity.

7. DAMAGED CARGO

Cargo arriving in the port in an apparently damaged condition shall be sorted in a damaged cargo locker.

8. COOPERING

A charge shall be levied to handle damaged cargo or to repair packaging. The charge shall be \$5 per package handled in the damaged cargo locker.

9. DOCUMENTS

To expedite prompt handling of cargo in terminal facilities port users shall submit to the General Manager such documents as are requested by the General Manager.

The documents required shall include—

- (a) Import Cargo
 - (i) four legible copies of the ships manifest showing details of each bill of lading including weights and

measurements; these copies shall be lodged at least 3 clear days prior to the arrival of the ship – the only exception being ships trading inter-Caribbean which may lodge manifests on arrival of the ship,

- (ii) one copy of the ships' release (delivery order).
- (b) Export Cargo—
- (i) one copy of the loading list to be submitted at least 24 hours prior to the loading of the ship,
 - (ii) one copy of the customs report outwards (Form A7),
 - (iii) three legible copies of the outward manifest showing details of each bill of lading including weights and measurements to be submitted within 3 days of the ship's departure.

10. CORRECTION TO MANIFESTS

A charge of \$1 per item shall be made for correcting a manifest after it has been lodged with the Authority in accordance with paragraph 9 above subject to a minimum charge of \$10.

SCHEDULE 5

DUES AND CHARGES FOR CONTAINERS

1. DUES

Ships carrying containers shall be charged marine dues and port dues as stated in Schedule 2 and 3.

2. OTHER DUES AND CHARGES

Other dues and charges for containers shall be as follows—

- (a) for landing or shipping a container loaded with cargo \$400 per T.E.U.
- (b) for landing or shipping an empty container; \$100 per T.E.U.

The charges in (i) and (ii) above shall include cargo dues and cargo handling but shall not include stevedoring storage charges or any stuffing or unstuffing.

- (c) storage charges on containers loaded with cargo shall be as stated in paragraphs 2 and 4 of Schedule 7 based on the weight of cubic measurement of the contents of the container.
- (d) storage charges on empty containers shall be – \$5 per day per T.E.U.

3. STUFFING AND UNSTUFFING

A charge shall be made when containers are stuffed or unstuffed by the Authority.

The charge for stuffing or unstuffing containers shall be \$15 per ton or part thereof subject to a minimum charge of \$150 per work day.

4. SHIFTING CONTAINERS

A charge shall be made for landing containers during stevedore operations.

The terminal charge for landing containers shall be as follows:—

full containers per move \$70 per T.E.U.

empty containers per move \$20 per T.E.U.

5. STEVEDORING CHARGES

The charge for stevedoring containers shall be as stated in Schedule 6 paragraphs 2 and 3.

The additional charge for restowing or landing containers during operations shall be as follows—

full containers per move	\$70 per T.E.U.
empty containers per move	\$20 per T.E.U.

6. TRANSHIPMENT CONTAINERS

The charges for handling transshipment containers at a port may be obtained on application to the General Manager.

SCHEDULE 6

STEVEDORING CHARGES

1. GENERAL

The Authority shall undertake all stevedoring for ships in a port but in special circumstances the General Manager may allow ships to carry out their own stevedoring subject to such conditions as the General Manager may apply.

2. STEVEDORING CHARGES

The charge for stevedoring on board a ship shall be as follows—

- (a) the total cost of labour and supervision employed;
- (b) 10% of (i) above for insurance cover;
- (c) employers contribution on (a) above for National Insurance;
- (d) the cost at current rates for any equipment used either on board or ashore to load and discharge the ship;
- (e) a charge of \$4 per ton or part of a ton handled.

3. STANDBY AND STOPPAGE TIME

A charge shall be made to the ship for any standby and stoppage time incurred on a ship to cover terminal staff labour and supervision.

The charge for standby or stoppage time shall be as follows—
\$120 per gang hour or part of hour.

SCHEDULE 7

STORAGE CHARGES

1. GENERAL

The attention of port users is drawn to sections 51 and 52 of the Act.

Port users are advised that terminal facilities are meant for the rapid handling of transit cargo and not for warehousing. The storage charges are penal. Port users are reminded that in accordance with section 36 of the Act the Authority is not liable for loss or damage for cargo remaining in a terminal facility after the expiry date of the rent free period.

2. FREE PERIOD

The free period shall be as follows—

- (a) import and export cargo 5 days excluding Saturdays, Sundays and public holidays;
- (b) transshipment cargo including containers transhipped 21 days excluding Saturdays, Sundays and public holidays;
- (c) empty containers 30 days excluding Saturdays, Sundays and public holidays.

The General Manager may for due cause extend any free period.

3. COMPUTATION OF FREE PERIOD

The free periods shall be calculated as follows—

- (a) import and transshipment cargo: the free period shall commence at noon of the day following the day the ship is considered by the General Manager to have completed discharge;
- (b) export cargo: the free period shall commence at noon of the day following receipt of the cargo into the port;
- (c) empty containers: the free period shall commence at noon at the day following the day when it is discharged or received into the port or unstuffed in a port.

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4. STORAGE CHARGES

The charges for all cargo remaining in a port after the free storage period has elapsed shall be assessed as follows—

	Castries	Vieux-Fort
(a) for the first 2 calendar days of fraction thereof, per ton or part thereof.	\$3.50	\$2
(b) for the next 2 calendar days or fraction thereof per ton or part thereof.	\$4.50	\$3
(c) for succeeding 3 calendar days or fraction thereof per ton or part thereof up to 21 days	\$6.50	\$5
(4) thereafter for each succeeding 3 calendar days or part thereof per ton or part thereof	\$8	\$6

Subject to a minimum charge of \$3.50

5. REMOVAL OF CARGO FROM A PORT

Despite anything in paragraphs 1–4 above, the General Manager may instruct the owner of any cargo to remove it from a port within 48 hours of such instruction. If this instruction is not complied with the General Manager may dispose of such cargo at the owner’s risk and expense.

6. TRANSFER OF CARGO

Cargo remaining on hand after the free storage period may be transferred to another place of rest and a charge shall be made for such a transfer.

The charge for transferring cargo within a port shall be \$10 per ton or part of a ton.

SCHEDULE 8

MISCELLANEOUS CHARGES

1. YACHTS LICENCES

All yachts shall pay licensing fees as per Yachts Licensing Act—

Licensing Type	Up to 40ft.	40 ft. To 70ft.	Over 71ft
Occasional	\$ 50.00	\$ 80.00	\$ 150.00
Semi-Annual	\$300.00	\$400.00	\$ 550.00
Annual	\$450.00	\$750.00	\$ 1000.00

(Amended by S.I. 97/2002 and 38/2003)

2. ANNUAL PERMIT FEES (LICENSING)

The following annual permit fees are applicable to the following business categories for the privilege of conducting their operations at the sea port of Castries or Vieux-Fort—

- (a) ships agent..... \$500
- (b) stevedoring..... \$1,000 + \$1 per ton
handled
- (c) laundry and/or dry cleaning, per
firm..... \$80
- (d) ship chandlers..... \$150
- (e) fueling of vessels by truck, per
firm..... \$80 + \$5 per ton
supplied
- (f) freight forwarders and customs
brokers..... \$250
- (g) distribution of merchandise for
sale not otherwise listed \$100

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(h) authority established by section 4 of the Water and Sewerage Authority Act	\$120 + 50c. per ton of water supplied
(i) electricity.....	\$240
(j) telephones.....	\$60

The General Manager may licence other businesses by special arrangement.

The above permit fees shall be applied on a calendar year basis. Firms commencing business after 30 June or any calendar year shall pay $\frac{1}{2}$ of the scheduled yearly fees.

SCHEDULE 9

GENERAL PROVISIONS

1. NORMAL WORKING

The dues and charges quoted in the Tariff shall apply to operations carried out during normal working hours. Normal working hours shall be as defined by the General Manager.

At the time this Tariff was published normal working hours were as follows—

- (a) for marine dues contained in Schedule 2 herein — 0800 hours — 1600 hours Mondays — Fridays only.
- (b) for stevedoring charges contained in Schedule 7 — 0700 hours — 1600 hours Mondays — Fridays only.
- (c) for all other dues and charges 0800 hours — 1600 hours Mondays — Fridays only.

2. OVERTIME

In addition to the normal working hours specified in paragraph 1 above overtime may be allowed at the discretion of the General Manager. Special arrangements shall be made to work outside normal working hours and the cost of overtime including meal hours shall be borne by the port user requesting such overtime.

3. PLANT HIRE

Mechanical and other equipment if available may be hired to port users. A charge of an hourly basis shall be charged for any mechanical or other equipment. The charges and conditions for hiring such equipment may be obtained from the General Manager.

4. CONDITIONS FOR HIRING EQUIPMENT

The Authority shall not be responsible for any injury, loss or damage sustained as a result of using such equipment howsoever caused.

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5. UNITISED CARGO

Wherever possible general cargo shall be handled by the Authority on pallets.

APPENDIX 1

SAINT LUCIA AIR AND SEA PORTS AUTHORITY

(Schedule 1 paragraph 16)

The Port Manager,
Castries/Vieux-Fort

APPLICATION FOR A BERTH

We the undersigned *Owner/Master/
Agents of the S/M/V Sch GRT

LGTH Draft Fwd Aft

Registered No request that a berth at
be allowed to this vessel on the 20
for the purpose of discharging/loading *and/or disembarking passengers.

I hereby declare and certify as follows—

- *(a) The vessel is not carrying any dangerous goods described in the list of dangerous goods in the schedule.
- (b) The vessel is not carrying explosives or goods possessing dangerous properties other than those described in the list of dangerous goods.
- (c) The vessel is carrying dangerous goods as shown on the back thereof.
- (d) The vessel is carrying explosives or goods possessing dangerous properties other than those described in the list of dangerous goods as shown on the back thereof.
- (e) The packing and storage of all goods listed under (c) and (d)

above are in accordance with the usual shipping practice except as shown on back thereof.

- (f) The amount of cargo to be discharged is tons.
- (g) The amount to be loaded is tons.
- (h) The amount of deck cargo is tons.
- (i) The number of passengers disembarking is Embarking
.....
- (j) The vessel is expected to arrive in the harbour at hours.

Signed

Master/Agent.

* Cross out whichever is not applicable. State number of tons of each type of cargo. (To be submitted in quadruplicate).

APPENDIX 2

SAINT LUCIA AIR AND SEA PORTS AUTHORITY

(Schedule 1 paragraph 17)

REQUISITION FOR PORT SERVICES

Date

To: The Port Manager

Please provide the following for the S/S/Sch. M/V
due to arrive on

- (i) berth or anchorage
- (ii) in and out pilot
- (iii) mooring gangs
- (iv) mooring launch
- (v) port labour (overtime)
- (vi) crane to lift tons
- (vii) forklifts on board
- (viii) other port equipment as follows—

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.....

Delete these services not required

I/We undertake to meet promptly the charges raised for these services together with any overtime incurred to pay for any/all damage(s) caused to or by any equipment on hire from the Authority.

The cash deposit in the sum of \$..... and
 cents is herein forwarded as deposit.

.....
Master/Agent.

To be completed by the Authority—

The following arrangements have been made for the supply of services required:

CASH DEPOSIT	(a) per ton unloaded	\$35
	(b) per ton loaded	\$20
	(c) containers \$800 per T.E.U.	
	(d) tankers and bulk carriers \$10 per ton.	
	(e) passenger ships	
	(i) under 8,000 GRT per ship	\$750
	(ii) over 8,000 GRT per ship	\$1,500
	(f) ship in Ballast	\$500

Subject to a minimum deposit of \$500
 In the case of small vessels not paying a deposit clearance may be held up until all accounts are paid.

SAINT LUCIA AIR AND SEA PORTS AUTHORITY (AIRPORT TARIFF) REGULATIONS – SECTION 53

(Statutory Instruments 74/1995, 31/1998 and 46/2003)

Commencement [subregulation (9): 1 July 1992;
remainder: 1 September 1991]

1. SHORT TITLE

These Regulations may be cited as the Saint Lucia Air and Sea Ports Authority (Airport Tariff) Regulations.

2. INTERPRETATION

In these Regulations—

“**Act**” means the Saint Lucia Air and Sea Ports Authority Act;

“**aerodrome**” means George F. L. Charles or Hewanorra Airport;

“**aircraft weight**” means the maximum permissible take-off weight authorised by the aircraft’s certificate of airworthiness;

“**Authority**” means the Saint Lucia Air and Sea Ports Authority incorporated under the Act;

“**General Manager**” means the General Manager of the Authority or any authorised officer delegated by the General Manager to carry out any duty arising from the implementation of the tariffs in these Regulations.

3. LANDING FEES

The fees specified in Schedule 1 shall be charged and collected for the landing of aircraft at an aerodrome.

4. EXTENSION FEES

- (1) In addition to fees chargeable under regulation 3 an extension fee equivalent to 50% of the landing fee shall be paid by an aircraft operator for any extension not exceeding one hour to the operating hours of an aerodrome.
- (2) Where the extension exceeds one hour, the extension fee shall be equivalent to the landing fee for the aircraft.
- (3) In no case shall the extension fee be less than \$300.
- (4) The operating hours for George F. L. Charles and Hewanorra Airports for the purposes of calculating the extension fee shall be 6:00 a.m. to 11:00 p.m. daily.

5. PARKING FEES

- (1) Whenever an aircraft is parked at an aerodrome for a period longer than 2 hours there shall be paid in respect of the use of the apron a parking fee equivalent to 20% of the landing fee of the aircraft.
- (2) The first 2 hours shall be free, thereafter parking shall be per 24 hours or part of 24 hours.
- (3) The minimum parking fee in any event shall be \$10.

6. NAVIGATION AND COMMUNICATION FEES

The fees specified in Schedule 2 shall be charged and collected from any aircraft which lands at an aerodrome, for the use of communication and navigation equipment of the aerodrome.

7. EXEMPTIONS

The following shall be exempted from payment of the fees specified under regulations 3, 4, 5 and 6 –

- (a) test flights approved by the General Manager;
- (b) aircraft returning within one hour due to bad weather or to mechanical or radio defects; and
- (c) state or military aircraft specified by the Minister responsible for aviation as exempted.

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8. SECURITY CHARGE

- (1) A security charge of \$13 shall be levied on every departing passenger who uses an aerodrome.
- (2) The security charge specified under subregulation (1) shall be paid by the airline by which the passenger departs, to the Authority.

(Amended by S.I. 46/2003)

9. FACILITATION CHARGE

- (1) A facilitation charge of \$1 shall be levied on every arriving passenger.
- (2) The facilitation charge specified under subregulation (1) shall be paid by the airline by which the passenger arrives, to the Authority.

10. FUEL THROUGH PUT CHARGE

A fuel through put charge of US\$0.02 shall be levied on the fuel dealer for each U.S. gallon of fuel sold at the airport terminal.

SCHEDULE 1

(Regulation 3)

LANDING FEES**1. For each landing where the aircraft weight is–**

- (a) 6,000 lbs or less – \$20 per landing;
- (b) 6,001–50,000 lbs – \$3.50 per 1,000 lbs or part of it;
- (c) 50,001–350,000 lbs – \$3.60 per 1,000 lbs or part of it;
- (d) above 350,000 lbs – \$1,260 (350 x 3.60) plus \$2.90 for every 1,000 lbs above 350,000 lbs.

2. Aircraft–

- (a) owned or leased and under the control of a club which proves to the satisfaction of the General Manager that it is a *bona fide* flying club where such aircraft weight does not exceed 6,000 lbs \$2,500 per aircraft per annum;
- (b) owned or leased and under the control of scheduled or non-scheduled operators locally based where such aircraft weight does not exceed 26,000 lbs \$10,000 per aircraft per annum;
- (c) owned or leased and under the control of the Saint Lucia Banana Growers Association and used as such for the spraying of bananas \$5,000 per aircraft per annum.

SCHEDULE 2

(Regulation 6)

NAVIGATION AND COMMUNICATION FEES

1. For each landing where the aircraft weight is–

- (a) 12,500 lbs or less – \$40 per landing;
- (b) 12,501–75,000 lbs – \$60 per landing;
- (c) over 75,000 lbs – \$150 per landing.

(Amended by S.I. 31/1998)

2. Aircraft–

- (a) owned or leased under the control of a club locally based which proves to the satisfaction of the Authority that it is a *bona fide* flying club and where such aircraft weight does not exceed 6,000 lbs \$1,500 per aircraft per annum;
- (b) owned or leased and under the control of scheduled or non-scheduled operators locally based and where such aircraft weight does not exceed 26,000 lbs \$5,000 per aircraft per annum;
- (c) owned or leased and under the control of the Saint Lucia Banana Growers Association and used as such for the spraying of bananas \$3,000 per aircraft per annum.

AIRPORT (SERVICE CHARGE) REGULATIONS

ARRANGEMENT OF REGULATIONS

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AIRPORT (SERVICE CHARGE) REGULATIONS – SECTION 53

(Statutory Instruments 47/1996, 53/1996, 24/2001, 52/2002, 41/2004, 127/2006 and 135/2007)

Commencement [21 September 1996]

1. SHORT TITLE

These Regulations may be cited as the Airport (Service Charge) Regulations.

2. INTERPRETATION

In these Regulations—

“**airport service charge**” means the charge imposed under regulation 3;

“**carrier**” means—

- (a) the owner of an aircraft which transports a passenger from an airport to any place outside Saint Lucia;
- (b) the pilot or other person in charge or control of an aircraft which transports a passenger from an airport to any place outside Saint Lucia;
- (c) the agent in Saint Lucia of any person referred to in paragraph (a) or (b); or
- (d) if the owner referred to in paragraph (a) or the agent referred to in paragraph (c) is a corporation, every director and manager of that corporation;

“**Collector**” means any person or carrier designated in writing as a collector by the General Manager of the Authority;

“**exempted person**” means a person exempted from payment of the airport service charge under regulation 4;

“**protective services**” includes the Royal Saint Lucia Police Force, the Port Police, the Fire Service, Her Majesty’s Prisons, the protective services of any friendly country and the armed forces of any friendly country;

“traveller” means any person who—

- (a) travels from an airport to any place outside Saint Lucia;
or
- (b) proposes to travel from an airport to any place outside Saint Lucia.

3. AIRPORT SERVICE CHARGE

There is hereby established a charge as set out in Schedule 1, to be known as the airport service charge, to be levied by the Saint Lucia Air and Sea Ports Authority and to be paid by every traveller.

4. EXEMPTED PERSONS

- (1) Despite regulation 3, the persons specified in Schedule 2 are exempt from the payment of airport service charge.
- (2) Any claim to entitlement to exemption from the payment of airport service charge under items (i), (j), (k) and (l) of Schedule 2 shall be decided by a Collector and his or her decision is final.

5. PENALTY FOR BOARDING AIRCRAFT WITHOUT PAYMENT OF AIRPORT SERVICE CHARGE

- (1) A traveller who is not an exempted person shall not board, or proceed to board, the aircraft by which he or she proposes to travel from an airport, unless he or she has paid the airport service charge to a Collector.
- (2) A person who is in charge of an aircraft shall not permit a person who is liable to pay, but has not paid the airport service charge, to board the aircraft of which he or she is in charge or control.
- (3) Any person who contravenes subregulation (1) or (2) commits an offence is liable, on summary conviction, to a fine not exceeding \$200 to imprisonment for a term not exceeding 3 months.
- (4) A magistrate may, in addition to any penalty he or she may impose on any person convicted of an offence under subregulation (3), order the person so convicted to pay any

airport service charge found to be due and payable by him or her and may order, in default of such payment, imprisonment of that person for a term not exceeding one month.

6. LIABILITY OF AND RECOVERY FROM CARRIER

- (1) Where an airport service charge, due and payable under regulation 3 remains unpaid by any traveller, the full amount of such charge shall be due and payable by, and recoverable from the carrier of that traveller.
- (2) Where under subregulation (1) a sum of money due and payable in respect of the airport service charge is recoverable from more than one person, then the liability of such persons to pay that sum is joint and several.
- (3) Any sum due and payable under this regulation may be recovered as a debt due to the Authority in civil proceedings.

7. POWER TO WITHHOLD CLEARANCE OF AIRCRAFT FROM UNPAID SERVICE CHARGE

The authorised officer within the meaning of section 43(1) of the Saint Lucia Air and Sea Ports Authority Act may withhold clearance of an aircraft whose pilot or other person in charge or control proposes, or is about to transport any traveller who is not an exempted person, and in respect of whom any airport service charge is due and payable but has not been paid in accordance with these Regulations.

8. POWER TO AMEND SCHEDULES

The Authority may, subject to the approval of the Minister, by order, amend the Schedules.

SCHEDULE 1

(Regulation 3)

Rate of tax for destinations outside of Saint Lucia	
	Rate of Tax
All Travellers	EC\$68.00 or U\$25

(Substituted by S.I. 24/2001, 52/2002, 41/2004, 127/2006 and 135 of 2007)

SCHEDULE 2

(Regulation 4)

**PERSONS EXEMPTED FROM PAYMENT OF AIRPORT SERVICE
CHARGE**

- (a) the Governor General, his or her spouse and children under the age of 18 years when travelling with him or her;
- (b) a member of Parliament, his or her spouse and children under the age of 18 years when travelling with him or her;
- (c) Judges of the Eastern Caribbean Supreme Court;
- (d) persons signified by a Minister or a Permanent Secretary of a Ministry, to be travelling on business of the Government;
- (e) persons signified by a Minister to be guests of the Government;
- (f) the official representative of the government of any country, his or her spouse and children under the age of 18 years when travelling with him or her;
- (g) representatives of the United Nations Organisation or any other international or regional organisation accorded diplomatic privileges in Saint Lucia or persons sent on missions on behalf of any such organisations, their spouses and their children under the age of 18 years;
- (h) members of the protective services of Saint Lucia or any friendly country, when travelling on official duty;
- (i) persons leaving Saint Lucia on the same day of arrival;
- (j) members of the operating crew of an aircraft;

- (k) ministers of religious denominations which have a congregation in Saint Lucia and are registered with the Ministry charged with the responsibility for the subject of ecclesiastical affairs;
- (l) students who are Saint Lucian nationals, citizens or residents proceeding abroad to educational institutions to pursue a course of study approved by the Ministry of Education;
- (m) persons repatriated, or deported from Saint Lucia by the Government, or under any law in force;
- (n) persons below the age of 12.

(Amended by Act 53 of 1996)

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SAINT LUCIA AIR AND SEA PORTS (SEAPORTS) REGULATIONS

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SAINT LUCIA AIR AND SEA PORTS AUTHORITY (SEAPORTS) REGULATIONS – SECTION 73

(Statutory Instrument 92/1985)

Commencement [7 December 1985]

PART 1 PRELIMINARY

1. SHORT TITLE

These Regulations may be cited as the Saint Lucia Air and Sea Ports Authority (Seaport) Regulations.

2. INTERPRETATION

In these Regulations unless the context otherwise requires—

“**Act**” means the Saint Lucia Air and Sea Ports Authority Act;

“**animal**” means any animate of any kind whatsoever except a human being;

“**authorised person**” means a person authorised by the General Manager to exercise the powers or perform the duties in respect of which the expression is used;

“**Authority**” means the Saint Lucia Air and Sea Ports Authority incorporated under the Act;

“**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 goods**” means the goods listed in the International Maritime Dangerous Goods Code for the Transportation of Explosives and Other Dangerous Goods published by the Intergovernmental Maritime Organisation in London with index of substances their supplements or to successive issues;

- “**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;
- “**General Manager**” means the General Manager of the Authority and includes any person appointed to act as General Manager or any authorised person delegated by the General Manager to carry out any duty arising from the implementation of these regulations;
- “**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;
- “**master**” means in relation to a ship any person other than an Authority Pilot having charge of the ship;
- “**normal working hours**” means the normal hours of work as prescribed by the General Manager;
- “**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;

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(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;

“**pilot**” means a pilot authorised by the General Manager;

“**pleasure craft**” means any small craft used for recreation but not plying for hire or reward;

“**port**” means the sea ports of Castries and Vieux-Fort as defined in Schedule 1 of the Act;

“**port area**” means the fenced area in a port approved by Customs for the manipulation and storage of goods and any other premise 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, 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 53 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 and shall include its driver and owner.

PART 2 CONTROL OF PORTS

3. GENERAL CONTROL

- (1) A person entering or remaining in a port area and every ship and every person on board in a port shall be subject to the general control and direction of the General Manager. For securing the safety or protection of goods in a port area and for the prevention of crime or any contravention of these regulations the General Manager may refuse to grant permission to any person wishing to enter or remain in a port or port area without assigning any reason for such refusal and may at any time revoke any permission granted earlier to any person.
- (2) The General Manager may authorise any person to carry out any or all of these functions under these regulations and may in a like manner revoke any such authorisation at any time.
- (3) The General Manager may whenever it is necessary in his or her opinion to do so close any port or part thereof to the public at such times and for such periods as he or she sees fit and may in a like manner restrict access to a port area to such persons of vehicles or such classes of persons of vehicles as the General Manager may determine.

4. GENERAL RESTRICTIONS ON PERSONS ENTERING OR LEAVING A PORT

- (1) The General Manager reserves the right of admission to a port area and may restrict entry to any person unless he or she has legitimate business in a port area.
- (2) Every person entering into within or leaving a port area shall when so requested by an authorised person state his or her true name, address and the nature of his or her business and produce any written permission or authority to that authorised person.

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- (3) All persons entering or leaving a port area shall do so only through the entrances or exits provided and designated 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.
- (5) The port area shall be open for such hours and on such days as the General Manager determines.
- (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 General Manager 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 and/or loss of or damage to his or her property howsoever caused.

5. PORT PASSES

- (1) Any person employed within or habitually visiting a port area shall carry and exhibit such means of identification or pass 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 pass.
- (3) The General Manager without stated reasons may delay or refuse to issue any pass or identification disc or withdraw any identification disc already issued under paragraphs (1) and (2).
- (4) A pass or identification disc referred to in paragraphs (1) and (2) 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 a pass and/or identification disc referred to in paragraphs (1) and (2) shall—
 - (a) be considered to have read and understood it and to have agreed to abide by such terms and conditions as may be written or printed on the pass or endorsed thereon;
 - (b) keep the pass and identification disc in his or her possession whilst in the port area.

- (c) comply with every direction given by an authorised person;
- (d) at the request of an authorised person produce the pass;
- (e) surrender the pass to the Authority when the need for the pass no longer exists or when the pass has expired.

6. GENERAL RESTRICTIONS ON THE ENTRY OF VEHICLES INTO A PORT AREA

- (1) The Motor Vehicles and Road Traffic Act and regulations made under it shall apply to vehicles in a port area.
- (2) Before operating or parking a vehicle in a port area a person shall first obtain a permit from an authorised person for that purpose.
- (3) Where any vehicle is driven into a 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.
- (4) The entry of vehicles into a port area shall be subject to the control and direction of the General Manager and any vehicles entering a port area for the purpose of delivery, depositing or collecting goods or passengers therein shall not be permitted to remain in a port area after the goods or passengers as the case may be have been so delivered, deposited, or collected.

7. GENERAL RESTRICTIONS ON THE USE OF VEHICLES IN A PORT AREA

- (1) Any person driving or using or in charge of a vehicle shall at all times when arriving at an entrance to a port area for the purpose of entering or whilst within a port area or when leaving a 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 General Manager in respect of driving, parking or the use of vehicles in the port area or at any entrance to or exit from a port area;

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- (b) the terms of all notices or signs relating to the driving, parking or use of vehicles exhibited in a port area by the Authority.
- (2) Where a vehicle is operated or parked in a port area in contravention of these regulations the General Manager may remove that vehicle at the risk and expense of the owner.

8. RESTRICTIONS ON THE USE OF VEHICLES IN A PORT AREA

A person shall not while in a port area—

- (a) drive any vehicle in a manner which is dangerous to other vehicles, persons or property in a port area;
- (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 given or refuse to stop when so required by an authorised person;
- (d) park any vehicle at any place or in a manner otherwise than in accordance with the general or special directions of the General Manager. In this connection a vehicle considered to be parked wherever it is stopped other than required by traffic control whether or not the driver remains in the vehicle and whether or not the engine of the vehicle is running;
- (e) leave any vehicle unattended in any place in a port area 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 in a port area;
- (g) allow gasoline oil or other substance likely to be dangerous or constitutes nuisance to drip from a vehicle;
- (h) allow a vehicle to be loaded in excess of the load limits specified for that vehicle;
- (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 in a port area;

- (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 General Manager.

9. REPORT OF AN ACCIDENT INVOLVING A VEHICLE

When any accident occurs within a 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.

10. REMOVAL OF GOODS

- (1) A person shall not knowingly or otherwise remove or attempt to remove any goods from a 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;
 - (c) has paid or secured to the satisfaction of the General Manager all port dues, rates, rents and charges which may have accrued on the goods.
- (2) Every person in a port area removing or about to remove any goods from a port area shall produce the written permit in paragraph (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) Any person or vehicle in a port area entering within or leaving a 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 area.

11. ANIMALS

- (1) A person except with the permission of the General Manager shall not bring or cause to be brought into a port area any animal.

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- (2) Any animal found at large in a port area may be destroyed by an authorised person and the carcass disposed of by the Authority without compensation to the owner.
- (3) Any animal on board a ship in a port shall be properly secured thereon and only allowed ashore with the permission of the veterinary authority.

12. BURIALS

- (1) A dead body of any kind shall not be buried within a port area.
- (2) The body of a dead person shall not be buried at sea within 3 nautical miles seaward of the limits of a port.
- (3) A dead animal shall not be deposited in a port.

13. ADMISSION OF CHILDREN

A child under the age of 12 years shall not be allowed into a port area unless accompanied by an adult who shall be responsible for the child.

14. RESTRICTION ON TRADING ACTIVITIES IN A PORT AREA

- (1) A person shall not sell or expose or offer for sale any goods or refreshments or exchange any money or hold any auction or solicit any customer in a port area or from a ship alongside close to or occupying a berth in a port unless that person holds a licence issued in that behalf by the General Manager.
- (2) The holder of a licence issued under paragraph (1) shall—
 - (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 area without the written permission of the Authority;
 - (d) not trade in any commodity other than that specified in the licence.

- (3) The licence may be subject to such terms and conditions as the General Manager may see fit and may be revoked by the General Manager at any time.

15. IN THE EVENT OF FIRE IN A PORT AREA

In the event of a fire in a port area—

- (a) a person in a port area shall not disregard the directions of an authorised person or obstruct or in any way interfere with fire fighting operations;
- (b) the General Manager may prohibit the entry of the public in the vicinity of the fire and may close the whole or any section of the port area as the General Manager sees fit.

16. ACCIDENTS IN A PORT

- (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) 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 at law.

17. AQUATIC SPORTS

- (1) A person shall not conduct or participate in a yacht or boat race or other aquatic sport or in any other activity that is liable to interfere with navigation or operations in a port except with the written permission of the General Manager.
- (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 paragraph (1) whether or not the General Manager 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.

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18. GENERAL RESTRICTIONS ON ACTIVITIES OF A PERSON IN A PORT

A person without the permission of the General Manager shall not—

- (a) interfere with any board used or intended for use for the purposes of the publication in a 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 area;
- (c) write, draw or place any marking whatever on any surface in a 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 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 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 area other than a place approved by the General Manager 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 area;
- (k) convey or cause to be conveyed intoxicating liquor or dangerous drugs into, within or from a port area;
- (l) fish from a 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;

- (o) distribute circulars, leaflets or advertising matter;
- (p) bring into a 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 any sand, stone or gravel.

19. GENERAL RESTRICTIONS ON CONDUCT OF A PERSON IN A PORT AREA

A person shall not—

- (a) organise or openly call or gather together with other persons at any meeting in a port area;
- (b) gather together with other persons in a 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 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 area;
- (e) conduct himself or herself in a 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 area;
- (g) engage in smoking in any place in a port area where smoking is prohibited by the Authority;
- (h) kindle a fire in a port area;
- (i) be in possession of any loaded firearm or discharge any firearm or catapult or throw any missile in a port area;
- (j) engage in swimming in a port;
- (k) be or remain in a port area while intoxicated by alcohol or drugs. Have in possession or consume intoxicating liquor or dangerous drugs in a port area;
- (l) urinate or defecate in any place in a port area other than a place provided for use as a urinal or toilet;

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- (m) break down or make his or her way through or under or over any fence surrounding a port area;
- (n) spit within a port area;
- (o) undertake personal solicitation or beg in a port area.

20. REMOVAL OF A PERSON FROM A PORT AREA

A person who commits a breach of regulation 18 or 19 may without prejudice to his or her liability to other penalty at law be removed from the port area by an authorised person.

21. PENALTIES

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 not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

PART 3 PILOTAGE AND TOWAGE

22. GENERAL COMPULSORY PILOTAGE

- (1) The attention of masters, owners or agents of ships is drawn to Part 7 of the Act.
- (2) A ship other than an exempted ship shall not enter, leave, moor, move or berth in a port unless a pilot is on board.
- (3) The only persons who may serve as pilots shall be those persons in possession of a valid pilotage licence.

23. EXEMPTION FROM PILOTAGE

- (1) In addition to ships listed in section 54(2) of the Act the General Manager may exempt from compulsory pilotage any ship in any particular case.
- (2) The General Manager 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.

24. SIGNALS TO BE SHOWN BY AN EXEMPT SHIP

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.

25. APPROACH AND BOARDING OF PILOT

- (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 half mile to one mile off Vigie Point in respect of port Castries or one quarter of a mile off Mathurin Point in respect of Vieux-Fort port.
- (2) All pilot ladders shall be in good repair and of 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.

26. ONLY PILOTS MAY PILOT SHIPS OR FLY PILOT FLAGS

- (1) A person other than a pilot shall not offer his or her services to pilot ships.
- (2) A person who is not a 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 a pilot on board and on duty.

27. SHIP TO OCCUPY ASSIGNED BERTH

Any ship not taking the berth assigned to it by the General Manager or which is observed to be or likely to be dangerous to any work,

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buoy or other ship, due to having made a slack mooring or other cause, may be moved or removed under the direction of the General Manager at the risk and expense of the ship.

28. REMOVAL OF SHIP ANCHORED IN FAIRWAY

- (1) A ship shall not be anchored in any fairway without the permission of the General Manager.
- (2) A ship which anchors in any fairway in contravention of paragraph (1) shall in addition to any penalty is liable to be removed at the risk and expense of the ship.

29. THE AUTHORITY NOT LIABLE FOR NON-AVAILABILITY OF A PILOT

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

30. TOWAGE

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

31. LIABILITY FOR TOWAGE

The Authority shall accept no liability in respect of any injury or 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.

32. CONDITION APPLYING TO TOWAGE

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 or loss or damage incurred in connection therewith.

PART 4

SHIPS REPORT, MOVEMENT, BERTHING

33. APPLICATION FOR A BERTH

An “application for berth” as prescribed in the tariff shall be completed by a ship desiring a berth in a port.

34. SHIPS SIGNALS ON ENTERING

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

- (a) the national flag of Saint Lucia 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.

35. SIGNALS

The following are prescribed signals in the port of Castries and shall be displayed from the flag staff of Vigie Lighthouse—

- (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.

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

36. SPEED IN A PORT

All ships shall proceed at a moderate speed within the limits of a port.

37. DUE NOTICE OF DEPARTURE

A ship requiring a pilot and intending to leave a port shall during normal working hours, give notice thereof to the General Manager at least 4 hours before the ship intends to leave. Special arrangements shall be made for any move outside the normal working hours. All other ships when arriving or departing shall in the case of Castries inform Vigie Lighthouse and in the case of Vieux-Fort, Moule-a-Chique Lighthouse of the time of their departure.

38. ANCHORS AND GEAR TO BE IN READINESS

- (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.

39. PORT HEALTH REQUIREMENTS

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.

40. CUSTOMS AND IMMIGRATION REQUIREMENTS

- (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 paragraph (1) without the permission of the customs and immigration officers.

- (3) A person other than a health officer, a pilot, a customs officer, an immigration officer, shall board any ship until the I flag is lowered or until permission to do so has been granted by customs and immigration officers.

41. SHIPS ARRIVAL REPORT

The master of every ship which has arrived in a port shall complete the vessel arrival report prescribed in the Schedule and shall append his or her signature thereto and hand the form to the pilot before the latter leaves the ship. However, in the case of a ship which is berthed without the assistance of a pilot the master shall ensure that a completed vessel arrival report correct in all particulars is sent to the General Manager by him or her or his or her agent within one hour of his or her anchoring or berthing.

42. MASTER RESPONSIBLE FOR ERRONEOUS DECLARATION

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.

43. SHIPS TONNAGE

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.

44. SHIP TO BE KEPT FIT TO MOVE

- (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 General Manager at the risk and expense of the ship.
- (2) A ship shall not immobilise its engines without first obtaining written permission from the General Manager.

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45. SHIPS TO BE MOORED PROPERLY

- (1) Ships berthing at a port shall be provided with good and sufficient warps to the satisfaction of the General Manager 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 General Manager 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 hove in as may be necessary.
- (4) A rope shall not be made fast except to dolphins, moorings posts, 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 General Manager.
- (5) A chain cable shall not be used for mooring alongside except with the special permission of the General Manager.
- (6) All ships shall anchor, moor and berth to the satisfaction of the General Manager, and shall take such additional precaution in adverse weather as may be ordered by the General Manager.
- (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 General Manager as to anchoring, mooring, unmooring, placing or removal of a ship is not obeyed the General Manager shall cause the ship to be anchored, moored, unmoored, placed or removed as the General Manager 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.

46. AUTHORITY TO ASSIGN AND CONTROL

- (1) The General Manager 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 assigned to a ship the ship shall occupy that berth and may at the discretion of the General Manager be removed to any other berth. All masters or persons in charge of

ships shall obey the directions of the General Manager. Where such directions are not obeyed, the General Manager may move the ship by any means at his or her disposal at the risk and expense of the ship.

- (2) The General Manager shall have the right to control the berthing and mooring arrangements of every ship accommodated at any private wharf or jetty in a port.
- (3) A ship assigned a berth by the General Manager shall not drift or change the assigned berth without permission.

47. SHIPS MOORED TO OTHER SHIPS

- (1) A ship shall not make fast to or tie alongside another ship without the prior permission of the General Manager.
- (2) The master or owner of a ship shall, when ordered so to do by the General Manager, 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 General Manager 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.

48. UNSEAWORTHY SHIPS MAY BE DETAINED

The General Manager 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.

49. LIGHTS ON SHIPS AND COLLISION REGULATIONS

All ships whether under way or at anchor shall, save as otherwise provided by these Regulations, between the hours of sunset and

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sunrise, exhibit the lights required by and shall obey the rules of the road for preventing collisions at sea.

50. WATCH TO BE KEPT

- (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.

51. LIABILITY FOR DAMAGE

- (1) A ship is liable to the Authority for any damage done to any port works, plant, machinery, goods or other property used by or for the purposes of the Authority.
- (2) The General Manager may detain any ship damaging property referred to in paragraph (1) until sufficient security is given to his or her satisfaction for the damage so occasioned.

52. USE OF BUOYS AND PRIVATE MOORINGS

- (1) A ship shall not use any buoy which is the property of the Authority without the sanction of the General Manager 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 General Manager.
- (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 General Manager at the expense of the owner if at any time the General Manager so desires.
- (5) The Authority may use any private moorings or buoys.

PART 5 WORKING OF SHIPS

53. GENERAL CONTROL OF LANDING AND SHIPPING CARGO

The landing of cargo or the shipment of cargo or the landing or embarking of passengers in a port shall be subject to the control and direction of the General Manager.

54. MANIFESTS

- (1) Any ship which has arrived in Saint Lucia with cargo from a foreign place or which has loaded cargo in Saint Lucia shall furnish the General Manager copies of the inward and outward manifests and other documents as may reasonably be required by the General Manager in such a manner and time as may be stipulated by the General Manager.
- (2) A ship shall notify the General Manager as soon as possible of subsequent amendment to the documents required under paragraph (1).

55. WORKING OF SHIPS

- (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 General Manager.
- (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 General Manager 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 general or special directions of the General Manager and lighters shall be used as directed by the General Manager.

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- (5) The General Manager may refuse to allow timber or iron and 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.
- (6) The landing of animals from any ship shall be prohibited unless a veterinary or other certificate or 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 General Manager.
- (9) In the case of ships from other places in Saint Lucia 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 General Manager.
- (10) The General Manager 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.
- (11) If a ship fails to take in or discharge cargo with such despatch as appears reasonable to the General Manager 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 General Manager 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 General Manager and shall be immediately recovered by the ship if it is reasonably possible. Failing that it may be recovered by the General Manager at the risk and expense of the ship.
- (15) The General Manager 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.

56. OVERTIME

- (1) Work afloat and ashore in connection with the landing, shipping and transshipment of cargo outside normal working hours shall be charged at overtime rates at ships expense.
- (2) Overtime working may be allowed by the General Manager either on a written request from the agent of a ship or otherwise.
- (3) Every port shall normally be closed on Good Friday, Easter Sunday, May Day and Christmas Day. However, in exceptional circumstances at the sole discretion of the General Manager services may be performed subject to the payment of such time rates if labour and staff are available as may be determined by the General Manager.

57. PAYMENT OF DUES, RATES AND CHARGES

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

58. RECEIPT FOR CARGO

- (1) Unless otherwise specially agreed between the General Manager 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.

Where in the opinion of the General Manager 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 General Manager.

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- (2) A receipt shall be given by the ship to the General Manager for each separate consignment received by the ship.

59. WHEN CARGO IS CONSIDERED LANDED

Cargo shall only be considered delivered to or in the possession of the Authority when they have been removed from the cargo gear used to land the cargo from the ship.

60. WHEN CARGO IS CONSIDERED SHIPPED

Cargo for shipment will be considered delivered to a ship in good condition when it is placed by the General Manager 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**

61. FIRE ON SHIPS

- (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 property subject to such directions as may be given by the General Manager 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 Authority.

62. PREVENTION OF NUISANCE PORTS IN

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.

63. SHIPS TO BE OPEN FOR INSPECTION

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.

64. BOARDING OR LEAVING SHIPS

- (1) A person shall not board or leave a ship whilst such a ship is in motion except with the permission of the General Manager.
- (2) All persons shall board or leave a ship by means of the gangway or an efficient pilot ladder.

65. REFUSE NOT TO BE DEPOSITED IN A PORT

- (1) Ropes, wires, dunnage mats, wood, dirt, ballast, ashes, stone, offal or rubbish of any sort whatsoever shall not be thrown or allowed to fall or drift into the water at a port. Any ship from which such articles or refuse have been allowed to fall shall make good all loss, damage and expenses which the Authority or any other person may sustain or incur in consequence thereof.
- (2) A dead animal shall not be thrown into a port from any ship. Dead animals on board a ship unless permitted by the appropriate Authority to be buried ashore, shall be taken not less than 3 nautical miles outside port limits at the expense of the ship.
- (3) Oil or any similar substances of any description shall not be discharged into or allowed to escape into the water at a port.

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- (4) A ship shall not pump out or clean their tanks or bilges within 200 nautical miles of Saint Lucia.
- (5) All articles which have 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 them at the risk and expense of the person concerned.
- (6) Every ship whilst loading or discharging any cargo shall provide adequate safeguard to prevent it from falling into a port.

66. GOODS NOT ALLOWED TO FLOAT IN A PORT

Goods shall not be permitted to float in a port unless previous permission in writing has been obtained from the General Manager and handling charges at the same rate as if it had been landed have been paid. 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.

67. REMOVAL OF SHIPS WITH OFFENSIVE MATTER ON BOARD

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

68. PROTECTION OF HATCHWAYS

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

69. FUMIGATION

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

70. REPAIRS TO SHIPS

- (1) Structural repairs of ships shall not be made in a port except with the written consent of the General Manager and subject to the following conditions—
 - (a) before any repairs are commenced the ship shall take such precautions as the General Manager 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 General Manager.
- (2) If the ship contravenes or fails to comply with the provisions of paragraph (1) the work may be stopped by the General Manager.

71. RESTRICTION ON USE OF FLAME APPARATUS IN PORT

- (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 General Manager.
- (3) Where it is proposed to do any work in respect of which permission is required under paragraph (1), the master or other person in charge or agent of the ship shall make application in writing for that purpose to the General Manager. 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.

72. PLACING ON WHARF OR QUAY ANY SHIPS BOAT, SHIPS GEAR ETC

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 General Manager and subject to the payment of such charges as may be determined by him or her.

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73. PITCH AND OTHER COMBUSTIBLES MAY NOT BE BOILED ON BOARD SHIP

Pitch, tar, resin, turpentine, oil and combustibles of similar nature required whilst caulking, repairing or carrying out any work on any ship afloat in a port, shall not be boiled on board the ship.

74. EXPLOSIVES MAY NOT BE USED OR GUNS FIRED

- (1) A gun or explosive device shall not be fired or exploded in a port without the permission of the Government of Saint Lucia.
- (2) A rocket shall not be fired or signal light burned on board a ship in a port without the permission of the General Manager unless the ship is in actual distress or in need of assistance.
- (3) Blasting shall not be allowed in a port except with the permission of the General Manager.

75. PROPELLERS MAY NOT BE TURNED WITHOUT WARNING AND PERMISSION

Ships shall not otherwise for an approved movement, turn their propellers without the permission of the General Manager and without giving sufficient warning of their intention to all concerned in the vicinity.

76. DISPLACED MOORINGS OR MARK TO BE REPORTED

- (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 General Manager and await instructions.

77. SUBMARINE CABLES

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

78. CREW OF SHIPS TO TAKE LINES

- (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 General Manager.
- (2) Lines or warps shall not be stretched across the waters of a port without the permission of the General Manager.
- (3) The General Manager may, in case of urgent necessity cause to be cut any warps, ropes, cable or hawser endangering the safety of any ship in a port.

79. ANIMALS

- (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 General Manager 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****80. GENERAL**

Except 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 Inter-Governmental Maritime Organisation.

81. AUTHORITY TO SUPERVISE

Dangerous goods shall not be landed, shipped, or brought into any port except under the direction and superintendence of the General Manager whose orders shall be implicitly obeyed.

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82. LIABILITY FOR EXPENSES

Any expense incurred by or on behalf of the Authority in superintendence, the provision of watchmen or other facility in connection with the handling of dangerous goods shall, except where otherwise provided in these regulations, be borne by the consignee, consignor, or agent, as the case may be.

83. MASTER OR AGENT TO GIVE NOTICE OF DANGEROUS GOODS ON BOARD

The master or agent of every ship having on board any dangerous goods shall give notice thereof to the General Manager 24 hours before arrival.

If without permission any such goods are landed the General Manager 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.

84. EXEMPTIONS FOR WARSHIPS AND TRANSPORT AND OTHER SHIPS

- (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 General Manager may direct—
 - (a) safety-cartridges, safety-fuses, percussion caps fireworks, and any other dangerous goods, specially exempted by the Minister;
 - (b) any other dangerous goods of the nature of any explosives which does not exceed 50 pounds in weight and is properly stored in an approved magazine.

85. BERTHING OF SHIPS CARRYING DANGEROUS GOODS

Every ship carrying, or about to carry, dangerous goods shall be anchored or berthed only in the position assigned to it by the General Manager and shall not be moved therefrom without the written order or permission of the General Manager.

86. RED FLAG TO BE EXHIBITED

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.

87. FIRES AND FIRE FIGHTING

- (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. For the purpose of enforcing this section, the General Manager may search any person who in his or her opinion is in possession of any such article or device.
- (2) Artificial lights or other activities which in the opinion of the General Manager may cause either explosion or fire shall not be permitted in a port where dangerous goods are being loaded, unloaded, or handled.

However, this regulation—

- (a) 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; and
- (b) shall not apply to engine room fires when the same have been previously carefully banked.

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- (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.

88. ONLY DANGEROUS GOODS TO BE HANDLED AT ONE TIME

- (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 General Manager.

89. PERMITS TO LAND DANGEROUS GOODS

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.

90. LICENCE FOR SPECIAL SMALL CRAFT

- (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 General Manager 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 General Manager;
 - (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 gasolene shall not carry dangerous goods.

91. VESSELS TO HAVE TOW LINE

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 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.

92. INSPECTION AND EXAMINATION

Every person in control of any dangerous goods or of any ship or vehicle containing such goods shall when so required by the General Manager 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.

93. PETROLEUM

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

94. CARBIDE

In the case of carbide of calcium the following special regulations shall apply in addition to the provisions of these Regulations—

- (a) the owner or master of every ship, the hold of which contains carbide of calcium, shall keep such hold efficiently ventilated;

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- (b) all carbide of calcium landed from any ship shall be removed without delay to some duly licenced place of storage or beyond the limits of a port area;
- (c) carbide of calcium shall not be brought into or landed within a port area unless packed in hermetically closed metal vessels of such strength and construction or so protected as not to be liable to breakage;
- (d) a package or metal vessel containing carbide of calcium shall not be opened within the limits of a port area except with the written consent of the General Manager;
- (e) every reasonable precaution shall be taken by any ship carrying carbide or calcium and by every person handling such carbide or calcium to prevent the contact of water or moisture therewith and, where contact may have occurred to prevent the gas evolved thereby from being ignited.

95. PENALTY

In the event of any breach of any regulation in this part, without prejudice to any action taken under regulation 158, all or any part of the dangerous hazardous or poisonous goods in a port may be forfeited and disposed of at the discretion of the General Manager at the risk and expense of the owner of the ship, vehicle or goods involved.

PART 8 SMALL CRAFT

96. SMALL CRAFT TO GIVE WAY

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.

97. ROW BOATS TO GIVE WAY TO SAILING BOATS

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, she also shall take such action as will best aid to avoid collision.

98. SMALL CRAFT TO CARRY LIGHTS

- (1) Subject to the provision of paragraph 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, other than fishing boats shall carry the lights prescribed for their class.

99. APPROACHES TO WHARVES, LANDING PLACES AND SHIP'S LADDERS TO BE KEPT CLEAR

- (1) Free passages shall be kept to all jetties, landing places, wharves and moorings, and small craft shall, when 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.
- (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.

100. MOORING OF SMALL CRAFT

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.

101. SMALL CRAFT SUNK IN PORT TO BE REPORTED

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

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102. BOATS NOT TO GO ALONGSIDE SHIPS UNDER WAY

A small craft, other than a small craft carrying any person authorised by regulation 40(3) to board a ship before the 'I' flag is lowered shall not go alongside a ship which has arrived in the State from a foreign place until such ship is at anchor or made fast alongside and has been granted pratique.

103. PASSENGERS AND GOODS TO BE LANDED AT PLACE APPOINTED

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.

104. SMALL CRAFT PLYING FOR HIRE TO BE SURVEYED BEFORE GRANTING CERTIFICATE OF FITNESS

Any person who desires to ply for hire with or let for hire any small craft, shall apply to the General Manager for a licence. The General Manager 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.

105. METHOD OF OBTAINING A LICENCE FOR SMALL CRAFT PLYING FOR HIRE

Upon the production of a certificate granted under regulation 104 and upon payment of the licence fee prescribed in the Tariff Book, a licence may be issued by the General Manager 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 the small craft to which such certificate relates.

106. DURATION OF LICENCE OF SMALL CRAFT PLYING FOR HIRE

(1) A licence under regulation 105 shall, unless previously cancelled, expire on the day of expiration of the certificate to which such licence relates.

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

107. TRANSFER OF LICENCED CRAFT

The transfer by sale or otherwise of any licenced small craft shall be approved by the General Manager and shall not affect the licence already granted.

108. PERSONS CARRIED NOT TO EXCEED AUTHORISED NUMBER

A licenced small craft shall not carry more than the number of persons such craft is licenced to carry. A notice showing the number of persons authorised to be carried shall be painted on or affixed to some conspicuous part of such craft. A person shall not board a craft containing its full licenced complement.

109. GOODS CARRIED NOT TO EXCEED AUTHORISED LOAD

- (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.

110. UNCLAIMED PROPERTY TO BE TAKEN TO CUSTOMS

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 customs officer.

111. EXPIRED LICENCE TO BE RETURNED

On the expiration or other determination of any licence, the owner of the licenced small craft in question shall return the licence to the General Manager.

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112. LIFE-SAVING AND FIRE-EXTINGUISHING APPARATUS

Every licenced small craft shall be equipped with such radio, life-saving and fire-extinguishing appliances as may be considered necessary by the General Manager and shall be kept so as to be at all times fit and ready for use.

113. WHEN HOLDER OF LICENCE MADE TO CEASE TO USE CRAFT

- (1) Any inspector appointed under regulation 104 may and is hereby empowered and authorised at any time to enter upon any small craft licenced under regulation 105 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 General Manager. The General Manager 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 General Manager 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.

114. PENALTY FOR NON OBSERVANCE OF NOTICE

Any holder of a licence who uses or causes to be used any small craft in contravention of regulation 113, and any person who refuses to allow or obstructs an inspector to enter upon, inspect or examine any such craft or its machinery or equipment commits an offence and the licence granted in respect of such a craft may be cancelled.

115. PERSON IN CHARGE OF SMALL CRAFT LICENCED TO PLY FOR HIRE TO BE CAPABLE

A holder of a licence issued under regulation 105 shall not permit his or her small craft to be used for hire unless sufficiently manned by competent persons.

**116. PERSON IN CHARGE OF SMALL CRAFT PLYING FOR HIRE
MAY NOT REFUSE ENGAGEMENT**

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.

117. QUANTITY OF LUGGAGE THAT MAY BE CARRIED

The General Manager 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 General Manager in this respect.

118. LIABILITY

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.

**119. SMALL CRAFT PROHIBITED FROM CONVEYING LIQUOR TO
SHIP'S CREW**

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

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120. PENALTY FOR BREACH OF SMALL CRAFT REGULATIONS

If the owner or person in charge of any small craft licenced under regulation 105 commits a breach of this part he or she shall in addition to the penalty under any other law is liable to a fine not exceeding \$500 or to imprisonment for a period not exceeding 2 months or to both such fine and imprisonment.

121. CONTROL OF SMALL CRAFT

- (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) without due care and attention or without reasonable consideration for other persons using the port;
 - (c) when it is overloaded with passengers or cargo;
 - (d) when it is not seaworthy or safe.
- (2) Without restricting the generality of the term where it appears in paragraph (1), ‘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.

122. CONTROL OF SPEED BOATS

Without prejudice to the generality of regulation 121 every speed boat when within 200 yards of the waters edge shall travel at a slow speed and shall keep well clear of all bathers.

123. DUTY OF PERSON IN CHARGE OF A SPEED BOAT

If the person in charge of a speed boat shall fail to comply with the provisions of regulation 121 or shall fail to ensure that the speed boat of which he or she has charge and any water skier being towed by

such boat do not cause any inconvenience to bathers he or she commits an offence and the licence, if any, of the small craft used in connection with the commission of such offence may be cancelled.

124. SUSPENSION OF LICENCE FOR MISCONDUCT

The General Manager may suspend or revoke the licence of any small craft whose owner or any member of whose crew is guilty of misconduct or a breach or neglect of any regulation in this Part or of any order of the General Manager.

PART 9 GENERAL SAFETY REGULATIONS

125. APPLICATION

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.

126. DUTIES OF MASTERS AND OTHERS

- (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 order 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 paragraphs (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.

127. SAFE MEANS OF ACCESS

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.

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128. DISEMBARKING AND EMBARKING PASSENGERS

- (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 shall be applied beneath every gangway.
- (4) Every gangway shall be illuminated at night.
- (5) A process shall not be undertaken over a gangway.

129. SAFE MEANS OF ACCESS TO OTHER SHIPS TO BE PROVIDED

If a ship is alongside any other ship, and persons employed have to pass from one to the other, safe means of access shall be provided for their use. 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.

130. SAFE MEANS OF ACCESS FROM DECK TO HOLD

- (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 paragraph (1).

131. EFFICIENT LIGHTING TO BE PROVIDED

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.

132. BEAMS AND HATCHES

- (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.

133. LIFTING MACHINERY

- (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, 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 ship's 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.

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134. LIFTS NOT TO EXCEED SAFE WORKING LOAD

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

135. FIRE PREVENTION

- (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 General Manager are necessary or advisable for the protection of persons and property.
- (2) Before 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, warehouse.
- (7) Artificial light by which fire may be ignited shall not be used on port property without permission of the General Manager.
- (8) An article substance shall not be burned, boiled or heated by fire on port property except with the permission of the General Manager.
- (9) Every ship in a port shall have suitable fire-extinguishing equipment available for immediate use in any part thereof.
- (10) The General Manager may in addition to the equipment required by paragraph (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 General Manager.

PART 10 HANDLING AND STORAGE OF CARGO

136. ONUS OF CARGO HANDLING

All cargo handling in a port shall be carried out by the Authority.

137. TRANSIT SHEDS CLOSED TO PUBLIC

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 General Manager.

138. DOCUMENTS REQUIRED BEFORE DELIVERY OF CARGO

Importers or their agents shall present at such place as may be appointed by the General Manager 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 transshipment goods a shipping order complete in every detail and respect.

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139. DOCUMENTS REQUIRED FOR SHIPMENT OF CARGO

Persons desiring cargo to be shipped shall deliver to an authorised person at such a place as may be determined by the General Manager 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.

140. RECEIVING OF CARGO FOR SHIPMENT

- (1) Cargo for shipment shall be deposited in such places as the General Manager may direct.
- (2) All cargo intended for shipment for any particular ship together with the relative shipping orders shall be presented to the General Manager at a port not later than one clear normal working day previous to the ships appointed sailing time. In the event of cargo and/or shipping orders 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.

141. CANCELLING OR AMENDING ORDERS

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

142. WEIGHTS AND CUBIC MEASUREMENTS

- (1) When the weight or cubic measurement of cargo is not available the goods shall be weighed or measured by the General Manager 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.

143. MARKING OF PACKAGES

- (1) Where cargo is insufficiently or incorrectly marked the General Manager 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.

144. DEFECTIVE PACKAGES

- (1) Where any cargo has been landed in packages of a defective or leaky character, despite the provisions of regulation 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, rebagged 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.

145. ACIDS LANDED OR FOUND IN A LEAKY CONDITION

- (1) When acids, oils, paints or similar substances come into possession of the Authority in a leaky condition, the Authority

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may in its discretion repair the leaky or defective packages at the expense of the owner and may refill any packages from which the original contents have leaked.

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

146. UNPACKING OF CARGO

Except for Customs purposes cargo shall not be unpacked in a port area without the special permission of the General Manager. 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.

147. DESTRUCTION OF DANGEROUS AND OFFENSIVE CARGO

- (1) In cases of emergency or for the purpose of securing better safety for a port the General Manager may destroy or otherwise dispose of dangerous cargo in a port without compensation to the owner.
- (2) The General Manager 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 General Manager 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.

148. STORAGE CHARGES ON IMPORT CARGO

- (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 General Manager may extend the free period when delivery is being effected as fast as the Authority requires.

149. STORAGE CHARGES ON IMPORT CARGO

Storage charges after the prescribed free period 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.

150. STORAGE CHARGES ON TRANSHIPMENT CARGO

- (1) Storage charges after the prescribed free period in the Tariff Book shall be charged on all transshipment cargo from the date of arrival of the ship to the date the carrying ship commences to load.
- (2) The General Manager may according to the circumstances prescribe special rates for handling and storing transshipment cargo.

151. CHANGE OF OWNERSHIP OF CARGO

Any change in ownership of cargo shall be notified to the the General Manager 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.

152. CHARGES TO BE PREPAID OR SECURED

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.

153. DELIVERY TO CUSTOMS WAREHOUSE

- (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.
- (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.

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PART 11 MISCELLANEOUS

154. LICENCES GENERALLY

The General Manager may cancel any certificate, licence or badge granted under these Regulations or may refuse to renew or endorse the same.

155. LIABILITY

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.

156. LICENSING OF AGENTS AND OTHERS

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

157. EXCLUSIVE POWERS OF THE GENERAL MANAGER

Save as where otherwise herein these Regulations specially provided or with the written permission of the General Manager specifically in that regard 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.

158. OFFENCES AND PENALTIES

Except where herein otherwise provided, every person doing anything prohibited by any of these Regulations or omitting to do anything required by any of them or who having any other person under his or her command or direction knowingly or negligently permits that

person to contravene any of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or to both fine and imprisonment.

SCHEDULE

VESSEL ARRIVAL REPORT AT

1. Name of Ship			2. Official No.:	3. Voyage No.:	
4. Description			5. Nationality	6. Port of Registry:	
7. Grt:	8. Nrt:	9. Draft Fore.	10. Draft Aft.	11. Length: 12. Beam	
Date:	13. Arrival	14. Boarding:	15. Estimated Dep	16. Last Port of Call:	
Time:				17. Next Port of Call	
18. Inward Cargo Tons		19. Description			
20. T/Ship Cargo Tons		21. Description			
22. Pass. In:	23. Pass. I/T	24. Mail Carried: Bags	25. Containers In @ 20' @ 40'	26. Containers Intransit @ 20' @ 40'	
27. Dangerous/Hazardous Cargo on I.M.O. Lists					
28. Ships Owner or Company					
29. Agent			30. Masters Name		
31. Masters Declaration I declare the above particulars to be true				Signature of Master:	
32. Crew List Attached: Yes/No		33. Passenger List Attached: Yes/No		34. Maritime Dec. of Health Yes/No	

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35. Unmanifested Cargo: Yes/No	Other Documents	
General Remarks:		

AIRPORT REGULATIONS

ARRANGEMENT OF REGULATIONS

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AIRPORT REGULATIONS – SECTION 73⁴

(Statutory Instruments 42/1976 and 27/1977)

Commencement [9 October 1976]

1. CITATION

These Regulations may be cited as the Airport Regulations.

2. INTERPRETATION

In these Regulations—

“**Airport**” means George F. L. Charles Airport, Hewanorra International Airport, and any other area declared to be an airport;

“**Customs area**” has the meaning assigned to it in the Customs (Control and Management) Act or any other Act which amends or replaces the same;

“**police officer**” means a member of the Royal Saint Lucia Police Force established by the Police Act;

“**Minister**” means the Minister charged with the responsibility for Civil Aviation;

“**motor lorry**”, “**motor omnibus**”, “**motor vehicle**”, “**public service vehicle**”, and “**vehicle**”, have the meanings respectively assigned to each of them by section 2 of the Motor Vehicles and Road Traffic Act;

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

“**Superintendent**” includes the Superintendent of Aerodromes, the Assistant Superintendent of Aerodromes and any person deputising for or acting under the authority of either of them.

⁴ *Editor’s note:* These Regulations were made under the Airport Act, 1965. That Act was repealed by the Saint Lucia Air and Sea Ports Authority Act, but these Regulations were saved by section 96.

PART 1 GENERAL

3. APPLICATION OF REGULATIONS

These Regulations apply to all persons who are at any time in any part of an airport.

4. ENTRY INTO RESTRICTED AREAS

- (1) The following buildings and areas in an airport are hereby declared to be restricted areas—
 - (a) the air traffic services rooms;
 - (b) the aeronautical radio stations;
 - (c) the radio transmitter and receiver buildings;
 - (d) the fuel installations;
 - (e) the Government storage buildings;
 - (f) the aerodrome landing area;
 - (g) the runways;
 - (h) the stopways;
 - (i) the clearways;
 - (j) the taxiways;
 - (k) the apron;
 - (l) the aircraft hanger;
 - (m) the fire stations.
- (2) A person shall not enter any restricted area except with the general or specific written permission of the Superintendent and subject to such conditions as may be attached to such permission.
- (3) Any person who contravenes subregulation (2) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

5. ENTRY ON APRON RESTRICTED TO CERTAIN PERSONS

- (1) A person shall not enter the apron of an airport or any customs area, except—

- (a) a person assigned to duty therein;
 - (b) subject to paragraph (e) of this subregulation, a public officer designated in writing by a permanent secretary or a head of a department, as the case may require;
 - (c) a person authorised by the Superintendent;
 - (d) a passenger entering the apron or the customs area for purposes of embarkation or disembarkation;
 - (e) a person authorised by the Comptroller of Customs or his or her duly authorised representative.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

6. CARRYING ON TRADE OR BUSINESS

- (1) A person shall not carry on any trade or business on an airport except with the approval of the Minister and under such terms and conditions as he or she may determine.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for 3 months.

7. SOLICITING

- (1) A person shall not solicit for any purpose whatever in an airport without the permission of the Superintendent.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for 3 months.

8. ADVERTISEMENTS

- (1) A person shall not post signs, advertisements, circulars, printed or written matter at an airport without the approval of the Superintendent and except in such manner as he or she may determine.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for 6 months.

9. PHOTOGRAPHY

- (1) A person shall not take still, motion or sound pictures on an any restricted area of airport without the permission of the Superintendent. (*Amended by S.I.27/1977*)
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

10. USE OF ROADS AND PATHS

- (1) A person shall not—
 - (a) travel on an airport, other than on the roads, paths, or places provided for the particular class of traffic;
 - (b) occupy the roads or paths in such manner as to obstruct their proper use;
 - (c) operate any type of vehicle for the disposal of garbage, ashes or other waste materials without the approval of the Superintendent.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for 3 months.

11. ANIMALS

- (1) A person shall not bring into an airport any dog or other animal unless such dog or other animal has arrived by air or is intended for despatch by air and is restrained by leash or confined in such other manner as to be under control.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for 3 months.

12. LOST PROPERTY

- (1) Any person who finds any property at an airport shall immediately hand it in the state in which he or she finds it to the office of the Superintendent.

- (2) The Superintendent 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 Superintendent 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 Superintendent who shall, without undue delay, sell such property and from the proceeds of the sale pay such award as he or she sees fit not exceeding $\frac{1}{2}$ to the finder and the balance into the Treasury.
- (4) If any property so retained by the Superintendent 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 Superintendent, the Superintendent may thereupon destroy or otherwise dispose of it as he or she sees fit.
- (5) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for 6 months.

13. POWER TO EJECT

Despite anything contained in these Regulations, the Superintendent, or any police officer may at any time eject or remove any person from any part of an airport for committing any breach of any of these regulations.

PART 2 MOTOR VEHICLES

14. TRAFFIC SIGNS

- (1) The Superintendent may place, erect or display or may cause to be placed, erected or displayed at an airport such traffic signs as he or she may consider necessary for the proper control and regulation of vehicular traffic at an airport.
- (2) All traffic signs placed, erected or displayed at an airport shall be considered for the purposes of these Regulations to have

been placed, erected or displayed in accordance with subregulation (1).

- (3) Any person who operates or causes to be operated a motor vehicle contrary to any direction of a sign placed, erected or displayed at an airport commits an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for 6 months.

15. PERMITS

- (1) A driver of a public service vehicle shall not at an airport ply for hire or attempt to ply for hire from that airport unless he or she is the holder of a permit granted by the Superintendent.
- (2) The Superintendent may upon application made on the proper form grant a permit to the driver of a public service vehicle for the purposes of this regulation.
- (3) The Superintendent may refuse for good cause to grant a permit to any applicant.
- (4) The Superintendent may cancel any permit granted by him or her under this regulation if the holder is found guilty of an offence under any of these regulations.
- (5) Cancellation of a permit may be effected by notice to the holder and on such cancellation the holder shall surrender his or her permit to the Superintendent. The permit of a driver of a public service vehicle shall not be valid during any period in which the holder is not the holder of a driving permit under the Motor Vehicles and Road Traffic Act.
- (6) Despite anything contained in this regulation the Superintendent may at any time suspend for a period not exceeding 6 months or cancel any permit granted by him or her if it appears to him or her, after giving the holder an opportunity of being heard, that he or she has committed any offence under these Regulations. Any person whose permit has been suspended or cancelled shall have a right of appeal to the Minister whose decision shall be final.
- (7) When a permit has been suspended or cancelled under this regulation it shall be in the discretion of the Superintendent to refuse to grant any further permit under this regulation to that

person during a period of 6 months commencing from the date of suspension or cancellation.

- (8) A driver who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for 3 months.

16. PASSENGER VEHICLES

- (1) A person shall not operate any taxi, omnibus or other vehicle for the purpose of carrying passengers within an airport otherwise than in accordance with any order or directions of the Superintendent.
- (2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$250 or imprisonment for 6 months.

17. PUBLIC SERVICE VEHICLES

- (1) Drivers of public service vehicles shall on arrival at an airport park their vehicles in the parking area provided for that class of vehicle, or if so directed by the Superintendent or a police officer they shall park such vehicles in accordance with any directions given.
- (2) Drivers of public service vehicles shall remain with their vehicles in the place where such vehicles are parked or in the area designated for them when passengers are passing through immigration and customs.
- (3) Drivers of public service vehicles shall not pick up or set down passengers or passengers' baggage except at such place and in such manner as the Superintendent or a police officer may direct.
- (4) Drivers of public service vehicles shall, when picking up or setting down passengers comply with any direction given to them by the Superintendent, or a police officer.
- (5) A driver of a motor vehicle other than a public service vehicle or a driver of a public service vehicle not plying for hire shall on arrival at an airport park his or her vehicle in an area provided for private motor vehicles or public service vehicles

not for hire or as directed by the Superintendent or a police officer.

18. MOTOR VEHICLES GENERALLY

A driver of a motor vehicle who—

- (a) without the permission of the Superintendent or a police officer leaves his or her vehicle on an airport longer than is reasonably necessary for the transaction of the business for the purpose of which it was brought there;
- (b) picks up or sets down passengers or passengers' baggage elsewhere than at such places as the Superintendent or a police officer may direct;
- (c) drives a motor lorry or a vehicle into the airport except for the purpose of delivering passengers' baggage or other goods to the airport or of collecting the same therefrom;
- (d) when picking up or setting down passengers or passengers' baggage, fails to comply with any directions given to him or her by the Superintendent or a police officer;
- (e) drives or places his or her vehicle carelessly or dangerously or without due consideration for other persons using the airport;
- (f) fails or refuses to stop when required so to do by the Superintendent or a police officer;
- (g) fails to comply with any traffic direction given by the Superintendent or a police officer;
- (h) fails or refuses to move his or her vehicle from any parking area when required by the Superintendent or a police officer so to do;
- (i) without the permission of the Superintendent or a police officer takes a vehicle into a place other than a place provided for passengers or accommodation of that vehicle;
- (j) without the permission of the Superintendent or a police officer, take his or her motor vehicle into a hangar used for the maintenance and storage of aircraft,

commits an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for 3 months.

19. MOTORISED EQUIPMENT

- (1) A person shall not operate any motorised equipment on the taxi tracks or apron or the aircraft landing area, except—
 - (a) a person assigned to duty therein;
 - (b) a person so authorised by the Superintendent or the air traffic control officer on duty at the control tower.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months or to both such fine and imprisonment.

20. PEDESTRIANS

- (1) Pedestrians within pedestrian lane markings have the right of way over vehicular traffic.
- (2) A person shall not cross any runway except at such place and subject to such conditions as the Superintendent may consider fit, or by the special permission of the air traffic control officer on duty at the control tower.
- (3) Any person who contravenes subregulation (2) commits an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for 6 months.

21. ACCIDENT REPORTS

- (1) All persons involved in any accident on an airport and all witnesses thereto shall report the same without delay, to the Superintendent, or to the air traffic control officer on duty at the control tower, or to a police officer.
- (2) Any person who fails to comply with subregulation (1) commits an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for 6 months.

22. INTOXICATION

- (1) A person shall not, while under the influence of liquor or narcotic drugs, operate a vehicle of any kind on an airport.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$500 or

to imprisonment for 6 months or to both such fine and imprisonment.

23. OMNIBUSES

- (1) A carrier by motor omnibus for hire shall not load or unload passengers in an airport at any place other than that designated by the Superintendent.
- (2) Any person who fails to comply with the provisions of subregulation (1) commits an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for 6 months.

PART 3 GENERAL RULES OF CONDUCT

24. DISORDERLY CONDUCT

- (1) A person shall not use indecent language or commit any disorderly, obscene or indecent act or cause any nuisance on an airport.
- (2) Any person who contravenes subregulation (1) of this regulation commits an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for 6 months.

25. GAMBLING

- (1) A person shall not engage in any form of gambling or operate or cause to be operated any gambling device anywhere on an airport.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for 6 months.

26. SANITATION

- (1) A person shall not—

- (a) dispose of garbage, papers, refuse or other material on any airport except in the receptacles provided for that purpose;
 - (b) use a sanitary convenience otherwise than in a clean and sanitary manner.
- (2) Any person who contravenes subregulation (1) of this regulation commits an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for 6 months.

27. PRESERVATION OF PROPERTY

- (1) A person shall not at an airport—
- (a) destroy, damage, deface or disturb in any way any building, sign, equipment, structure or other public property at an airport;
 - (b) obstruct any person acting in the execution of his or her duty in relation to any airport;
 - (c) remain on an airport or on any part thereof after having been required by the Superintendent or a police officer to depart therefrom;
 - (d) load or attempt to load any aircraft without the authority of the person in charge;
 - (e) smoke in or otherwise bring any naked light into—
 - (i) any place where any such act is prohibited by notice,
 - (ii) any place within 50 feet of an aircraft or a store of liquid fuel or explosives;
 - (f) fill or discharge from any container (including any part of a vehicle) liquid fuel elsewhere than in a place approved for that purpose;
 - (g) light any fire elsewhere than in a place provided for that purpose;
 - (h) use radio transmitting or receiving equipment that is intended for transmission or reception on the aeronautical frequencies allocated for use at that airport;
 - (i) throw, leave or drop anything capable of causing injury or damage to any person or property.

- (2) A person shall not, without the permission in writing of the Superintendent in addition to any other permission (if any) that may be lawfully required—
 - (a) erect, alter, move, paint, distemper any building, sign, maps or other structures forming part of or provided for in connection with an airport;
 - (b) lay any cable, wire or pipe or dig any part of an airport;
- (3) A person shall not—
 - (a) climb a wall, fence, barrier, railing or post of any airport;
 - (b) walk on any flowering bed planted area or anything growing thereon or any lawn on which walking is prohibited by notice; or
 - (c) remove, disturb, pull or damage any tree or plant growing on an airport.
- (4) Any person who contravenes this regulation commits an offence and is liable on summary conviction in respect of subregulation (1) and (2) to a fine of \$500 and in respect of subregulation (3) to a fine of \$250 or to imprisonment for 6 months and 3 months respectively or to both such fine and imprisonment.

28. FIREARMS EXPLOSIVES AND INFLAMMABLE MATERIAL

- (1) Subject to subregulation (2) a person other than a customs or immigration officer, or a police officer on official duty shall not carry any firearms, explosives or inflammable materials on an airport without the written permission of the Superintendent.
- (2) Where a police officer desires to carry explosives or inflammable materials at an airport, he or she shall first inform the Superintendent who shall make such arrangements for the carriage of such explosives or inflammable materials as he or she may consider proper.
- (3) All persons other than the exempted classes mentioned in this regulation shall surrender all firearms explosives and inflammable materials in their possession to the Superintendent or a police officer at an airport.
- (4) Any person who contravenes subregulation (1) or (3) commits an offence and is liable on summary conviction to a fine of

\$500 or to imprisonment for 6 months or to both such fine and imprisonment.

29. FIRES

- (1) The lessee or occupier of any premises at an airport where a fire has occurred shall, within 24 hours of its occurrence, submit to the Superintendent a report in writing, stating the circumstances of the fire.
- (2) Any lessee or occupier as aforesaid who fails to comply with subregulation (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months or to both such fine and imprisonment.

30. RADIO OPERATION

- (1) A person shall not operate any radio equipment in any aircraft while such aircraft is in a hangar without the prior approval of the Superintendent.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

PART 4 AIRCRAFT

31. PARKING OF AIRCRAFT

- (1) A person shall not park any aircraft in any area on an airport other than that determined by, and with the consent of, the Superintendent or the air traffic control officer on duty at the control tower.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months or to both such fine and imprisonment.

32. INTERFERING AND TAMPERING WITH AIRCRAFT

- (1) A person shall not interfere or tamper with any aircraft or put in motion the engines of any aircraft without the permission of the owner.
- (2) Any person who contravenes subregulation (1) of this regulation commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months or to both such fine and imprisonment.

33. RUNNING OF ENGINES

- (1) A person shall not start or run any engine in any aircraft unless a competent person is in the aircraft attending the engine controls. Before starting the engine or engines in any aircraft, the wheels shall be adequately scotched.
- (2) Any person who contravenes subregulation (1) of this regulation commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months or to both such fine and imprisonment.

34. REPAIR AND TESTING OF AIRCRAFT

- (1) No aircraft, aircraft engine, propellers or any other appliances thereof, shall be repaired in any area of an airport other than that specifically designated by the Superintendent or the air traffic control officer on duty at the control tower.
- (2) Except with the permission of the Superintendent or the air traffic control officer on duty at the control tower, a person shall not repair any aircraft or run up aircraft engines for test purposes on the parking apron.
- (3) A person shall not test radar equipment on the parking apron without the permission of the Superintendent or the air traffic control officer on duty at the control tower.
- (4) Any person who contravenes subregulation (1), (2) or (3) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

PART 5

OBLIGATIONS OF LESSEES AND TENANTS

35. SIGNS AND BULLETIN BOARDS

- (1) The lessees of hangars shall maintain bulletin boards in a conspicuous place for the purpose of posting all notices issued by the Superintendent.
- (2) All lessees of hangars or lessees of shop facilities on an airport shall provide in such hangars or shop facilities accessible first aid kits and fire appliances approved by the Superintendent.
- (3) A lessee of any hangar, or lessee of any shop facility on an airport shall not store or stock material or equipment in such a manner as to constitute a hazard to personnel or property.
- (4) Any lessee or tenant who contravenes subregulations (1), (2) or (3) commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

HARBOUR OF CASTRIES REGULATIONS – SECTION 73^s

(Gazettes 18/1/1901, 16/7/1904, 19/3/1917, 5/5/1917, Statutory Instruments 18/1922, 11/1924, 6/1926, 9/1926, 10/1926, 14/1926, 67/1936, 88/1941, 26/1953 and 30/1961)

Commencement [18 January 1901]

Port of Castries

1. In these Regulations the term Harbour Master and Pilot includes anyone acting under his or her orders, and also the Assistant Harbour Master and Pilot, and the term Harbour Master includes the Assistant Harbour Master and the term H.M. Ships includes all Troopships or chartered Transports.
2. The Harbour Master and Pilot's orders shall be obeyed by masters of ships, whether given to them verbally by him or her or in writing signed by him or her.
3. Ships entering the port of Castries shall when required by the Harbour Master and Pilot so to do, heave to, slow down, or stop, so as to enable the Harbour Master and Pilot to come on board.
4. Ships entering or leaving the port in the daytime shall show their national flag, and all ships (hulks included) when anchored at night shall exhibit a white light at a height, not exceeding 20 feet above the hull, where it can best be seen. Ships shall have their anchors buoyed.
5. Ships arriving from any place outside Saint Lucia shall not come within 300 yards of any wharf, unless they have obtained pratique from the Harbour Master and Pilot.
6. Ships having sickness on board, or, during the existence of quarantine, having had communication with an "infected place" or "infected vessel," as defined by the Quarantine Act shall on arrival be placed on the Quarantine Ground under observation, until the Quarantine Board decides as to their admission to pratique.

⁵ *Editor's note:* These Regulations were made under the Harbour of Castries Act, 1895. That Act was repealed by the Port Authority Act, 1972 but these Regulations were saved under section 99. The Port Authority Act, 1972 was repealed by the Saint Lucia Air and Seaports Authority Act but these Regulations were saved by section 96.

7. Ships (except coasting steamers) entering the port between 6:00 p.m. and 6:00 a.m., when not possessed of clean bills of health, shall anchor at the entrance of the harbour, or, when possessed of clean bills of health, to the West of the Western Wharf, and to the West of the Rendezvous Buoy, taking care not to obstruct the approach to the wharves. Coasting steamers may take their berths at the wharves. Other coasting vessels shall take the position assigned to vessels having clean bills of health.
8. On weekdays every sailing vessel arriving at the port between the hours of 6:00 a.m. and 6:00 p.m. shall immediately be visited by the Harbour Master and Pilot.
9. On Sundays the Harbour Master and Pilot shall visit, between 6:00 and 8:00 a.m. and between 4:00 and 6:00 p.m., any sailing vessel that has arrived before those hours. In case of urgent signal being made he or she shall visit.
10. Steamers arriving on Sundays shall be visited immediately by the Harbour Master and Pilot.
11. Steamers arriving in the night shall be visited by the Harbour Master and Pilot immediately, if signal be made for the Pilot. Steamers leaving the port at night may claim the services of the Pilot.
12. Ships requiring a Pilot shall in the daytime fly the Pilot Jack at the foremasthead, and in the night shall exhibit a blue light and blow their steam whistle at intervals.
13. Ships shall not blow their steam whistle in the harbour without the special permission of the Harbour Master and Pilot, except as permitted in the preceding rule.
14. Ships entering the port without the Pilot and anchoring in an improper place will be liable for any damages that may arise in consequence.
15. A person shall not board, or leave, or receive anything from, or convey anything to, any ship coming into port, nor shall any boat go alongside such ship, until the Harbour Master and Pilot shall have boarded such ship and received the master's verbal report; after which the master shall make the requisite report at the Treasury.
16. Masters having powder or any other explosive on board of their ships shall fly the Burgee at the fore, and shall, immediately

and before being berthed, report their having powder or other explosive on board, to the Harbour Master and Pilot, who shall cause such powder or other explosive, not being for Her Majesty's Service, to be landed at the appointed place at the consignee's risk and expense or to be otherwise dealt with at the risk and expense of the master.

17. Masters or persons in charge shall, on demand, produce and show to the Harbour Master and Pilot the ship's registers and papers, and have their stores in readiness for the inspection of a Revenue Officer, and the hatches of their vessels cleared, ready to be sealed down.
18. Masters or persons in charge of ships shall, if required by the Harbour Master and Pilot, rig in their jib-booms and outer jib-booms, and shall conform to such other orders as shall be given by the Harbour Master and Pilot.
19. Masters or persons in charge of ships lying in or obstructing the fair way shall, immediately on being notified by the Harbour Master and Pilot, take such berths as he or she shall direct.
20. Ships shall not heave down at or near to any public wharf, but at such place as may be appointed by the Harbour Master with the approval of the Governor General.
21. Ships shall anchor or lie along wharves at places assigned to them by the Harbour Master and Pilot, and shall remove, when required, from such anchorage or wharf to such other anchorage or wharf as the Harbour Master and Pilot shall appoint. Ships (hulks included) shall not be removed from the anchorage or wharf assigned by the Harbour Master and Pilot for any other anchorage or wharf in the said port without leave of the Harbour Master and Pilot. The Harbour Master and Pilot may direct the removal of any ship or boat from alongside any wharf or ship, if in his or her opinion such ship or boat is interfering with the public convenience. The master of any such ship or boat, or any person in charge of the same, shall obey at once the directions of the Harbour Master and Pilot. If any ship is not at once removed when so directed by the Harbour Master and Pilot, he or she may have such vessel removed at the expense of the owner.
22. Masters of ships lying at the wharves or at anchor shall not, except by special permission of the Harbour Master, allow

warps or fasts to be laid out to the buoys, or to any other object so as to obstruct the passage of ships or boats, and warps shall not be made fast to any part of the wharves except to posts or rings put down for that purpose.

23. Owners of cargo or their agents shall not allow goods landed from or intended to be put on board ships, to be placed on any wharf so as to obstruct the mooring posts laid down for the use of ships.
24. Ships shall not be left without one person, at least, in charge, and, when alongside the Northern or Western Wharves, shall not be left during the day or night without a sufficient number of persons on board who can shift such ships, if required, from berth to berth, or lay out extra moorings. Such ships is liable to be impounded and removed to such place as may be appointed by the Harbour Master. Such ships shall not be delivered up to the owners until all expenses of the removal and the fine or penalty incurred under the Act shall have been paid. If such expenses and fine or penalty are not paid within 10 days from the day such ships were impounded, such ships may be sold by order of the Harbour Master and Pilot for the benefit of Saint Lucia. For the purposes of this regulation all steamships shall, unless special permission, be given, or unless otherwise ordered, keep sufficient steam to move immediately either by day or by night.
25. The matter of precedence of ships requiring a berth alongside the Castries Wharf shall be at the discretion of the Harbour Master, who shall be empowered to require any ship already granted a berth to move away therefrom, if, in his or her opinion, there is good and sufficient reason so to do.
26. Her Majesty's ships shall have precedence over all other ships at the public wharves if the Commander so requires in the interest of the service, and the term Her Majesty's ships shall include all Troopships or Chartered Transports.
27. Any banana ship shall have precedence over all other ships (except Her Majesty's ships) at the public wharves for the purpose of loading bananas; but it shall not occupy the public wharves for any longer period than is necessary for the purpose.
28. In the case of any dispute whatever about a berth the decision of the Harbour Master shall be final.

29. When the cause giving any vessel a right of precedence shall in the opinion of the Harbour Master cease to operate the right of precedence shall *ipso facto* cease.
30. Berths at the wharves shall not be held solely to take in a supply of fresh water. The supply of fresh water shall be obtained during the time of taking in or discharging cargo or coals.
31. Masters of ships lying alongside the wharves shall keep sufficient cargo in the holds of their ships for stiffening them so as to enable them to be hauled off to the ballast ground. Ships shall not be permitted to ballast alongside of the wharves without special permission from the Harbour Master.
32.
 - (1) Application for permission to discharge ballast or stones of any kind shall be made in writing to the Harbour Master and Pilot stating the description and quantity. The place for such discharge shall be appointed by the Harbour Master and Pilot.
 - (2) Application for permission to take in ballast or stones of any kind shall be made in writing to the Harbour Master and Pilot, stating the quantity required. The description of ballast shall be approved by the Harbour Master before being taken on board.
33. Ships or boats taking on board or discharging any ballast, coals, or other loose article within the harbour, shall have tarpaulins properly stretched and spread so as to prevent any such articles from falling into the sea.
34. Dead animals, offal, ashes, coal-baskets, dirt, or refuse or rubbish of any kind, or any foul liquid matter, shall not be thrown into the harbour.
35. Every person who, except when acting in obedience to lawful authority, throws, or causes or permits to be thrown into the Harbour any explosive substance, commits a breach of these Regulations.
36. Inflammable materials, such as pitch, tar, resin, or oil, shall not be heated on board any vessel lying alongside any wharf; but all such inflammable articles shall be heated at such place as may be appointed by the Harbour Master with the approval of the Governor General.

37. Cables with buoys attached shall not be laid without the written permission of the Harbour Master and Pilot, who shall direct where such cables and buoys shall be laid.
38. Persons shall not by boat-hook, rope, cable, or otherwise hang on to any beacon in the harbour.
39. The approach to the Harbour Master and Pilot's boathouse shall not be obstructed.
40. Persons shall not molest, obstruct, or in any way interfere with the Harbour Master in the performance of his or her duties.
41.
 - (1) Masters of ships shall in all cases be liable for the breach of any of these Regulations, and for damage caused by their ships or boats.
 - (2) In the case of hulks, the owner is liable for the breach of any of these Regulations relating to hulks.
42. Masters of ships occasioning damage to any wharf, beacon, or buoy, shall, in addition to any penalty incurred by them under the Act, be liable for the costs of repairing such damage.
43. A prosecution or suit shall not be entered upon by the Harbour Master and Pilot under the foregoing regulations without the approval of the Governor General.
44. Persons who desire to erect wharves, piers, or waterside approaches, or to alter, rebuild, or reconstruct any wharves, piers, or waterside approaches, shall petition the Governor General in writing for permission to do so, and shall at the same time forward plans, on the scale of not less than one inch to 8 feet, showing the positions and descriptions of the intended erections or alterations.
45. Any person committing a breach of the foregoing regulations is liable on summary conviction to a penalty not exceeding \$240.
46. The Harbour Master may verbally order the master, or apprentice, or seaman, or any distressed British seaman travelling on board any ship, or anyone belonging to any ship arriving at this port not to leave the ship, and should any such person as aforesaid at any time leave the ship and land, despite the order, he or she may be arrested without a warrant by the Harbour Master or any police officer and put on board the ship

from which he or she landed. An order not to land when given to the master of the ship shall be considered to be given to every seaman, apprentice, or any one belonging to the ship. And in the event of any such person landing after having been put on board he or she may be arrested without a warrant and detained in custody until the departure of the ship.

47. Any master, apprentice or seaman or any distressed British seaman travelling on board any ship or anyone belonging to any ship arriving at this port who shall land may, at any time, be ordered by the Harbour Master or any police officer at his or her direction to return to the ship from which he or she landed; and should such person as aforesaid refuse or neglect to return to such ship immediately, he or she may be arrested without a warrant by the Harbour Master or any police officer and conveyed back to the ship from which he or she landed. And in the event of any such person landing after having been put on board, he or she may be arrested without a warrant and detained in custody until the departure of the ship.
48. Every seaman belonging to any ship arriving at the port of Castries and landing thereat shall return to his or her ship before she sails, and should any seaman be left at the aforesaid port or be found in Saint Lucia after the departure of his or her ship, the Governor General may order his or her arrest without warrant and detain him or her in custody until he or she can be conveniently shipped from Saint Lucia.
49. The Governor General may order any ship in the Harbour of Castries to leave immediately or may refuse to allow any ship to be coaled.
50. All property found in the harbour, or derelict on the coast of the Island, or within 3 miles thereof, shall be delivered to the Harbour Master by the finders, to be by him or her returned to the owners on payment of salvage (to be fixed by the Director of Finance and Planning) and other expenses; if not claimed within one month, to be sold, and the proceeds, after the payment of salvage and other expenses, to be paid into the Treasury.

51. The landing of Foreign Armed Sailors or Soldiers from Ships of War or from any Ship or Transport chartered by any Foreign State is prohibited, except with the permission of the Administrator: Provided however that individual officers and men may be allowed to land while such permission is being obtained.
52. The landing of men from Foreign Men-of-War or from Ships or Transports as above described is restricted to the public wharves, the wharf at the Army Service Corps Yard, and, with the permission of the Harbour Master, the Victoria Hospital Pier. In the latter case, landing will only be permitted for the purpose of taking observations or rating chronometers.
53. When Ships of War or Transports are landing large parties of men for liberty or recreation notice should if possible be given to the Commissioner of Police so that the necessary arrangements may be made by him or her to prevent any disorder in the town.
54. Foreign Men-of-War, when in the Harbour, shall not make use of Search Lights or in any way survey the coast line of the Harbour without the permission in writing of the Administrator.

The Castries Wharves

55. The wharves shall be under the charge of the Harbour Master.
56.
 - (1) No person other than the persons mentioned in the next following sub-rule, shall enter or be in any portion of the northern wharf or shall enter or be in any portion of the eastern, western or southern wharves enclosed by any barrier unless such person is in possession of and produces on demand to a police officer or to an authorised person a valid pass signed by the Harbour Master authorising admission thereto.
 - (2) The following persons are exempt from the provisions of this rule—
 - (a) any member of Cabinet or the House of Assembly, the Harbour Master and any member of the Harbour Staff while the latter is on duty;
 - (b) any port medical officer;

Revision Date: 31 Dec 2008

- (c) the Comptroller of Customs and any customs or revenue officer while such customs or revenue officer is on duty;
 - (d) any police officer while on duty;
 - (e) any passenger going to or from any ship berthed at a wharf or in the harbour;
 - (f) any officer, sailor or other person employed in any ship berthed at a wharf or in the harbour;
 - (g) any person in possession of and who produces on demand to a police officer or to an authorised person a valid pass signed by the master, owner or agent of a vessel berthed at a wharf or in the harbour;
 - (h) any waterfront worker, whilst so engaged in connection with any ship berthed at a wharf, or in the harbour who has in his or her possession and produces on demand to a police officer or to an authorised person a valid badge signifying that such worker is so engaged.
- (3) Any person who enters or is in the northern wharf or who enters or is in any portion of the eastern, western or southern wharves enclosed by a barrier, otherwise than in accordance with this rule, commits a breach thereof.
- (4) In any proceedings against any person for a breach of this rule the burden of proof that such person is authorised to enter or to be in a wharf shall lie on him or her.
- (5) In this rule “authorised person” means:
- (a) the Harbour Master or a member of his or her staff while the latter is on duty; and
 - (b) the Comptroller of Customs or any customs or revenue officer while such customs or revenue officer is on duty.

(Substituted by S.I. 30/1961)

57. A person shall not remain or loiter on any part of the wharves, whether the same be enclosed by barrier or not, but shall move on when required so to do by the Harbour Master or by any police officer.

58. No crowd shall collect on any part of the wharves; and persons so collecting shall immediately disperse when required so to do by the Harbour Master or by any police officer.
59. A person shall not throw any dirt, rubbish, or any offensive matter or thing whatsoever on or from any part of the wharves.
60. No goods, merchandise, or other article or thing shall be left or deposited on any wharf within 11 feet from the margin of such wharf.
61. Such goods, merchandise or other articles or things as the Harbour Master may allow to remain on the wharves shall be placed and arranged by the owner or person in charge thereof on such sites and in such manner as the Harbour Master may direct, and shall be removed by the owner or consignee thereof within 24 hours of the time at which the same shall have been landed thereon from any ship or placed thereon for shipment. However, the Harbour Master may grant special permission to allow such goods, merchandise or things to remain on the wharves beyond the time herein specified, if such permission shall not interfere with the public interests.
62. All goods, merchandise, or other article or thing deposited or remaining on the wharves without the Harbour Master's consent may be removed therefrom at the expense of the owner to such place as the Harbour Master may direct; and the same shall not be delivered up to the owner until all the expenses of removal, together with any fines or penalties that may have been incurred, shall have been paid. Where the said expenses, fines or penalties shall not have been paid within one month from the time of removal, the said goods, merchandise, or other article or thing may be sold by order of the Harbour Master for the benefit of Saint Lucia.
63. Coal shall not be stacked on the wharves to a greater height than 20 feet.
64.
 - (1) The Harbour Master may— (a) let sites on the wharves for periods not exceeding one year; but despite any agreement to the contrary the notice necessary to terminate any such lease (at whatsoever periods and howsoever the rent may be paid) shall be for annual leases — 6 months, and for leases of less than one year's

- duration — one month, — to be computed in each case from the date of the notice; (b) at his or her discretion, allow coals to be stored on the wharves from day to day at a charge for such storage of one half cent per square yard per day.
- (2) Rent shall in the case of annual leases be payable quarterly in advance; for leases for shorter periods monthly in advance.
65. Subject to the next following rule the charge for the storage of articles other than coal on the wharves shall be at the rate of one half cent per ton measurement per day.
66. The Harbour Master may allow sugar, rum, molasses, and products intended for shipment, logwood and other woods excepted, to be deposited on the wharves and to remain thereon for not more than 7 days, free of charge. Logwood and other woods intended for shipment shall be stored on sites outside the wharf barriers and a rental value of \$0.08 per square yard per quarter shall be charged for such sites. These sites shall be subject to the approval of the Harbour Master to whom application shall be made in writing. The Harbour Master may allow such woods to be removed to a site within the wharf barriers prior to immediate shipment.
67. All monies due to the Government under these Regulations shall be paid into the Treasury, and the Harbour Master shall furnish all such information as may be required by the Treasurer to enable him or her to collect the same.
68. The Governor General may remit charges in special cases or for good cause.
- 69.
- (1) The Harbour Master shall have power to issue not more than 12 passes for any one month to persons to go on the wharves or to ships lying in the Harbour of Castries for the purposes of carrying on bumboating trade.
- (2) Any person carrying on a bumboating trade without such a pass commits an offence against this rule.
- (3) A person shall not trade in or convey on to the wharves or on to any ship in the Harbour of Castries any opium or preparation of opium, any bay rum or any perfumed

- spirits, or any alcohol or compound thereof in any form whatsoever.
- (4) The Harbour Master shall have power to withdraw at any time any pass so issued by him or her.
- (5) The pass shall be in such form as the Governor General may direct.
70. All penalties for breaches of these Regulations or any of them may be sued for and recovered by the Harbour Master or any Police Officer, and when recovered shall be paid into the Treasury for the use of Saint Lucia.
71. Any person committing a breach of any of the foregoing regulations numbered 55 to 69 inclusive is liable on summary conviction to a penalty not exceeding \$24.
72. All boats shall lay off from steamers and other vessels carrying passengers at a distance of not less than 20 yards except as hereafter directed.
73. Not more than one boat shall be allowed to come alongside at the same time for the purpose of taking passengers and their luggage, etc.
74. No boat shall be permitted to remain alongside longer than is actually necessary to enable the boatmen to take in passengers and their luggage.
75. Any boatman who in any boat or ship alongside of any steamer or other ship carrying passengers is drunk and disorderly, or
Makes use of any violent or obscene language with intent to provoke any person to commit a breach of the peace, or
Uses any obscene or profane language to the annoyance of any person, or
Fights or otherwise disturbs the peace,
commits a contravention of these Regulations.
76. The use in any way or manner whatsoever in the harbour of the small craft known as "Dories" is absolutely prohibited.
77. Boats, rafts, or other obstructions shall not be made fast to any wharf, or so near as to impede the use of the wharf. The Harbour Master and Pilot shall cause any such boat, raft, or other obstruction to be removed, and shall be entitled to recover

from the owner all expenses incurred by him or her in its removal.

78. Boatmen, while lying with their boats at any landing place or wharf, or alongside or attending upon any ship within the harbour, shall strictly obey the directions of the Harbour Master and Pilot or of the Police. Boats shall not be secured to the accommodation ladder of any ship.
79. Boats shall not be left alongside ships or wharves used by large ships unattended by persons in charge.
80. Boats of any kind shall not be allowed to remain unemployed alongside wharves liable to be used by large ships.
81. Boats shall not be hauled up on the wharves, the River Guide Bank embankments, or on the Harbour foreshore or be left there, except upon that portion of the Four-a-Chaux bounded on the North by the Castries River, on the South and East by lands of Heirs Mallet-Paret, and on the West by the Harbour of Castries, and at such other places and under such conditions as may be appointed for that purpose by the Governor General and published in the Gazette.
82.
 - (1) Any person committing a breach of or neglecting to observe any of the foregoing regulations numbered 72 to 78 inclusive is liable to a penalty not exceeding \$24. Any such penalty may be sued for by the Harbour Master or Assistant Harbour Master before the First District Court and when recovered shall be paid into the Treasury for the use of Saint Lucia.
 - (2) Any person committing a breach of regulations numbered 79, 80 and 81 is liable to the above penalty and in addition the boat with all tackle may be seized by order of the Harbour Master and Pilot and removed to such place as may be appointed by him or her as a Pound. Such boats shall not be delivered up to the owners until all expenses of the removal and the fine or penalty incurred under the Act shall have been paid. If such expenses and fine or penalty are not paid within 10 days from the day such boats were impounded, such boats may be sold by the order of the Harbour Master and Pilot for the benefit of Saint Lucia.

Steamers with Gasoline, etc

83. Steamers laden with gasoline, case oils, or any explosive or dangerous cargo may be allowed to bunker in the harbour subject to the following conditions—
- (a) Such ship shall only bunker at such berth at the western end of the Northern Wharf as may be assigned to her by the Harbour Master.
 - (b) No such ship shall lie alongside the wharf except during daylight.
 - (c) Every such ship shall be hauled off by 4:30 p.m.
 - (d) No naked lights are to be allowed on deck or below on any such ship.
 - (e) No person in possession of matches or other combustibles shall be, or be allowed to be, in the bunkers of such ship.
 - (f) Trimmers on such ship are to be searched and shall allow themselves to be searched.
 - (g) A person shall not be, or shall be allowed to be, on board such ship except solely on business to the satisfaction of the Harbour Master and with his or her permission.
 - (h) Sufficient steam shall be kept up to enable such ship to be immediately shifted at any time.
 - (i) A person shall not smoke or be allowed to smoke on board such ship.
 - (j) All hatches of such ship shall be kept closed.
 - (k) Sufficient extra police supervision to the satisfaction of the Harbour Master shall be employed at the expense of such ship by the bunkering agents to ensure the due observance of these Regulations and the Harbour Master's directions.
84. In addition to and without prejudice to any other provision, whenever in the opinion of the Harbour Master the public safety is likely to be endangered by the presence in the harbour of any steamer, ship or boat, the Harbour Master may direct the removal of any such steamer, ship or boat from alongside any wharf or from the harbour.

85. The owner, the master or the person in charge of any steamer, ship or boat or any other person who contravenes any of the provisions of regulations 83 and 84 is liable on summary conviction to a penalty of \$240.

Lights on Shipping

86. In the following Regulations unless the contrary intention appears
- “**ship**” shall include every description of vessel of whatever size or kind used in navigation not being a “small ship” as hereinafter defined.
- “**small ship**” includes yachts, launches, pirogues, canoes, row boats, punts, sculls and all other similar craft used in navigation not exceeding 5 tons net register.
87. Every ship or raft afloat in the Harbour of Castries between the hours of 6:00 p.m. and 6:00 a.m. and not being alongside any of the wharves, shall exhibit at least 3 feet above the hull a white light in a lantern or lamp so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least one mile.
88. Every ship or small ship afloat in the Harbour of Castries when laden with gasoline, case oils, or any explosive or dangerous cargo shall in addition to the light hereinbefore prescribed, exhibit in a conspicuous place a red light in a lantern or lamp so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least one mile.
89. Every small ship afloat in the Harbour of Castries between the hours of 6:00 p.m. and 6:00 a.m. not being alongside any of the wharves or within the zone hereinafter provided for shall exhibit at least 3 feet above the hull a white light in a lantern or lamp so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least one mile.
- 90.
- (1) The Harbour Master shall prescribe a zone within which small ships may be moored or berthed and thereby obtain exemption from liability to exhibit the light required by section 89 of these Regulations to be exhibited.

- (2) Every small ship moored or berthed within such zone shall be exempt from the requirements of section 89 of these Regulations.
 - (3) The Harbour Master may, if he or she considers it necessary, change the locality of this zone or vary its limits.
 - (4) The limits of the zone, and any variations thereof, shall be clearly indicated by the Harbour Master by means of buoys or other easily distinguishable marks or devices.
 - (5) The limits of the zone when first prescribed, and any variations thereof, shall be made known by notice under the hand of the Harbour Master and published in the Gazette.
91. Nothing in these Regulations contained shall apply to any ship, small ship or raft actually exhibiting any lights required to be exhibited by the Collision Regulations (Imperial Order in Council No. 1113 of 1910) made under the Imperial Merchant Shipping Act, or by any other Imperial Legislation in force or to any ship exhibiting when at anchor the light required by regulation 4 of these Regulations to be exhibited, or to any boat (as defined in the Boats (Licence and Navigation) Act) carrying when under weigh the lights prescribed by Regulations made thereunder.
92. Any person who acts in contravention of or fails to comply with any of the foregoing regulations commits an offence and on being convicted thereof is liable to a penalty not exceed \$24.

Tariffs

93. The following fares are chargeable for services of boats and boatmen in the Harbour of Castries and within one mile thereof:—

To or from Castries—	¢
1. For one passenger going to or returning from a ship one mile outside of the Harbour entrance or within one mile thereof	96
2. If more than one passenger be carried the charge for each passenger will be	96

3. For every 100 lbs. and under of baggage	24
4. For one passenger going to or returning from a ship at the entrance of the Harbour	24
5. If more than one passenger be carried the charge for each passenger will be.....	24
6. For every 100 lbs. and under of baggage	24
7. For one passenger going to or returning from a ship lying between the Coconuts and the Rendezvous Buoy	12
8. If more than one passenger is carried, the charge for each passenger will be.....	12
9. For every 100 lbs. and under of baggage	12
10. For one passenger to or from the Coconuts or Vigie	12
11. If more than one passenger is carried, the charge for each passenger will be.....	12
12. For short distances, say within the Rendezvous Buoy and from ship to ship for each person	6
13. For each package of luggage.....	4
14. For half an hour or under detained.....	12
15. For every hour or fraction of an hour exceeding half an hour detained	24
16. Each passenger is entitled to have baggage not exceeding 15 lbs. free	
17. For each Labourer or Stevedore conveyed to or from a ship one mile outside of the Harbour entrance or within one mile thereof	48
94. Fares for carrying Gunpowder or any other explosives from ships to the Tapon Magazine or other place appointed for storing Gunpowder or any other explosives shall be charged as follows:—	

For each keg of other package under 25 lbs	12
For each keg or other package over 25 lbs and under 50lbs	24
And in proportion for any package of greater weight	

95.

- (1) The following fees are chargeable for rating and checking chronometers—

	\$	¢
For rating a chronometer.....	2	40
For ordinary check of chronometer.....	1	20

Ship masters can have their chronometers rated on timely application to the Harbour Master. An ordinary check for a chronometer can be given immediately on application.

- (2) Standard Time exactly 4 hours later than Greenwich Mean Time is adopted in Saint Lucia.

96. During such time as a vessel is hove down a charge shall be made at the rate per day or part of a day of \$0.02 per foot of her length from stem to stern.

POUND FOR BOATS**(Gazettes 29 June 11)**

Under regulation 82(2) of the foregoing Regulations the Harbour Master has appointed as a Pound the slipway at the Harbour Master's Office and the waters immediately in front of it.

Revision Date: 31 Dec 2008

HARBOUR OF CASTRIES (GOVERNMENT SLIPWAY) RULES – Section 73

(Statutory Instrument 3/1959)

Commencement [17 January 1959]

1. SHORT TITLE

These Rules may be cited as the Harbour of Castries (Government Slipway) Rules.⁶

2. USE OF SLIPWAY

- (1) The Government Slipway situated alongside the Harbour Office is available for vessels with a maximum length of 70 ft. or a maximum deadweight tonnage of 88 tons.
- (2) Owners of vessels wishing to make use of the Slipway should apply in writing to the Harbour Master.
- (3) On the acceptance of the application, the owners will be required to deposit the sum of \$100 with the Accountant General before hauling operations can commence.
- (4) Owners will be required to provide the fuel for hauling machinery and such labour as may be required for placing the vessel on the Slipway.
- (5) Owners of vessels will be required to leave the Slipway in a clean and tidy condition on the refloating of the vessel.

⁶ *Editor's note: These Regulations were made under the Harbour of Castries Act, 1895. That Act was repealed by the Port Authority Act, 1972 but these Regulations were saved under section 99. The Port Authority Act, 1972 was repealed by the Saint Lucia Air and Seaports Authority Act, but these Regulations were saved by section 96.*

DECLARATION OF SECONDARY ASSETS NOTICE – SECTION 28

(Statutory Instrument 42/2006)

Commencement [22 May 2006]

1. CITATION

This Notice may be cited as the Saint Lucia Air and Sea Ports Authority (Declaration of Secondary Assets) Notice.

2. DECLARATION

The Properties listed in Schedules 1, 2, 3 and 4 are hereby declared to be secondary assets of the Saint Lucia Air and Sea Ports Authority.

SCHEDULE 1

All that piece or parcel of land comprising approximately 0.19 hectares known as La Place Carenage situate on Jeremie Street in the City of Castries in the State of Saint Lucia, registered as Parcel No.0848D 816 in the Registration Quarter of Urban Castries and bounded as follows:

On the NORTH and WEST by the parcel No. 0848C 69, on the EAST by the Parcel No.0848D 181 and on the SOUTH by Jeremie Street or however otherwise the same may be bounded or contained.

The whole containing 0.19 hectares is shown on Plan of Survey done by R. Baptiste Licenced Land Surveyor and lodged at the Survey Office as Plan No. C. 10959B Record No. SM232/2006.

Together with all the appurtenances and dependencies thereof and including the buildings erected thereon.

TITLE:

1. Entry in the Land Register for Urban Castries made on the 4th day of December, 1987 - Block 0848D 816.
2. Part 3 of Schedule 1 of the Saint Lucia Air and Sea Ports Authority.

3. Deed of Sale by The Art Printery Limited to Saint Lucia Air and Seaports Authority executed before Hilford David Alexander Deterville on the 9th day of March, 1999 and registered in the Land Registry on the 24th day of March, 1999 as Instrument No. 1121/ 99.
4. Saint Lucia Air and Sea Ports Authority (Jeremie Street, Urban Castries) Vesting Order – Statutory Instrument No. 17 of 2001.

SCHEDULE 2

All that piece or parcel of land comprising approximately 14,645 square feet situate on Manoel Street in the City of Castries, registered in the Land Registry as Parcel No. 0848C 13 in the Registration Quarter of Urban Castries and bounded as follows:

On the NORTH, SOUTH and WEST by Parcel No. 0848C 69, and on the EAST by Manoel Street or howsoever otherwise the same may be bounded.

The whole containing Fourteen Thousand Six Hundred and Forty Five (14,645) square feet or One Thousand Three Hundred and Sixty Point Five (1360.5) square meters is shown on Plan of Survey by Dunstan Joseph Licensed Land Surveyor dated the 1st May 2002 and lodged at the Survey Office on the 20th June 2002 as Drawing Number C 10280 B and recorded as Number 421/2002.

Together with all the appurtenances and dependencies thereof and including the concrete building erected thereon.

TITLE:

Entry in the Land Register for Urban Castries made on the 4th day of December 1987 – Block 0848C Parcel 13.

Deed of Sale by The Crown to Saint Lucia Air And Sea Ports Authority executed before Hilford David Alexander Deterville Notary Royal on the 4th day of November, 2004 and registered in the Land Registry on the 11th day of November, 2004 as Instrument No. 5424/2004.

SCHEDULE 3

All that piece or parcel of land comprising approximately 29, 220 square feet situate at Ganters Bay, Vigie in the City of Castries and

registered as Parcel No. 0849F 79 in the Registration Quarter of Urban Castries and bounded as follows:

On the NORTH by Parcel Nos. 0849C 110 and 0849C 103, on the SOUTH and WEST by Vielle Ville Bay, and on the EAST by Parcel Nos. 0849F 80 and 0849F 34, or howsoever otherwise the same may be bounded.

The whole containing Twenty Nine Thousand Two Hundred and Twenty (29,220) square feet or Two thousand Seven Hundred and Fourteen Point Seven (2,714.7) square meters is shown on Plan of Survey by Ornan Monplaisir Licensed Land Surveyor dated the 15th day of November 1995 and lodged at the Survey Office on the 27th day of September 1996 as Drawing Number C 9090 B and recorded as Number 527/96.

Together with all the appurtenances and dependencies thereof, including the buildings erected thereon.

TITLE:

Entry in the Land Register for Urban Castries made on the 27th day of November 1987 – Block 0849C Parcel 79.

Deed of Sale by St. Lucia Yacht Services Limited to Saint Lucia Air and Seaports Authority executed before Hilford David Alexander Deterville on the 22nd day of June, 1999 and registered in the Land Registry on the 2nd day of July, 1999 as Instrument No. 2640/99.

SCHEDULE 4

All that piece or parcel of land comprising approximately 23,815.40 sq. ft. situate at Vigie the City of Castries forming part of the lands vested in the Saint Lucia Air and Sea Ports Authority by virtue of the provisions of Part I of Schedule 1 of the Saint Lucia Air and Sea Ports Authority Act and registered as Block 0849C Parcel 26 in the Registration Quarter of Urban Castries and bounded as follows:.

On the NORTH and WEST by Parcel No. 0849C 27, and on the SOUTH and EAST by Parcel Nos. 0849C 25 and 0849C 24 or howsoever otherwise the same may be bounded.

Together with all the appurtenances and dependencies thereof and including the building erected thereon.

TITLE:

Entry in the Land Register for Urban Castries made on the 27th day of November 1987 – Block 0849C Parcel 26.

Part 1 of Schedule 1 of the Saint Lucia Air and Sea Ports Authority Act, Cap. 8.13.

Deed of Sale by Her Majesty Queen Elizabeth the Second to Saint Lucia Air and Sea Ports Authority executed before Gillian Samantha French Notary Royal on the 24th day of September, 2002 and registered in the Land Registry on the 4th day of October, 2002 as Instrument No. 4050/2002.