

No. 9 of 2006.

The Antigua and Barbuda Merchant Shipping (Amendment) Act, 2006.

1 ANTIGUA
AND
BARBUDA



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

19th September, 2006

ANTIGUA AND BARBUDA

No. 9 of 2006

AN ACT to amend the Antigua and Barbuda Merchant Shipping Act, 2006 so as to provide increased penalties for offences under the Act, to introduce new offences for non-compliance with the terms of the Act, to increase the time limit within which proceedings for offences must be brought, to add new matters on which regulations, rules and directives may be made, to increase the minimum age at which children may be employed as seafarers and for incidental and connected matters.

*[Published in the Official Gazette Vol. XXVI No. 55
dated 28th September, 2006.]*

ENACTED by the Parliament of Antigua and Barbuda as follows:

- 1.** This Act may be cited as the Antigua and Barbuda Merchant Shipping (Amendment) Act, 2006. Short title.
- 2.** In this Act “the principal Act” means the Antigua and Barbuda Merchant Shipping (Amendment) Act, 2006. Interpretation.
- 3.** The principal Act is amended in section 60—

 - (a) in the marginal note by repealing “Housing” and substituting “Hoisting”; and Amendment of section 60 —
Hoisting national colours.

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(b) by inserting after subsection (1) the following subsection—

“(1a) If default is made on board any ship in complying with the provisions of subsection (1) the master, and the owner if he is on board, of the ship is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars.”.

Amendment of section 62 – Unlawful assumption of Antigua and Barbuda character

4. The principal Act is amended in section 62—

(a) by numbering the existing provision as subsection (1); and

(b) by adding at the end the following subsection—

“(2) If a person contravenes the provisions of subsection (1) that person and each of the master, owner and charterer if any, is guilty of an offence and shall be liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for a term not exceeding two years, or to both, and the ship shall be liable to forfeiture.”.

Amendment of section 63 – Concealment of Antigua and Barbuda national character or assumption of foreign character

5. The principal Act is amended in section 63—

(a) by numbering the existing provision as subsection (1); and

(b) by adding at the end the following subsection—

“(2) If the master or owner contravenes the provisions of subsection (1) each of the master, owner and charterer if any, is guilty of an offence and shall be liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for a term not exceeding two years, or to both, and the ship shall be liable to forfeiture.”.

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6. (1) The principal Act is amended in section 82(1) by repealing “fifteen” and substituting “sixteen”. Amendment of section 82 – Employment of children and young persons as seafarers.
- (2) Section 82(2) of the principal Act is repealed.
7. Section 98 of the principal Act is repealed. Repeal of section 98 – Deduction from wages.
8. The principal Act is amended in section 283(1)—
- (a) in paragraph (a) by repealing “six” and substituting “twelve”; and
- (b) in paragraph (b)(ii) by repealing “six” and substituting “twelve”.
- Amendment of section 283 – Limitation of time as to summary proceedings.
9. The principal Act is amended in the First Schedule by adding at the end the following—
- Amendment of First Schedule - Regulations.

“36	Port state control
37	Large commercial yachts
38	Code of safety for Caribbean cargo ships”

10. The principal Act is amended as set out in the Schedule. Amendments to penalties.

SCHEDULE

Section 3

AMENDMENTS TO PENALTIES IN THE ANTIGUA AND BARBUDA MERCHANT SHIPPING ACT, 2006

Provision amended	Repeal	Insert
Section 3(2)	three thousand dollars	ten thousand dollars
Section 4(3)	five thousand dollars	twenty-five thousand dollars
Section 19(2)	three thousand dollars	ten thousand dollars
Section 23(4)	five thousand dollars	twenty-five thousand dollars
Section 26(2)	three thousand dollars	six thousand dollars
Section 66	one thousand dollars	five thousand dollars
Section 66	three months	six months

Provision amended	Repeal	Insert
Section 68(2)	ten thousand dollars	thirty thousand dollars
Section 71 (2)	ten thousand dollars	thirty thousand dollars
Section 75	five thousand dollars	twenty-five thousand dollars
Section 75	three months	twelve months
Section 76(3)	one thousand dollars	five thousand dollars
Section 79 (6)	one thousand dollars	five thousand dollars
Section 80(6)	one thousand dollars	five thousand dollars
Section 101	five thousand dollars	thirty thousand dollars
Section 102(2)	three thousand dollars	fifteen thousand dollars
Section 106(1)	two thousand dollars	six thousand dollars
Section 112(2)	one thousand dollars	six thousand dollars
Section 113(4)	one thousand dollars	six thousand dollars
Section 117(2)	one thousand dollars	six thousand dollars
Section 118(4)	two thousand dollars	ten thousand dollars
Section 119 (3)	two thousand dollars	ten thousand dollars
Section 120 (5)(a)	fifty thousand dollars	seventy-five thousand dollars
Section 120 (5)(a)	two years	three years
Section 120(5)(b)	five thousand dollars	twenty-five thousand dollars
Section 120(5)(b)	six months	twelve months
Section 121 (2)	one thousand dollars	six thousand dollars
Section 122(2)	three thousand dollars	ten thousand dollars
Section 126(3)	ten thousand dollars	thirty thousand dollars
Section 128(4)	five thousand dollars	twenty-five thousand dollars
Section 128(4)	three months	twelve months
Section 129(2)	five thousand dollars	twenty-five thousand dollars
Section 129(2)	three months	twelve months
Section 131	five thousand dollars	twenty-five thousand dollars
Section 132	three thousand dollars	ten thousand dollars
Section 140(1)	five thousand dollars	twenty-five thousand dollars
Section 140(2)	Fifty thousand dollars	seventy-five thousand dollars
Section 140(2)	five thousand dollars	six thousand dollars

Provision amended	Repeal	Insert
Section 150(2)	ten thousand dollars	thirty thousand dollars
Section 151 (3)	ten thousand dollars	thirty thousand dollars
Section 152(2)	two thousand dollars	eight thousand dollars
Section 153(2)	two thousand dollars	eight thousand dollars
Section 155(6)	ten thousand dollars	thirty thousand dollars
Section 157(5)	five thousand dollars	thirty thousand dollars
Section 160(2)	ten thousand dollars	thirty thousand dollars
Section 164(5)	ten thousand dollars	thirty thousand dollars
Section 165(2)	five thousand dollars	twenty-five thousand dollars
Section 166(3)	two thousand dollars	eight thousand dollars
Section 166(4)	one thousand dollars	five thousand dollars
Section 167(7)	five thousand dollars	twenty-five thousand dollars
Section 168(5)	five thousand dollars	twenty-five thousand dollars
Section 169(1)	five thousand dollars	twenty-five thousand dollars
Section 171(3)	five thousand dollars	twenty-five thousand dollars
Section 172	five thousand dollars	twenty-five thousand dollars
Section 175(3)	fifty thousand dollars	one hundred thousand dollars
Section 176	five thousand dollars	twenty-five thousand dollars
Section 187(2)	twenty thousand dollars	fifty thousand dollars
Section 187(3)	two thousand dollars	eight thousand dollars
Section 199(2)	two thousand dollars	eight thousand dollars
Section 201(7)	two thousand dollars	eight thousand dollars
Section 211(2)	two thousand dollars	eight thousand dollars
Section 213	five thousand dollars	thirty thousand dollars
Section 214(3)	two thousand dollars	eight thousand dollars
Section 215(2)	two thousand dollars	eight thousand dollars
Section 253	one thousand dollars	five thousand dollars
Section 279(2)	two thousand dollars	eight thousand dollars
Section 280(2)	five thousand dollars	fifteen thousand dollars
Section 280(3)	one hundred dollars	one thousand dollars

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Passed the House of Representatives this
2nd day of August, 2006.

Passed the Senate this 23rd day
of August, 2006.

D. Giselle Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Yvonne . Henry,
Clerk to the House of Representatives.

Yvonne . Henry,
Clerk to the Senate.

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**THE ANTIGUA AND BARBUDA MERCHANT SHIPPING
(AMENDMENT) ACT, 2006**

ARRANGEMENT OF SECTIONS

Sections

1. Short title.
2. Interpretation.
3. Amendment of section 60 — Hoisting national colours.
4. Amendment of section 62 — Unlawful assumption of Antigua and Barbuda character.
5. Amendment of section 63 — Concealment of Antigua and Barbuda national character or assumption of foreign character.
6. Amendment of section 82 — Employment of children and young persons as seafarers.
7. Repeal of section 98 — Deduction from wages.
8. Amendment of section 283 — Limitation of time as to summary proceedings.
9. Amendment of First Schedule — Regulations.
10. Amendments to penalties.