

Shipping

SHIPPING (WATERSPORTS) REGULATIONS, 2004

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Shipping

Cap. 296.

SHIPPING (WATERSPORTS) REGULATIONS, 20042004/164.
2006/93.

Authority: These Regulations were made on 31st December, 2004 by the Minister under section 300B of the *Shipping Act*.

Commencement: 10th January, 2005.

Citation

1. These Regulations may be cited as the *Shipping (Watersports) Regulations, 2004*. Short title.

Interpretation

2. In these Regulations,

Definitions.

"area" shall be construed in accordance with paragraph 2 of the *Shipping (Watersports) Order, 2004*;

2004/163.

"Community" means the Caribbean Community including the CARICOM Single Market and Economy established by the Treaty;

"dive flag" means a swallow-tail flag with blue and white vertical white to the hoist, blue to the fly;

"driver" means a person operating a speedboat;

"examiner" means a person authorised by the Director to be an examiner under regulation 12(2);

"inspector" means a person authorised by the Director to be an inspector under regulation 7(4);

"learner driver" means a person who is being taught by a certified driver to operate the engine of and to manoeuvre a speedboat efficiently for the purpose of applying for a speedboat driver's licence;

"licensed driver" means a person who is the holder of a speedboat driver's licence issued pursuant to these Regulations;

"medical practitioner" has the meaning assigned to it by section 2 of the *Medical Registration Act*;

"Member State" means a Member State of the Community excluding an Associate Member within the meaning of Article 231 of the Treaty;

"national of a Member State" means a person who:

- (a) is a citizen of a Member State; or
- (b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration but does not include a person who has attained nationality by virtue of economic citizenship;

"owner" in the case of a speedboat that is registered, means the person in whose name the speedboat is registered and includes the servants and agents of such registered owner;

"registration number" means the number referred to in regulation 4(3) assigned by the Director to the owner of a speedboat for use on the speedboat;

"small craft" means any launch, barge, lighter, row boat, sailing boat or similar craft;

"Treaty" means the Revised Treaty of Chaguaramas including the CARICOM Single Market and Economy signed at Nassau, The Bahamas, on 5th July, 2001;

"water-skiing" means the sport of being towed on skis behind a speedboat;

"watersports activity" means the undertaking of any activity by use of speedboats, and includes jet-skiing, water-skiing, surfing and any other activity within a harbour, whether for recreation, entertainment or otherwise.

3. (1) Subject to paragraph (2), these Regulations apply only to speedboats not exceeding twenty-four metres in length. Application.

(2) These Regulations do not apply to boats registered under section 18 of the *Fisheries Act*. Cap. 391.

Registration

4. (1) No person shall use or keep a speedboat for use in watersports activities unless it is registered under these Regulations. Registration of speedboats.

(2) A person who, on the commencement of these Regulations, is using or keeping a speedboat for use in watersports activities and continues to do so shall, not later than one month after such commencement, apply to the Director for registration of the speedboat for such use.

(3) Subject to regulation 7(1), the Director may, on application made to him by the owner of a speedboat in such form as the Director approves and on payment of the fee specified in the *First Schedule*, register that speedboat and assign to it, First Schedule.

(a) in the case of a speedboat for private use only, a registration number; and

(b) subject to regulation 32, in the case of a speedboat used or to be used for hire or reward, a registration number and the letter "H".

(4) A person must, upon making application for registration of a speedboat, furnish the Director with such particulars as the Director requires; and the Minister shall enter those particulars in a register kept for the purpose.

(5) The Director shall, upon receiving the fee referred to in paragraph (3), assign to the owner of a speedboat a registration number for his use.

(6) Every registration number assigned to the owner of a speedboat

(a) is valid for a period of one year from the date it is so assigned;

(b) is renewable annually on payment of the fee specified in the *First Schedule*; and

(c) remains the registration number of the owner.

First
Schedule.

(7) The Director may assign a registration number to any other person if the person to whom it was issued fails within a period of 30 days after the date of its expiry to apply for its renewal.

(8) Notwithstanding anything in this regulation, where a speedboat to which these Regulations apply is on the commencement of these Regulations registered under the *Barbados Port Authority (Watersports) Regulations, 1990*, that registration, unless previously revoked or cancelled under these Regulations, remains valid until the date fixed for its expiry, and it may be renewed, subject to these Regulations, as if registered hereunder.

1990/44.

Registration
certificate.

5. (1) The Director shall, in respect of every speedboat registered by him issue to the owner of the speedboat a certificate, to be known as the "registration certificate",

(a) specifying the registered number of the speedboat;

(b) specifying, in the case of a speedboat used or to be used for hire or reward, the letter "H"; and

(c) specifying the period for the duration of which the registration certificate is issued.

(2) The owner of every speedboat shall keep the registration certificate referred to in paragraph (1) available for production and inspection at all times.

(3) The registration number shall be painted on the speedboat in such a manner that

- (a) every figure; and
- (b) in the case of a speedboat used or to be used for hire or reward, the letter "H"

are in an upright position and may be easily read.

(4) Registration numbers painted on speedboats and, as the case requires, the letter "H" shall be of the description specified in the *Second Schedule*.

Second
Schedule.

6. (1) Subject to paragraph (3), every person who drives a speedboat that is not registered or, being the owner thereof, permits a speedboat that is not registered to be driven in any harbour is guilty of an offence and liable on summary conviction to a fine of \$5 000 or to imprisonment for 9 months or to both.

Driving
unregistered
speedboat.

(2) Subject to paragraph (3), any person who drives a speedboat or, being the owner thereof, permits a speedboat to be driven

- (a) the registration number and, as the case requires, the letter "H" of which are not painted thereon in accordance with these Regulations, or
- (b) the registration number and, as the case requires, the letter "H" painted thereon are in any way obscured, or not easily distinguishable

is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or to imprisonment for 3 months or to both.

(3) It is a defence to a charge under paragraph (2)(b) if the accused establishes that he was unaware that the registration number or any part thereof was obscured or could not be easily read.

*Inspection*Inspector's
certificate.

7. (1) The Director shall not issue or renew a registration certificate for any speedboat unless there have been produced and submitted to him

(a) a certificate to be known as a "certificate of seaworthiness" in such form as the Director approves; and

(b) evidence of a valid policy of insurance, pursuant to regulation 25, in relation to the use of the speedboat.

(2) The owner of a speedboat who wishes to register it shall make application to the Director for the inspection of the speedboat.

(3) The owner of a speedboat who wishes to renew its registration shall, within one year of the date of the issue of the previous registration make application to the Director for the inspection of the speedboat.

(4) The inspection of speedboats shall be conducted by such inspectors as the Director authorises for the purpose.

First
Schedule.

(5) An inspector shall, on payment of the fee specified in the *First Schedule*, inspect the speedboat presented for inspection and, if satisfied that it is seaworthy, issue a certificate of seaworthiness.

(6) Where on inspection of a speedboat it is found that the speedboat is not seaworthy, the inspector shall, forthwith in such form as the Director approves, inform the owner, driver or other person in charge of the speedboat of the defects thereof and of the date on which the speedboat is to be returned for further inspection.

(7) The fee referred to in paragraph (5) is payable on each occasion an inspection is carried out on a speedboat.

(8) The Director shall keep a copy of all certificates of seaworthiness granted in respect of speedboats that have been inspected, and shall enter the particulars of those certificates in the register kept pursuant to regulation 4(4).

(9) Where in the opinion of an authorised person a speedboat is not seaworthy, the authorised person may require the owner, the driver or the person for the time being in charge of the speedboat to take it or cause it to be taken to a specified place for inspection; and the owner, driver or person for the time being in charge of the speedboat shall comply with all reasonable directions given by the authorised person.

(10) Where the speedboat referred to in paragraph (9) is found by the inspector to be unseaworthy, the inspector shall serve a notice in writing on the owner, driver or person in charge of the speedboat, prohibiting the use of the speedboat until the defects specified in the notice are remedied and a certificate of seaworthiness is obtained from the inspector.

(11) The fee specified in the *First Schedule* shall be paid by the owner, driver or person in charge of the speedboat for the issue of the certificate of seaworthiness.

(12) Any person who uses a speedboat or permits a speedboat to be used after he has been served with a notice under paragraph (10) is guilty of an offence.

(13) For the purposes of these Regulations, "authorised person" means a member of the Police Force, a member of the Coast Guard and a person authorised in writing by the Director or by the Commissioner of Police.

Driving Licence

Driving
without a
licence.

8. (1) Subject to paragraph (3), no person shall drive or operate a speedboat in any harbour unless he is the holder of a driving licence authorising him to drive a speedboat.

(2) No person shall employ or permit any person to drive a speedboat in any harbour unless the person employed or permitted to drive the speedboat is the holder of a valid driving licence authorising him to drive a speedboat.

(3) Notwithstanding anything in these Regulations, a person may hire a speedboat, not exceeding 4 metres in length, for pleasure and may drive that speedboat without being the holder of a driving licence or learner's permit; but he shall have been instructed in its use and operation by a licensed driver before being allowed to operate the speedboat.

(4) Any person who contravenes this regulation is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months, or to both.

Minimum
age for
driving.

9. No person shall drive a speedboat in any harbour if he is under the age of 16 years.

Learner's
permit.

10. (1) A person who is not the holder of a driving licence may, for the purpose of learning to drive, drive a speedboat in a harbour if he holds a learner's permit.

(2) A learner's permit shall be in such form as the Director determines and is obtainable, subject to these Regulations, on application therefor to the Director and on payment of the fee specified in the *First Schedule*.

First
Schedule.

(3) Where the Director grants a learner's permit to any person, there may be set out in the permit such conditions and restrictions as are considered necessary for the safety of the public.

(4) The holder of a learner's permit shall not drive a speedboat unless

(a) he is under the supervision of a licensed driver who

(i) has been the holder of a driving licence for a speedboat for a period of at least 3 years; and

(ii) is present with him on the speedboat while he is driving it; and

(b) there is clearly displayed in a conspicuous position on the speedboat, as directed by the Director, the letter "L" in red on a white background in accordance with the specifications issued by the Director.

(5) Notwithstanding anything contained in this regulation, the holder of a learner's permit shall not drive, and shall not be permitted to drive, a speedboat while it is being used to tow any other vessel or to convey passengers.

(6) Paragraph (4)(a) does not apply to the holder of a learner's permit who is driving a speedboat constructed or adapted to carry only one person.

(7) A learner driver who contravenes any of the conditions set out in a learner's permit is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or to imprisonment for 6 months, or to both; and in addition thereto the court may cancel the learner's permit.

(8) A learner's permit is valid for a period of 3 months and is, upon payment of the fee specified in *the First Schedule*, renewable for a further period of 3 months.

First
Schedule.

(9) The Director may refuse to renew a learner's permit if the person to whom it has been issued fails to submit himself for a test within 6 months from the day the permit was first issued.

Liability of
instructor
and learner
driver.

11. Where a learner driver is charged with an offence under these Regulations, the driver who is present with him on the speedboat by reason of regulation 10(4) may also be charged with the same offence and both are equally punishable.

Driving test.

12. (1) The Director may require an applicant for a driving licence to produce

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(a) a certificate, signed by a person approved by the Director, that the applicant has passed a driving test showing that he is competent to drive; and

(b) a certificate of character signed by the Commissioner of Police.

(2) Driving tests may be conducted by such examiners as the Director authorises for the purpose.

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(3) The nature of a driving test is at the discretion of the Director or the examiner authorised by the Director.

(4) Subject to paragraph (1), the test that a person is required to pass before a driving licence is granted to him authorising him to drive a speedboat is a test carried out on a speedboat; and the examiner must satisfy himself that the person taking the test

(a) is conversant with the engine and steering control of the speedboat, with rules 8, 13 to 18(a), 21(b), 23(c)(i) and (ii) and 25 of the *International Regulations for Preventing Collision at Sea, 1972* done at London on the 20th day of October 1972 and the several amendments thereto;

(b) is competent to drive without danger to, and with due consideration for, other users of the harbour; and

(c) is able to comply with any other requirements specified for the purposes set out in these Regulations.

(5) Where an applicant requires a driving licence to drive a speedboat, the examiner shall, after satisfying himself by means of such tests as he considers suitable that the applicant is qualified to drive a speedboat, issue to the applicant a certificate of competence on which there are clearly set out all the restrictions subject to which that certificate is issued.

(6) The Director shall clearly set out in a driving licence the restrictions referred to in paragraph (5).

13. (1) Subject to paragraph (3), the Director shall not issue a driving licence or a learner's permit to any person unless the General Manager is satisfied that the person's vision, hearing and physical and mental fitness are adequate for him to hold a driving licence.

Physical fitness and character of applicant for driving licence or learner's permit.

(2) The Director shall not issue a driving licence to a person who has been convicted of an offence involving the use of a speedboat for the conveyance of stolen goods, narcotic drugs or other contraband.

(3) Notwithstanding paragraph (1), the Director may issue a driving licence or a learner's permit to any person to drive a particular speedboat on being satisfied that that speedboat is so equipped that it can be efficiently controlled by that person.

(4) Where the Director refuses to issue a driving licence or learner's permit to an applicant, the applicant may appeal against the decision of the Director to a magistrate for District "A", whose decision is final.

(5) For the purpose of obtaining a driving licence, an applicant may be required to produce a medical certificate, signed by a medical practitioner, that the applicant is fit to be in charge of a speedboat; and the Director may order the applicant to undergo such tests as the Director determines, to ascertain the fitness or ability of the applicant to drive the speedboat.

Application
for driving
licence.

14. (1) An application for a driving licence or a learner's permit must be made to the Director in such form as he approves.

(2) Any person who, in or in connection with an application for a driving licence or a learner's permit makes a statement that he knows or has reason to believe is false is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months, or to both.

Restrictions
on grant of
driving
licence.

15. (1) A driving licence shall not be issued or endorsed as valid to an applicant who is under the age of 16 years.

(2) Notwithstanding anything contained in this regulation, no driving licence shall be issued to a person who has been convicted of an offence or a number of offences the effect of which, in the opinion of the Director, makes it undesirable that he be issued with a driving licence.

(3) A person who has been refused a driving licence by virtue of paragraph (2) may apply to a magistrate for District "A" to have the matter reviewed by him.

Driving
when under
sixteen
years.

16. A person who drives, or causes or permits another person to drive, a speedboat in any harbour while he is under the age of 16 years is guilty of an offence and is liable on summary conviction, in the case of a first offence, to a fine of \$2 500 or to imprisonment for 6 months, or to both; and, in the case of a second or subsequent conviction, to a fine of \$5 000 or to imprisonment for a term of 2 months, or to both.

Driving test
fee.

17. (1) Every person who presents himself for a driving test shall pay, in respect of such test and certificate of competence, the fee specified in the *First Schedule*.

First
Schedule.

(2) The fee payable pursuant to this regulation is payable irrespective of the result of the test.

18. (1) A driving licenceForm of
driving
licence.

- (a) must be in such form as the Director determines;
- (b) must be signed by the holder thereof; and
- (c) is not valid unless it is so signed.

(2) Every applicant for a driving licence must, at the time of his making application therefor, supply 3 recent photographs of himself, one of which must be affixed to the driving licence.

19. There is payable, on the issue of a driving licence, the fee specified in the *First Schedule*.

Driving
licence fee.
First
Schedule.

20. (1) Any person who drives a speedboat in a harbour shall, on being required by a member of the Police Force, a member of the Coast Guard or any person authorised by the Director, produce his driving licence for examination so as to enable that member of the Police Force, member of the Coast Guard or person authorised by the Director to ascertain the name and address of the holder of the driving licence.

Production
of driving
licence.

(2) Any person who fails to comply with paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months, or to both.

(3) Notwithstanding paragraph (2), a person is not to be convicted under this section if he produces his driving licence within 48 hours to the Director or at a police station specified by him at the time its production was required.

21. (1) The Director shall keep a record of all driving licences issued, and the record must contain

Register of
driving
licences.

- (a) the name and address of the holder;
- (b) the date of its issue; and
- (c) a record of all convictions of the holder in respect of maritime offences.

(2) The contents of the record referred to in paragraph (1) are in all proceedings *prima facie* evidence of all the facts contained therein.

Duration
and renewal
of driving
licence.

22. (1) Subject to paragraph (2), a driving licence is, unless previously suspended, cancelled or revoked, valid for one year from the date of issue, and is renewable for a further period of one year in the month in which the holder was born on payment of the fee specified in the *First Schedule*.

First
Schedule.

(2) Subject to paragraph (5), the Director may, before granting the renewal of a driving licence, require an applicant of any age to produce a medical certificate as to his physical fitness.

(3) Where the holder of a driving licence is 60 years of age or over, his licence shall not be renewed unless he produces to the Director a medical certificate signed by a medical practitioner that the holder of the driving licence is physically fit.

(4) Notwithstanding paragraph (3), the Director may order a person to whom that paragraph refers to undergo a test given by the Director in order to ascertain the ability of the applicant to drive a speedboat.

(5) Notwithstanding paragraph (1), a driving licence shall not be

(a) granted to an applicant of 60 years of age or over; or

(b) renewed in respect of a holder of 60 years of age or over

for a period of more than 6 months at any given time.

(6) Where a driving licence has not been renewed for a period of 3 years, the Director may request the applicant to undergo a driving test in accordance with regulation 12.

Lost or
defaced
driving
licence.
First
Schedule.

23. (1) Where a driving licence is lost, defaced, mutilated or rendered illegible, the Director may, on application made to him, issue a new driving licence, on payment of the fee specified in the *First Schedule*, without requiring the applicant to undergo a further driving test.

(2) The Director shall record on a new driving licence any endorsements made in the register of driving licences in respect of the driving licence.

24. (1) On the expiration of a driving licence by effluxion of time and on application by the holder thereof for the issue of a new driving licence, the Director shall, subject to regulations 14(2), 22 and 23, issue a new driving licence to the applicant without subscribing thereon any endorsements other than those made within the last 3 years prior to the expiration of the driving licence.

Restrictions on issue of new driving licence after expiration of former licence.

(2) The Director shall, upon certification by the court of a conviction, suspend or refuse to renew a driving licence or a learner's permit where the holder thereof or an applicant therefor has, within the last 3 years prior to such suspension or refusal, been

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- (a) convicted for manslaughter arising out of the use of a speedboat; or
- (b) convicted of repeated offences caused by breaches of these Regulations.

Insurance

25. (1) No person shall use or cause or permit a speedboat to be used in any harbour unless there is in force in relation to the use of the speedboat by that person or the other person, as the case may be, a policy of insurance or security in respect of third party risks of at least \$250 000.

Users of speedboats to be insured.

(2) Sections 37 to 60A of the *Road Traffic Act* apply, *mutatis mutandis*, to these Regulations as they apply to that Act.

Cap. 295.

Safety

Life jacket. **26.** (1) Life jackets or life vests shall be provided for use on all speedboats; and every person while driving or travelling as a passenger on the speedboats known as "jet-skis" and "mosquitoes" or on any similar type of speedboat shall wear a life jacket or life vest.

(2) Life jackets and life vests mentioned in paragraph (1) shall be provided by the owner of the speedboat.

(3) Any person who contravenes this regulation is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months, or to both.

Kill switch. **27.** Every speedboat not exceeding 4 metres in length shall be fitted with

(a) a switch to be known as a "kill switch" designed to turn off the engine where the driver has lost control of the speedboat; and

(b) a device designed to return the speedboat's throttle to idle where the kill switch malfunctions.

Bathing and Diving

Area for sea bathing. **28.** (1) The Director may, with the approval of the Minister, grant permission to any one seeking it to enclose by means of buoys any area in a harbour to be used exclusively for the purpose of sea-bathing or diving.

(2) All buoys placed in a harbour for the purpose mentioned in paragraph (1) shall be placed within 60 metres from the shore and shall be

(a) orange in colour; and

(b) not less than 30 centimetres in diameter.

(3) The Director shall cause to be erected on the land immediately adjoining the foreshore of any area where buoys are placed by virtue of paragraph (1) not fewer than 3 copies of a notice

- (a) printed in red letters and figures on a white background, not less than 60 centimetres long by 45 centimetres wide;
- (b) affixed to an upright pole not less than 1.8 metres high; and
- (c) bearing the words

"CAUTION

PERSONS ARE ENGAGED IN WATER-SPORTS
ACTIVITIES SUCH AS JET-SKIING, WATERSKIING
AND SURFING OUTSIDE THE AREA MARKED
WITH ORANGE COLOURED BUOYS. DIVERS AND
SWIMMERS SHOULD PROCEED WITH CAUTION".

29. (1) No person shall take any speedboat, ski, surfboard or any other small craft into an area that is enclosed pursuant to regulation 28. Prohibited areas.

- (2) Subject to paragraph (1), no person shall
 - (a) use a surf-board;
 - (b) engage in water-skiing; or
 - (c) take a speedboat or small craft

within any portion of that area bounded by the foreshore on the one hand and an imaginary straight line from the western extremity of the Hilton Hotel pier to the western extremity of the HMBS Willoughby Fort pier on the other hand.

(3) Where it is necessary to enter the area described in paragraph (2) with a speedboat for the purpose of anchoring, refuelling or beaching, such speedboat shall be driven at a speed not exceeding 5 knots.

Diving.

30. (1) Every person while diving with or without a snorkel shall have a ballasted orange float, which shall be fitted with a mast so as to be in an upright position when afloat and at the top end of which shall be attached a flag to be known as a "dive flag".

(2) The float referred to in paragraph (1) shall be anchored in the area in which the diving is taking place and the diver or snorkeller shall dive not more than a radius of 25 metres away from the float.

(3) No speedboat shall pass closer to a float than 50 metres.

(4) While the dive flag referred to in paragraph (1) is being used for the purpose of this regulation, it shall be attached to the float accompanying the diver.

(5) Where a diver or snorkeller wishes to dive outside the radius mentioned in paragraph (2), he shall change the position of the float and flag accordingly.

(6) Where there are several divers or snorkellers in a group, one float and one flag may be used.

(7) Any person in charge of a boat that is not accompanying a diver shall keep that boat at a distance of not less than 50 metres from the dive flag.

Manner of
entering
harbour.

31. No speedboat or small craft shall be driven into, or shall be permitted to enter, any area in any harbour in such a manner as to cause any discomfort or danger to bathers.

Permit to Ply for Hire

Permit for
watersports.

32. (1) No person shall use a speedboat for watersports activity for hire or reward unless he first obtains a permit from the Director for the purpose.

(2) A permit to use a speedboat for hire or reward shall be granted only to qualified persons.

(3) A qualified person who on the commencement of these Regulations is using or keeping a speedboat for use in watersports activities for hire or reward and continues to do so shall, not later than 3 months after such commencement, apply to the Director for a permit for the purpose.

(4) The Director may, on application made to him in such form as he approves and

(a) on production of a certificate granted under regulation 7(5) to the Director; and

(b) on payment of the fee specified in the *First Schedule*,

First
Schedule.

grant to the holder of the certificate a permit authorising him, subject to such terms and conditions as the Director specifies therein, to use a speedboat for watersports activities for hire or reward.

(5) A permit granted under paragraph (4) shall be in such form as the Director determines.

(6) A qualified person to whom a permit is granted under this regulation shall, in addition to the registration number assigned under regulation 4(3), paint the letter "H" on the speedboat in accordance with the *Second Schedule*.

Second
Schedule.

(7) Notwithstanding paragraph (3) but subject to the other provisions of these Regulations, where a person who, not being a qualified person, is, on the commencement of these Regulations, using a speedboat for hire or reward, the Director may on application made to him by that person within the time specified in paragraph (3), grant that person a permit to ply for hire or reward.

(8) For the purposes of these Regulations, a qualified person is

(a) an individual who is

(i) a citizen of Barbados or any other Member State, or

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- Cap. 190. (ii) a permanent resident of Barbados, an immigrant within the meaning of the *Immigration Act* or a national of any other Member State; or
- (b) a Barbadian company or a company incorporated under the laws of any other Member State which is regarded by that Member State as belonging to it, provided that such company has been formed for gainful purposes and has its registered office and central administration in and carries on substantial activity within the Community and is substantially owned and effectively controlled by nationals of a Member State.
- Cap. 308. (9) For the purposes of these Regulations a Barbadian company is a corporation incorporated under the *Companies Act* or any special Act
- (a) whose principal place of business is within Barbados; and
- (b) that is controlled by individuals described in paragraph (8)(a) or by a combination of one or more such individuals, or by other Barbadian companies within the meaning of this paragraph, or by the Crown.
- 1990/44. (10) Notwithstanding this regulation, where a speedboat to which these Regulations apply is, on the commencement of these Regulations, licensed under the *Barbados Port Authority (Watersports) Regulations, 1990* to ply for hire or reward, the licence, unless previously revoked or cancelled under these Regulations, remains valid until the date fixed for its expiry.
- (11) When a licence referred to in paragraph (10) expires, the Director may, on application of the owner of the speedboat and subject to his compliance with these Regulations, grant the owner a permit to ply for hire or reward.

33. (1) No person shall use a speedboat in respect of which a permit has been granted under regulation 32, or allow such a speedboat to be used in watersports activity, in any area other than an area prescribed by the *Shipping (Watersports) Order, 2004*.

Area for
watersports
activities.

2004/163.

(2) Where it is necessary for a speedboat referred to in paragraph (1) to enter areas other than those referred to in that paragraph for the purpose of anchoring, refuelling or beaching, such speedboat shall be driven at a speed not exceeding 5 knots.

First Aid

34. (1) Subject to paragraph (2), every person who has been granted a permit pursuant to regulation 32 shall establish along the route to the area at which he normally plies for hire, or at such other place as the Director specifies, a first aid station approved by the Director; and the station shall be clearly identified as such.

First aid
station.

(2) Where the Director is satisfied that a first aid station is sufficient to satisfy the operations of more than one person in any area, the Director may, if he thinks fit, approve the establishment of any such station to be maintained and operated jointly by such persons as may be specified in the approval.

(3) Every first aid station shall, at all times during which watersports activities are in progress,

- (a) be provided with such life-saving equipment, including oxygen tanks and suitable masks, as the Director specifies;
- (b) be operated by a person suitably qualified in first aid procedures, including cardiopulmonary resuscitation.

2006/93.

First aid kit
and
lifesaving
equipment
on
speedboat.

35. (1) Every speedboat or vessel used in watersports activities shall be provided with such first aid kit and life-saving equipment as the Director specifies.

(2) All life-saving equipment shall be properly maintained and kept in good condition and shall be on board at all times during which the speedboat or vessel is engaged in watersports activities, and shall be most readily available in case of an emergency.

Miscellaneous

Route to
area.

36. (1) A speedboat being used in watersports activities for hire or reward shall enter and exit the area in which it is intended to conduct watersports activities only by the route provided for the purpose.

(2) The route referred to in paragraph (1) shall be demarcated by buoys.

(3) A speedboat, other than a speedboat being used in waterskiing shall proceed seaward for at least 200 metres from the shore before any watersports activity is undertaken by the use of that speedboat.

(4) A speedboat being used for the purpose of water-skiing only shall proceed seaward for at least 75 metres from the shore before any water-skiing is undertaken by the use of that speedboat.

(5) Paragraphs (3) and (4) apply to all speedboats, whether being used for private purposes or for hire or reward.

(6) Any person who contravenes this regulation is guilty of an offence.

Speed limit
in certain
cases.

37. (1) The driver of a speedboat shall, when the speedboat is within 75 metres from the shore, drive it at a speed not exceeding 5 knots and shall keep it well clear of all bathers.

(2) Any person in charge of a speedboat who fails to comply with paragraph (1) or fails to ensure that the speedboat of which he is in charge or any water skier being towed by such speedboat does not cause any inconvenience to bathers is guilty of an offence.

38. (1) Any person who drives a speedboat in any harbour recklessly or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case is guilty of an offence. Reckless driving.

(2) No speedboat of less than 4 metres in length shall be operated in any harbour between sunset and sunrise.

39. (1) The driver of a speedboat shall, if he is involved in any accident, report the matter to the Director within 24 hours after its occurrence. Accident to be reported.

(2) In the case of injury or death resulting from an accident with a speedboat the driver shall immediately report the accident.

(3) Any person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months, or to both.

40. No speedboat shall be driven in such a manner in any harbour as to be a nuisance to any person using the harbour. Nuisance.

41. (1) Any person who drives, attempts to drive, or is in charge of a speedboat in a harbour while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the speedboat is guilty of an offence and is liable on summary conviction, Driving under influence of drink or drug.

(a) in the case of a first conviction, to a fine of \$3 000 or to imprisonment for 6 months, or to both;

(b) in the case of a second or subsequent conviction, to a fine of \$5 000 or to imprisonment for 12 months, or to both.

(2) A person convicted of an offence under this regulation may be disqualified from the date of the conviction for a period of not less than one year and not more than 5 years from holding or obtaining a speedboat driving licence or a learner's permit.

Suspension
and
cancellation
of licence.

42. (1) Any court before which a person is convicted of any offence in connection with the driving of a speedboat may,

- (a) if the person convicted holds a speedboat driving licence
 - (i) suspend the licence for such time as the court thinks fit;
 - (ii) cancel the licence and disqualify the person convicted from obtaining another licence for a stated period; or
 - (iii) endorse upon the licence particulars of any order the court makes under this regulation together with the particulars of the conviction; or
- (b) if the person convicted does not hold a speedboat driving licence, declare him disqualified from obtaining such a licence for such period as the court thinks fit.

(2) Where any person

- (a) is charged with manslaughter arising out of the use of a speedboat; or
- (b) contravenes regulation 37,

the court may suspend the speedboat driving licence of the person so charged pending the determination of the charge.

(3) A court which orders the suspension or cancellation of a speedboat driving licence or declares a person disqualified from obtaining such a licence shall forthwith send to the Director particulars of the order.

Custody of
suspended
or cancelled
licence.

43. (1) Where a court orders the suspension or cancellation of a driving licence, the owner of the suspended or cancelled licence shall surrender it to the court within 3 days of the order.

(2) At the expiration of the period of suspension of any driving licence the court shall return the licence to the owner on demand.

(3) Any person who contravenes this regulation is guilty of an offence.

- 44.** (1) A driving licence suspended by a court or, as the case may be, under regulation 24(2) by the Director, is of no effect during the period of suspension. Effect of suspension of licence and disqualification.
- (2) A person who has been disqualified by the court from obtaining a driving licence is not competent to hold a driving licence during the period of disqualification.
- 45.** All fees received by the Director under these Regulations shall be paid into the Consolidated Fund. Fees to be paid to Port Fund. 2006/93.
- 46.** Any one who removes, defaces, damages or in any way interferes with any buoy used for the purposes of these Regulations is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or to imprisonment for 6 months, or to both; and in addition to such fine and imprisonment that person may be ordered by the court to pay the full cost of replacing the buoy. Removal of buoys.
- 47.** (1) No person shall conduct any sporting event in any sporting harbour without first obtaining the permission of the Director. Sporting events.
- (2) The Director may in connection with any sporting event to take place in any harbour, direct any person engaged in organising the event to give such public notice thereof as the Director thinks fit.
- (3) The notice referred to in paragraph (2) shall contain such particulars as the Director directs.
- (4) Any person who contravenes this regulation or fails to comply with any direction given under paragraph (3) is guilty of an offence.
- 48.** (1) No speedboat, other than a speedboat owned by the Crown or a statutory board, may be driven within a radius of 15 metres of another speedboat or vessel except when involved in an organised and approved racing competition or display. Dangerous activities prohibited.

(2) Notwithstanding paragraph (1), a speedboat may breast or approach another speedboat or vessel within 15 metres for the purpose of rendering assistance or, if agreed upon by those in charge of both vessels, for the purpose of transferring passengers or connecting a tow.

(3) When transferring passengers or connecting a tow, speedboats shall be stationary.

(4) No person on board any speedboat shall cling to or board another vessel whether at anchor or underway without the prior permission of the owner or operator of the other vessel.

(5) Any person who contravenes this regulation is guilty of an offence.

Towing. **49.** (1) Every speedboat engaged in towing a person on water skis in any harbour shall have at least 2 persons therein.

(2) Any person who contravenes this regulation is guilty of an offence.

General penalty. **50.** Any person who contravenes

(a) regulations 29 to 31; or

(b) any other provision of these Regulations for which no penalty is otherwise specifically provided

is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months, or to both.

FIRST SCHEDULE

*(Regulations 4, 7, 10, 17, 19, 22, 23 and 32)***FEES**

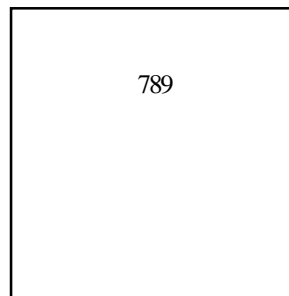
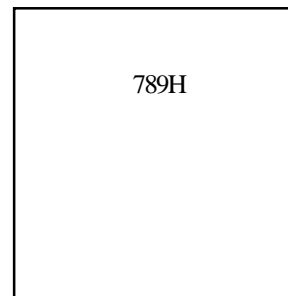
	\$
1. For registration and renewal of registration of speedboat	100.00
2. For inspection of speedboat	50.00
3. For learner's permit	40.00
4. For driving test and certificate of competence	100.00
5. For issue or renewal of driving licence	40.00
6. For re-issue of lost, mutilated or defaced driving licence	40.00
7. For grant and renewal of permit to ply for hire	100.00

SECOND SCHEDULE

(Regulations 5(4) and 32)

DESCRIPTION OF REGISTRATION NUMBERS AND LETTERS

1. The registration number and, in the case of a speedboat used for hire or reward, the letter "H" shall be painted in a conspicuous position on each side of the speedboat, the number and, as the case requires, the "H" letter being arranged in conformity with the arrangement of figures and, as the case requires, the letter "H" shown on one or other of the diagrams.
2. The registration number and, as the case requires, the letter "H" shall be of the same colour, which shall be such a colour as to make the number and letter clearly visible against the background of the speedboat.
3. The figures and the letter "H" must conform to the following:
 - (a) each figure and the letter "H" must be at least 15 centimetres high;
 - (b) the letter "H" and every part of every figure must be at least 2.5 centimetres in breadth; and
 - (c) the total width of the space occupied by the letter "H" and each figure, except the figure "1", must be at least 5 centimetres.

**Diagram No. 1**Registration number for
private use only**Diagram No. 2**Registration number for
hire or reward