RESEARCH + LEGISLATIVE DEVELOPMENT

A Modern Maritime Act for Saint Lucia

Research, operational analysis and Draft One legislative package

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A practical framework for safer voyages, independent investigation, environmental protection and accountable administration.

Includes 140 proposed clauses and eight schedules, supported by a current-law audit, four island comparators and seven Saint Lucian case studies.

Discussion draft for policy development and legislative review. Proposed law is distinguished from the current-law research. Certified legal consolidation and operational validation remain necessary before introduction.

Navigate the research

Use the links below to open a section. In Word, headings also appear in the navigation pane.

Read this first

The central proposal is a comprehensive reform Act with express continuity for existing technical and commercial law. It is not a claim that every current maritime provision has been certified and re-enacted. Treaty effect, liability limits, staffing transfers and the pending Anse Cochon inquiry receive particular attention.

Navigate Draft One

Reading this package

The central recommendation is to modernise the system that makes a voyage safe: the vessel, the operator, the crew, the departure decision, the rescue response, the investigation and the ability to compensate harm. Saint Lucia needs an Act that connects those responsibilities, protects people and commerce, and can be administered with the country's available capacity.

This package contains a current-law audit, an examination of published operating procedures, four substantive island comparators, seven Saint Lucian case studies, a reform programme and a full first model reform Bill. The Bill supplies operative clauses across the principal maritime policy fields. It deliberately preserves existing technical and commercial law where wholesale replacement would risk losing rights or creating gaps. It is therefore a comprehensive first Maritime Act proposal, not a certified re-enactment of every provision of the existing Shipping Act.

The evidence cutoff is 7 September 2026. The main domestic baseline is the Attorney General's online 2023 revised edition, supplemented by National Printing Corporation indexes and the original 2025 cargo-safety regulations. These sources support substantial conclusions but do not replace a certified current-law concordance. No confidential inspection files, operational watch logs, complete national fleet census, insurance-market quotations or unpublished investigation files were available. Where those records would change the answer, the limitation is identified.

The legislative text is proposed law. Its institutional choices, deadlines, penalties and implementation conditions are recommendations for consultation. They are not descriptions of current powers. The report distinguishes official records, attributed reporting, historical procedures and the author's analysis. It makes no finding of fault in unresolved incidents.

1. The executive answer

Saint Lucia does not need to begin maritime legislation from zero. Its Shipping Act covers registration, mortgages and maritime liens, crew welfare, navigation, seaworthiness, wreck and salvage, limitation of liability, investigation and enforcement. The 2011 amendment gave the Caribbean Small Commercial Vessel Code the force of law. Later regulations address matters including manning, accident investigation and Caribbean cargo ships. A new Act should organise and strengthen this foundation, not erase it through a broad repeal followed by a promise to write regulations later. 1: Shipping Act 2: Shipping Act, s.2A 3: Cargo-safety regulations, 2025

The strongest reform priorities are these:

- A clearly accountable maritime regulator, with technical decisions protected from commercial and political interference, and a workable relationship with SLASPA, Fisheries, Marine Police and NEMO.
- A common vessel identity connecting ownership, safety certification, licensed activities, operating conditions and insurance, while keeping those legal permissions distinct.
- Proportionate rules for domestic passenger craft, offshore fishing boats, pleasure craft and water sports. A small boat can face a large risk.

- Enforceable voyage preparation, person-counting, communication, weather, lookout, equipment and return-reporting duties, supported by usable training and affordable compliance.
- Independent safety investigation with automatic triggers, protected testimony, early recommendations, public reports and visible follow-up to the existing duty to respond to recommendations.
- A tested rescue and pollution-response system with named responsibilities, regional assistance and maintained equipment.
- Wreck, pollution and passenger financial-security arrangements that connect a legal claim to an actual source of payment.
- Modern electronic clearance, secure records, public access to applicable rules, proportionate enforcement and prompt appeal rights.

The most important drafting insight is that a legal gap, an implementation gap and an evidence gap are different. A legal gap means the required duty or power is missing or defective. An implementation gap means an existing duty is not being delivered. An evidence gap means the researcher cannot establish what occurred. The remedies differ. Another offence does little if the real problem is an unstaffed watch, an unavailable surveyor or an unfunded repair.

The recommended institutional route is a lean Maritime Administration in the responsible ministry, separating regulatory decisions from port commercial operations, with specialist services pooled regionally where sensible. A separate statutory corporation remains a legitimate alternative, but its recurring cost and staffing must be justified. Safety investigations should have their own independent leadership and access to external specialists. An additional domestic authority is not itself evidence of better regulation.

2. What the current law already provides

2.1 The Shipping Act is extensive, and its chronology matters

The official online history identifies Act 11 of 1994, in force on 19 November 1994, with amendments by Acts 16 of 2000, 5 of 2011 and 14 of 2016. The arrangement reaches section 497, with inserted provisions including Part 19A on small commercial vessels. This is a substantial maritime code, not a brief boats-registration statute. The 2000 changes locate the Division of Maritime Affairs within SLASPA and specify a Director and other maritime officers. Despite the heading of section 475 referring to public officers, its substituted operative text gives SLASPA the appointment power and control of employment terms. Moving regulation into a ministry therefore requires express appointment and employment-transition provisions, not an assumption that these staff are already public servants. 1: Shipping Act 4: Shipping Act, section 4 5: Shipping Act, s.475

The principal retained legal modules deserve explicit protection during reform. Registration and title support financing and lawful transfers. Mortgages and liens determine who can recover against a ship. Seafarer wage and repatriation provisions protect workers. Salvage rules create incentives and compensation for rescue of property. Limitation and collision rules affect both victims and the availability of insurance. Admiralty jurisdiction and procedures affect whether a successful claimant can actually enforce a judgment. A replacement that loses one of these modules could do substantial harm even if its safety provisions improve.

Legal instrument or module	Verified role	Drafting treatment
Shipping Act, Cap. 13.27	Core shipping, commercial, crew and safety framework	Retain unless expressly amended; prepare later consolidation
Part 19A and Small Commercial Vessel Code	Small-commercial-vessel technical and operating regime	Preserve existing standards; close uncovered risk categories through complementary rules
Shipping investigation regulations, SI 160/2021	Safety investigation, records and publication	Preserve protections; strengthen independent initiation and follow-through
Cargo survey/construction regulations, SI 53/2025	Detailed Caribbean cargo safety rules	Carry forward explicitly; verify application before consolidation
Maritime Areas Act	Zones, jurisdiction, passage and boundary arrangements	Preserve; avoid redefining the EEZ as ordinary territorial waters
SLASPA Act	Port operations, pilotage, charges and related responsibilities	Preserve operations; make regulatory transfer precise
Fisheries Act and regulations	Fishing authorisation and resource management	Preserve; coordinate vessel safety and records

Sources for this legal map: the Shipping Act and its subsidiary-legislation index, Maritime Areas Act, SLASPA Act, Fisheries Act and NPC's 2025 original cargo instrument. This is a functional map, not a list of all enactments potentially relevant to every maritime dispute. 1: Shipping Act 6: Maritime Areas Act 7: Saint Lucia Air and Sea Ports Authority Act 8: Fisheries Act and subsidiary legislation 3: Cargo-safety regulations, 2025

2.2 Small-vessel regulation already has meaningful content

Section 2A makes the Small Commercial Vessel Code legally binding. Its application provision covers commercial cargo and passenger vessels at least five metres and under 24 metres, within its stated passenger and accommodation limits. It excludes fishing and pleasure vessels from that Code and contains other defined exclusions or recognition arrangements. Those exclusions do not prove that fishing or pleasure vessels are entirely unregulated; they make a cross-regime coverage map necessary. 2: Shipping Act, s.2A 9: Small Commercial Vessel Code: scope

The Code already connects certification to inspection. It specifies operating area, minimum manning, lifesaving and firefighting equipment, maximum passengers and total persons, operator identity and relevant conditions. Most certificates have a maximum five-year term subject to annual inspection;

vessels carrying more than twelve passengers on international voyages have a shorter maximum term. A five-year document therefore does not mean a five-year interval without inspection. 10: Small Commercial Vessel Code: certification

Three improvements follow. First, the public should be able to distinguish a registered vessel from one authorised for a particular commercial voyage. Second, every person aboard, including an infant, must count for the physical capacity and rescue-equipment assessment, even where a convention uses a different technical passenger definition. Third, the risk model must cover boats below a code's length threshold, fishing vessels, personal watercraft and mixed-use boats without mechanically imposing large-ship engineering rules.

2.3 Investigation duties already exist

The 2021 regulations are especially important. Regulation 9 combines a ministerial written-decision requirement within 28 days of receiving the relevant report with mandatory investigation triggers for very serious casualties involving a Saint Lucian ship, Saint Lucian waters or a substantial Saint Lucian interest. It also requires preliminary consideration of serious casualties, reasons for specified decisions not to investigate and commencement promptly, no later than two months after the occurrence. These duties must not be presented as ideas first invented by a new Act. 11: Investigation regulations, reg.9

Regulation 15 protects specified investigation records and uses a court-controlled balancing test for disclosure, while allowing certain independently generated recording-system information to be supplied to police. Regulation 17 requires publication and a final-report effort within twelve months, with an interim report if the final cannot be completed in that period. The publication duty and the protection of investigative material must be read together. 12: Investigation regulations, reg.15 13: Investigation regulations, reg.17

The reform case is to simplify responsibility for initiating the safety inquiry, protect the investigator from the bodies being examined, clarify the handling of public reports versus protected raw material, and strengthen visible follow-up. Regulation 19 already requires recommendation recipients to respond within 28 days, update changed action plans, and participate in a publication process with representation safeguards. Draft One preserves that response period and makes tracking and independent accountability explicit. 14: Investigation regulations, reg.19 A Commission of Inquiry, a safety investigation, a criminal investigation, a coroner's process and civil proceedings may each answer different questions. One should not be assumed to discharge all the others.

2.4 The 2025 regulations change the baseline

NPC publishes SI 53/2025, dated 31 March 2025, titled Shipping (Caribbean Cargo Ship Survey and Construction) Regulations. The retrieved original runs to 125 pages. It includes survey and certification, construction, stability, machinery, fire protection, lifesaving, communications and navigation provisions. Its existence is a concrete reason to look beyond an older consolidated website. The research reviewed its arrangement, enactment information and selected substantive provisions; it did not undertake a complete engineering validation of every technical standard. 3: Cargo-safety regulations, 2025

NPC's 2024–2026 annual indexes were also checked for relevant Acts and instruments. No new Maritime Authority Act was identified in those indexes during this review. That finding is bounded: an index can lag publication, and an unlocated instrument is not proof that no legal change exists. The certified legislative history remains a pre-filing requirement. 15: NPC annual legislation indexes, 2024–2026

2.5 Maritime jurisdiction must remain precise

The Maritime Areas Act provides a twelve-nautical-mile territorial sea, a contiguous zone measured to twenty-four nautical miles from the baseline, and an EEZ framework reaching two hundred nautical miles, subject to the Act's delimitation provisions. It also regulates innocent passage, charts, court jurisdiction and arrests aboard foreign vessels. The statutory distances cannot be drawn as an unrestricted two-hundred-mile circle through neighbouring states' waters. 6: Maritime Areas Act

A Maritime Act should therefore separate flag-state powers over Saint Lucian ships, port-state powers when ships enter port, territorial jurisdiction and the more limited rights available in the EEZ. A generic power to board any vessel anywhere in the EEZ would be an unsound shortcut. Rescue coordination boundaries also do not establish sovereignty. Foreign warships and non-commercial government ships require appropriate immunity treatment.

The Act should preserve the separate functions of fisheries, Customs, Immigration, public health, criminal law, land-use planning and environmental regulation. It should require coordination without pretending a maritime licence also grants fishing rights, immigration permission, planning consent or a licence to damage a reef.

3. Treaty participation, domestic effect and the update problem

3.1 Many important treaties are already part of the picture

The IMO treaty matrix dated 25 August 2026 and the detailed Status of IMO Treaties dated 26 August 2026 establish a much wider participation baseline than older local brochures suggest. The table below records selected findings. It does not certify the full domestic implementation of every provision, reservation, amendment or certificate scheme. 16: IMO treaty status, August 2026 17: IMO ratification matrix, August 2026

Instrument	Saint Lucia status in consulted IMO records	Priority for the Act
SOLAS 1974; 1978/1988 protocols	Party; main convention effective 20 August 2004	Clear flag/port duties and technical implementation
COLREG 1972; Load Lines; Tonnage	Party	Preserve navigation, measurement and certification rules
STCW 1978	Party	Competence, recognition, medical and rest systems
STCW-F 1995	Effective 26 August 2016	Fishing-personnel implementation; check vessel/person thresholds

Instrument	Saint Lucia status in consulted IMO records	Priority for the Act
SAR 1979	Effective 19 June 2004	Maintained coordination, watch and cooperation arrangements
FAL 1965	Effective 19 July 2004	Maritime single window and coordinated ship reporting
MARPOL I–V and Annex VI	Party; Annex VI effective 26 August 2016	Pollution prevention, facilities, inspection and implementation audit
CLC 1992 and Fund 1992	Party	Correct tanker-pollution liability and claims arrangements
LLMC 1976 and 1996 Protocol	Party; Protocol effective 18 August 2004	Reconcile current limits, amendments and domestic text
Bunkers 2001	Effective 26 August 2016	Liability, certification, security and direct recovery
Anti-Fouling 2001	Effective 2 March 2021	Survey, certification and prohibited systems
Ballast Water 2004	Effective 8 September 2017	Applicable vessels, records, verification and sampling capacity
Nairobi Wreck Removal 2007	Effective 2 March 2021	Convention-area implementation and separate territorial regime
OPRC 1990	Party	Tested national pollution preparedness
OPRC-HNS 2000	Detailed book records force from 2 March 2021	Resolve summary-table inconsistency; implement chemical-response duties
Athens passenger regime; Salvage 1989; Cape Town 2012; Hong Kong 2009; London Protocol 1996	No participation mark in consulted matrix	Targeted accession/implementation appraisal, not assumed obligations

The detailed book's printed pages 19, 93, 100, 195, 212, 424, 455, 460, 526, 545, 557, 564 and 572 support particularly consequential entries. There is one visible source inconsistency: the matrix's OPRC-HNS cell is blank, while the detailed book's page 526 expressly lists accession on 2 December 2020 and entry into force on 2 March 2021. The detailed dated depositary entry is the stronger evidence; formal confirmation should precede an official treaty schedule. 16: IMO treaty status, August 2026 17: IMO ratification matrix, August 2026

The ILO non-ratification search listing included Saint Lucia for MLC, 2006, but the complete live endpoint could not be retrieved reliably. This package therefore treats MLC accession as a question to verify, and proposes domestic seafarer protections on their merits. It does not assert that Saint Lucia has ratified MLC or that adopting similar protections would itself constitute ratification. 18: MLC, 2006

3.2 Existing treaty-effect clauses must be analysed, not overlooked

Shipping Act section 493 addresses international conventions, amendments, replacements and other instruments, and permits ministerial publication by statutory instrument. Section 494 gives an applicable convention or instrument precedence over a conflicting Act provision unless the Minister otherwise provides. Section 495 permits suspension of registration for a contravention of an applicable convention requirement. It would consequently be wrong to say categorically that a ratified maritime convention has no domestic effect until new regulations are made. The actual effect requires analysis of these provisions, the instrument, relevant notices and controlling law. 19: Shipping Act, s.493 20: Shipping Act, s.494

The present wording also raises a policy problem. People should be able to discover which text binds them, which version applies and what the sanction is. A broad reference to future instruments should not quietly create new offences or allow the executive to remove fundamental safeguards. Draft One preserves existing legal effect and accrued rights, then requires prospective, published implementation instruments with an express application table. Technical changes can follow a controlled regulation route; new taxes, serious offences, major liability choices and changes to primary rights need Parliament.

3.3 Liability limits are a consequential reconciliation task

The online section 421 prints older general limitation figures; section 425 prints a passenger formula of 46,666 units of account multiplied by authorised passengers, capped at twenty-five million units. The IMO record shows participation in the 1996 LLMC Protocol, and IMO describes later increases to general limits. This is a real reconciliation issue, not a licence to announce that the printed older sums necessarily govern every current claim. Sections 493–495, amendment mechanisms, any notices and the applicable claim category must be considered. 21: Shipping Act, s.421 22: Shipping Act, s.425 23: Convention on Limitation of Liability for Maritime Claims 16: IMO treaty status, August 2026

The Bill therefore keeps accrued maritime claims and existing limitation rights intact while requiring a dedicated concordance and parliamentary decision on any revised domestic regime. It does not make lack of insurance automatically destroy a treaty right to limit. It also does not copy Barbados's wreck-removal exclusion without checking Saint Lucia's treaty position and any necessary reservation. Insurance amounts, liability caps and the economic loss a family may suffer are different quantities.

4. Published operating procedures and their practical implications

4.1 Start with the actual voyage

SLASPA's published mandate covers registration and licensing, surveys, capacity and manning certification, seafarer training, flag/port-state work, investigations and SAR liaison. Its registration guidance asks for documents addressing ownership, nationality, Customs status, previous registry, insurance and survey. These are useful foundations for one coherent vessel record. They are not evidence that every vessel currently complies or that every published instruction remains unchanged. 24: About the Division of Maritime Affairs 25: How to Register Your Vessel

The commercial-craft guidance is unusually practical: notify the lighthouse of persons aboard and expected return; report delay; count people at departure and return and after anchorage activity; demonstrate lifejackets; keep equipment accessible; provide watch over swimmers; and avoid music interfering with radio communication or lookout. The essential insight is that safety has to continue after a certificate is issued. Draft One converts the core responsibilities into express duties and leaves operational detail to an accessible code. The guidance's current legal status and incorporation into individual licences still require checking. 26: Guidelines for Commercial Craft Operators (Day & Evening)

A workable departure record need not be a lengthy form. It should identify the vessel, master, route or operating area, people aboard, expected return, weather check, critical equipment check and shore contact. For repetitive short services, an approved running log and reliable count may be more useful than repeatedly typing passenger information into a weak internet connection. For a passenger excursion offshore or after dark, more detail is justified. A departure system must explain what the shore contact does when the vessel does not return.

4.2 Fishing safety requires a voyage-based approach

Fisheries' published service already includes registration, licensing and a seaworthiness/specification inspection, with an advertised five-working-day processing period. The existing extension network could help administer new safety standards. The research did not establish how often operators undergo duplicate maritime and fisheries inspections, so administrative duplication should be measured before it is claimed as fact. 27: Register and Licence a Fishing Vessel

The publicly linked Fisheries equipment list places GPS and VHF under optional recommendations. That document is undated and refers to older regulations; it cannot settle every current legal duty. It nevertheless identifies a specific question for the certified audit: are adequate distress and position-reporting capabilities compulsory for the voyages that need them? 28: Fisheries Safety Equipment List

The 2026 FISH-ADAPT assessment describes a fleet primarily of 25–30-foot pirogues, trips of three to eight hours and travel up to 65 miles offshore. The source says "miles"; this report does not silently convert that figure into nautical miles. It identifies safety training, operator licensing, fixed VHF and GPS/radio skills among priorities. The finding supports rules based on exposure and communication coverage, with naval-architecture input on buoyancy, drainage and loading. 29: FISH-ADAPT Project to Strengthen Climate Resilience and Safety

A VHF radio alone is not a universal offshore rescue solution. Coverage, aerial height, shore infrastructure, electrical reliability and the actual route matter. Regulations should select an appropriate combination of independent distress/location capability, buoyancy, water and survival equipment, backed by tests and training. They should not prescribe an expensive shopping list without examining the boats and fishing economics.

There are implementation foundations: an official release reports seventy grab bags distributed to Dennery operators in 2025. The user's Gazette archive also contains SI 126/2020, a department-specific maritime-radio fee exemption for a fisheries climate-adaptation project. That is a precedent for targeted public support, not evidence of a blanket exemption for all fishers. 30: Dennery Fishers Receive Safety Equipment 31: Telecommunications (Maritime Mobile Radio) (Fees) (Exemption) Order 2020, SI 126

4.3 Rescue and pollution plans need currency and testing

The accessible maritime SAR plan is historical, with a 2003 version and a 2006 approval. It describes Marine Police leadership and cooperation with Fort-de-France. Its old staffing, assets and timings must not be reported as present capability. The accessible oil-spill plan likewise contains older procedures and a reported 2007 approval. Its allocations, waste handling, cost records and exercise provisions remain useful design material, but current contacts, inventory and authority must be confirmed. 32: Maritime Search and Rescue Plan 33: Saint Lucia Oil Spill Contingency Plan

The practical reform is a statutory duty to maintain, exercise and publish appropriate portions of current plans. Protected tactical details can stay restricted. At minimum, there should be one accountable distress-receiving arrangement, an escalation procedure, clear roles for national and regional partners, handover records, casualty-to-hospital coordination and a process for learning after an operation. The law should not promise a fixed rescue time everywhere around the island when assets and conditions cannot support it.

4.4 Inspection data raise questions, not verdicts

The Caribbean MOU's 2024 annual report records one Saint Lucian port-state inspection in its system for 2024, compared with five in 2023. Those counts concern the regional port-state-control reporting system. They do not describe domestic-vessel inspections, all enforcement work or the safety of the fleet. Without the eligible ship-call denominator, they cannot establish breach of a percentage inspection commitment. They justify asking about staffing, targeting, reporting completeness and follow-up. 34: Caribbean Memorandum of Understanding

A 2018 official notice reports an IMO maritime audit. The audit findings, corrective-action plan and closure records were not obtained. Draft One makes implementation tracking a recurring public responsibility rather than treating an external audit as a one-off event. 35: IMO conducts maritime audit

4.5 Digital clearance is institutional work as well as software

IMO identifies maritime single windows as part of the FAL ship-clearance framework from 2024, with single submission and maximum reuse of information. Its 2024 OECS project includes Saint Lucia. Separately, the WTO database's August 2026 notification describes the national electronic trade single window as being in procurement and records a requested extension to December 2028. The two projects must not be conflated; the trade-project status does not prove whether a maritime window is operational. 36: Maritime Single Window 37: St Vincent and the Grenadines moves to digitalize its maritime sector 38: Saint Lucia

The Act should authorise a shared submission channel while preserving each agency's lawful decision. Receipt is not clearance. A system should show which agency is holding a departure, the legal reason, the responsible official and the review route. It must support correction, audit trails, privacy, interoperability and an outage procedure. Requiring duplicate paper submissions forever defeats the purpose; abandoning paper fallback before reliable service exists also defeats the purpose.

5. What four comparable island states can teach Saint Lucia

5.1 Antigua and Barbuda: make small-craft rules operational

Antigua and Barbuda's 2017 Small Craft (Control) Regulations provide a close regional comparator. Regulation 4 ties a five-year certificate/licence to annual inspection and endorsement; regulation 5 addresses changed particulars; regulation 7 addresses beach approaches and swimming-area separation; later provisions specify safety equipment and personal-watercraft controls. The scheduled code connects permitted persons to stability, operation, space, lifesaving and manning. Its safety certificate is not a substitute for a title or mortgage record. 39: Small Craft (Control) Regulations 2017, No. 38 and scheduled code

The lesson is to make the permission visible and intelligible. A passenger or enforcement officer should be able to see what the boat is authorised to do. Saint Lucia should adapt operating-area concepts to its actual safe refuges, coast and rescue access. It should not assume every place near shore is a safe landing place.

Antigua's conditional protected-water liferaft equivalence illustrates both flexibility and caution. Its safeguards include particular communications, accessible lifejackets and redundancy conditions. Such a directive cannot responsibly be reduced to "small coastal boats need no liferaft." Draft One allows equivalent safety on documented evidence, with scope, duration and conditions recorded. 40: Director's Directive 003/2013, revision 1

Antigua's public casualty-report system also demonstrates access to specialist investigation capacity. Saint Lucia can consider regional retainers and independent outside experts while keeping legal accountability at home. Outsourcing an investigation requires conflict controls, preservation of evidence and publication rights in the contract. 41: Casualty Reports

5.2 Barbados: coordinate liability, security and implementation

Barbados's assented Merchant Shipping (Liability and Compensation) Act 2024-30 is a substantive modern comparator. It addresses convention-based pollution liability, limitation, compulsory insurance, wreck/cargo removal and remedies concerning detention. Selected provisions include sections 66–72 and 104–105. The useful lesson is to design financial security and enforcement as one system. A legal entitlement to damages is of little comfort if the defendant has disappeared and no security is available. 42: Merchant Shipping (Liability and Compensation) Act 2024-30

Saint Lucia should not copy every limitation choice. Treaty reservations, international claims, domestic passenger claims and insurer defences must be reconciled. Nor should it use insurance as a substitute for inspection. A policy may be unsuitable, expired, geographically restricted or written for a different activity.

Barbados's operator-transition notices provide a second lesson. Its practical recognition and fast-track testing process had technical interruptions, and a later notice gave an April 2026 deadline. Existing operators need a genuine migration route, with assessment capacity, clear documents, advance notice and a way to correct errors. Transition should recognise demonstrated competence without permanently grandfathering unsafe operation. 43: April 30 Deadline for Grandfathering-In Process 44: Temporary Suspension of Grandfathering-In Process

One source trap was avoided: a registry download labelled as the main Merchant Shipping Act contained a Gazette compilation of Bills. This package relies on the separately authenticated liability Act and identified implementation notices for the claims above, rather than treating every clause in that Bill compilation as enacted law.

5.3 Jamaica: define commercial activity by what actually happens

Jamaica's official Shipping Act extract provides clear authority functions and a financial-responsibility requirement for ships trading in or from its waters. Its pleasure-craft definition excludes a vessel provided for the transport or entertainment of accommodation guests. That closes the obvious claim that an excursion is private because payment is bundled into a hotel stay. The displayed extract also contains transcription imperfections and an unclear consolidation date, so exact wording must be checked before transplantation. 45: Shipping Act

Saint Lucia's existing definition of pleasure craft already excludes vessels supplied for transport or entertainment of lodgers at a hotel or similar establishment. This is a provision to preserve and clarify, not a wholly new gap to fill. 46: Shipping Act: definitions

Draft One adopts the underlying principle: direct or indirect commercial reward can trigger commercial obligations. It avoids calling every private cost-sharing trip a business, and provides for transparent classification decisions. The same boat may fish on one day and carry paying visitors on another. The permissions must follow the actual use, not the operator's preferred label.

Jamaica's larger institutional structure should not be copied wholesale. Saint Lucia needs the functions: competent survey, licensing, enforcement, training, registration and accountable leadership. Whether these require a new corporation depends on workload and cost. Combining development promotion with safety regulation also needs conflict safeguards.

5.4 Mauritius: quality control, insurance and continuity

Mauritius's official Merchant Shipping Act consolidation through July 2024 provides useful provisions on third-party and wreck-removal insurance, registry-quality screening, equivalent compliance, electronic clearance and continuation of existing documents and securities. Relevant sections include 25, 26, 229, 231 and 235. Its institutional model also shows that maritime responsibilities can be delivered through a government division. 47: Merchant Shipping Act, consolidated Version 6

The transferable ideas are careful admission to the flag, verified security, recorded exemptions, legally valid electronic decisions and explicit preservation of rights. Broad objections by other agencies should not become indefinite departure holds without stated legal grounds. Fixed large-ship clearance times should not be imposed on repetitive domestic trips. Historic financial amounts should not be copied without a contemporary treaty and market assessment.

5.5 The comparative conclusion

The most useful borrowing is functional, not cosmetic. Borrow a clear certificate, a practical assessment route, an effective insurer claim, an independent report and a reviewable detention decision. Do not borrow another country's entire bureaucracy, its fee levels, its geographic assumptions or its liability caps without testing them against Saint Lucia's fleet and treaty position.

Design choice	Closest useful comparator	Saint Lucian adaptation
Small-craft certificate and operating conditions	Antigua and Barbuda	Map local refuges and mixed-use activities
Insurance linked to real remedies	Barbados and Mauritius	Treaty concordance, direct-action scope and insurer-market review
Existing-operator transition	Barbados	Mobile outreach and practical assessment capacity
Commercial-use definition	Jamaica	Include bundled hotel/tour services and mixed-use boats
Specialist investigations	Antigua and Barbuda	Regional retainer with domestic independence and publication safeguards
Electronic clearance and continuity	Mauritius	One submission, lawful agency decisions and outage fallback

This comparison is deliberately concentrated on four jurisdictions with substantive accessible sources. Grenada's legislation index provided leads, but the substantive downloads were not available through the accessed route; no unseen Grenadian provisions are treated as evidence.

6. Seven Saint Lucian incidents and operational lessons

These cases are selected for the different systems they test. They are not a statistical sample and cannot establish the national accident rate. In each case, a legislative lesson is a proposed response to a demonstrated exposure or unanswered question; it is not a finding that a proposed rule would certainly have prevented the event.

6.1 Anse Cochon, 18 July 2026: collision, public confidence and investigative independence

The Government announced a Commission of Inquiry on 22 July following the 18 July collision. Later reporting recorded four deaths and fourteen injuries. 48: Government announcement 49: September reporting

Supplied screenshots of the Government Gazette Extraordinary, Vol. 195, Issue 16, published on 3 September 2026, establish the visible substantive terms of the appointment. The instrument is dated 1 September. Justice Mario Michel chairs the Commission, alongside Cuthbert Didier, Kentry Frederick and Luke Defreitas. Its mandate covers the collision, legislation to inform a modern Maritime Act, operating and investigation procedures, and recommendations arising from its findings. The Gazette names Ocean Angel, official number SL077875, and Cazorla Jr, official number SL078180, both registered in Castries. Earlier reporting used "Mango Tours"; the relationship between that name and Cazorla Jr has not been independently verified. 72: Gazette terms, pp.33–34

The appointment sets an inquiry period of 8 September 2026 to 8 March 2027 and requires a written report to the Governor General on or before 8 March, including the proceedings and reasons supporting its conclusions. Proceedings are to be public, subject to the commissioners' power to exclude people. These directions do not establish a daily hearing calendar or a date for public release of the final report. The visible Gazette text has been checked from supplied screenshots bearing the HTS News4orce watermark; the original official PDF has not been independently retrieved. At the 7 September evidence cutoff, the stated inquiry period had not begun. 73: Gazette directions, p.34 74: Report deadline and instrument date, p.35

The immediate research questions are concrete: Do the register entries and certificates confirm the vessels identified in the Gazette, and who exercised operational control? What were the authorised uses, capacity, operating areas and manning conditions? What do the certificates, passenger counts, voyage records, chart tracks, radio records, weather observations and witness evidence establish? Were relevant inspections current? Which agencies received reports, and when? What rescue resources were available and deployed? Trade names in reporting should not substitute for verified registry identities.

No conclusion about speed, alcohol, overloading, navigation lights, lookout or fault is justified on the material reviewed. A Commission can examine systemic and institutional questions. It does not automatically discharge the separate duties under the 2021 safety-investigation regulations or replace police and coroner functions. The new Act should make the safety trigger independent of a discretionary political decision, protect evidence without shielding independently obtainable evidence from justice, and require an interim public account when a final safety report is delayed. 11: Investigation regulations, reg.9 12: Investigation regulations, reg.15 13: Investigation regulations, reg.17

Draft response: clauses 85–98 provide automatic investigation triggers, independence, preservation, family liaison, publication and tracked responses. Clauses 46–57 connect vessel conditions to each voyage. The Commission's eventual findings must be tested against this draft before introduction; no clause should pre-judge those findings.

6.2 Reduit Beach, April 2023: shared coastal space and water sports

Police-attributed reporting described the death of a visiting American woman in a jet-ski and towed-tube incident at Reduit Beach. The accessed reports differ on the day of the incident, so this report uses April 2023. Subsequent reporting recorded a charge and bail. A charge is not a conviction, and no final adjudication was established. 50: US woman's death in St Lucia under investigation 51: Water Craft Incident at Reduit Beach, Gros Islet

The policy issue extends beyond the handling of one craft: swimmers, towing activities, powered craft, boarding passengers and boats returning to the beach may occupy the same water. A licence held by the operator does not itself establish a safe spatial arrangement. The evidence needed includes the beach plan, any marked swimming area, towing route, operator competence, lookout arrangements, briefing, equipment condition and the relevant concession or activity permission.

Draft response: published, charted zones with visible local markings; low-wash access corridors; safe separation from swimmers; a competent observer for towing where required by the approved activity plan; appropriate personal flotation; and engine-stop devices where fitted or required. A beach concession should not silently become permission to operate a vessel. Tourism agencies, local users and fishers should help design the geography, while safety approval remains the regulator's responsibility. Antigua's small-craft framework is a useful source for enforceable beach separation and operating conditions. 39: Small Craft (Control) Regulations 2017, No. 38 and scheduled code

6.3 MV Angeln, February 2010: loading, wrecks and pollution after fuel removal

SLASPA's April 2010 update records the sinking on 21 February, completion of hydrocarbon removal on 1 April, a wreck-removal order and restrictions around the wreck. A later specialist project account describes leaking bitumen containers and a complex refloating and scuttling operation. Removing bunker fuel did not end every pollution exposure. 52: Update on MV Angeln 53: Container Vessel Refloating

The United States civil decision in In re MS Angeln, 10 F. Supp. 3d 424, addressed claims involving cargo information and loading. It granted summary judgment dismissing the owners' and hull underwriters' specified claims against Bernuth and MSC; the decision discussed available weight information and warnings before departure. It is evidence of the issues examined in that civil case, not a Saint Lucian criminal finding or a complete domestic safety investigation. 54: In re MS Angeln GmbH & Co KG, 10 F. Supp. 3d 424

Questions for a domestic case study include who supplied and verified cargo weights, how the loading plan and stability were checked, what authority the master and port personnel had to stop the movement, how the wreck hazard was assessed, what security supported removal, and how later cargo pollution was financed. Access to the actual cargo, survey and casualty files is needed to resolve them.

Draft response: verifiable cargo declarations, a protected master's safety decision, port and regulator stop-work powers within their respective functions, immediate pollution reporting, a common incident index with separate access-controlled evidence and cost records, and residual cargo-pollution duties. Wreck security must respond to the actual hazard and treaty regime. A contractual indemnity from an insolvent owner is not a substitute for collectible insurance or security.

6.4 Doggersbank, 2014–2015: specialist response capacity

Official accounts state that the privately owned tug, operated by Tugs Ltd., became partly submerged in Port Castries on 28 October 2014. The March 2015 salvage announcement identified the need for international expertise and specialised equipment not available locally. A further announcement described pollution-control arrangements for the operation. The material reviewed does not establish the final completion date or public cost. Elapsed time alone does not prove negligence. 55: Submerged tugboat in Port Castries to be salvaged 56: SLASPA

The case tests procurement, technical assessment and operational readiness. Which specialist could be called, under what contract, with what mobilisation time and access to finance? Could the authority order stabilisation before resolving the ultimate cost dispute? Were submerged obstructions marked and port users notified? Was the owner's security adequate and recoverable?

Draft response: pre-arranged regional salvage support, an emergency procurement route under existing procurement law, written hazard assessments, interim marking and containment, and recoverable reasonable response costs. The Act should authorise urgent action; the funded response plan must make it executable.

6.5 Two Saint Lucians adrift, November 2024–January 2025: offshore exposure and cross-border rescue

The Government's repatriation notice states that Anthony Emmanuel and Sophia Raphael departed Martinique in a pirogue on 30 November 2024, were rescued near San Andrés, Colombia, on 16 January 2025, and were due to return to Saint Lucia on 22 March. The official notice does not establish that both were fishers, their equipment inventory or the initiating cause. 57: Repatriation of Saint Lucians lost at sea

A vessel type alone cannot define the appropriate voyage permission. An open boat travelling between islands faces exposure distinct from a short protected-water trip. A useful study would reconstruct intended route, fuel and reserves, forecast conditions, flotation and survival supplies, communication methods, who held the voyage plan, overdue reporting and regional search coordination. The duration of an ordeal must not be treated as evidence that a particular agency failed without its logs.

Draft response: voyage classes based on distance from refuge, international travel, night operation and communications coverage; two independent means of distress alerting for designated offshore operations; a shore contact and escalation plan; and regional protocols for rescue, information exchange and dignified disembarkation. Administrative migration questions should not delay life-saving assistance. Support for equipment purchase must include servicing, registration and practical use.

6.6 Soufrière storm surge and Hurricane Beryl, 2024: resilience before departure

A December 2024 government announcement described a $430,000 recovery package for 38 licensed boat owners and fishers affected by February storm surges and Hurricane Beryl. The amount covers the two events together. It is not a valuation of all maritime losses and is not, by itself, proof of completed disbursement. 58: Soufriere Fishers get $430,000 Recovery Support Package

Storm risk is not confined to a vessel at sea. Mooring capacity, haul-out arrangements, safe storage, fuel security, debris and reopening inspections matter. A statutory direction to move a boat is of limited use if no safe berth, road access or lifting arrangement exists. Requirements also need to account for people whose vessel is their livelihood.

Draft response: seasonal preparedness plans agreed with fishers and port users; legally clear closure and reopening decisions; published refuge limitations; plans for removal of damaged vessels and waste; and transparent recovery assistance criteria under the relevant financial authority. The Act should not promise that every harbour is a hurricane refuge or create an unfunded general compensation entitlement. Climate adaptation belongs in infrastructure budgeting and asset management as well as in operating rules.

6.7 Rescue northwest of Pigeon Island, 8 March 2026: learn from success

An official March 2026 account records a Marine Unit rescue of five people more than nine nautical miles northwest of Pigeon Island on 8 March. It credits preparedness, equipment and inter-agency partnership, including Fisheries and the Unleashing the Blue Economy of the Caribbean programme. It is a useful positive case, although one incident cannot establish the overall effectiveness of a programme. 59: Timely Rescue at Sea Underscores Preparedness and Partnership

The study questions should ask what worked: how the alert reached the responders, what position information was available, which vessel was redirected, whether equipment was serviceable, and how training affected actions. Successful operations deserve the same disciplined debrief as failures, without converting every debrief into disciplinary evidence.

Draft response: maintained distress equipment, practical drills, readily usable contact arrangements, time-stamped response records and a protected learning process. Measure whether alerts reach a staffed point and result in appropriate action. Counting equipment distributed is an input measure; functioning equipment used competently is the desired result.

7. What should definitely be in the Act, and why?

7.1 A boat-to-voyage chain of responsibility

The Act must identify the owner, the person controlling the operation, and the master. Each owes a different duty. The owner supplies a safe and properly maintained vessel; the operator provides a lawful and adequately resourced operation; the master decides whether the particular voyage can safely proceed. A person can hold more than one role. Contracting out work should not erase statutory responsibility.

A single vessel identifier should connect records across agencies. Ownership registration, a safety certificate, a fisheries licence, an activity approval and port clearance should remain distinct permissions. A visible identity also helps a customer check whether a particular vessel is authorised for the advertised trip. A publicly searchable safety status is useful; publishing home addresses, passenger lists or sensitive personal information is not.

The departure duty must be understandable on the beach: permitted trip, competent master, correct headcount, suitable weather, working communications, required safety gear, adequate fuel, safe loading, and someone ashore who knows when to raise an alarm. For larger ships, established safety-management and international procedures should satisfy these duties where they provide the same information and assurance. Duplicate forms do not create safety.

7.2 Fishing, tourism and private boating all belong in the framework

Fishing vessels should have maritime safety duties coordinated with Fisheries licensing. Pleasure craft and personal watercraft need proportionate navigation, competence and equipment duties. Commercial passenger operations warrant additional assurance because customers ordinarily depend on the operator's expertise. A hotel package, excursion bundle or indirect payment should not evade commercial classification.

The main practical risk is excluding livelihood operators through a sudden expensive equipment or credential mandate. The answer is a staged compliance route, mobile assessment, recognised prior learning, realistic approved operating areas and targeted support. It is not a permanent exemption from essential safety. The current Fisheries safety-service process and FISH-ADAPT activities provide a starting point for integrated delivery, but their published descriptions do not establish staffing capacity or measured compliance. 27: Register and Licence a Fishing Vessel 29: FISH-ADAPT Project to Strengthen Climate Resilience and Safety

7.3 A regulator with authority, independence and a funded delivery model

Regulatory independence requires more than moving boxes on an organisation chart. Technical appointments should require relevant competence, decisions should give reasons, conflicts should be declared, and an operator should not be able to buy a favourable exemption. Ministerial policy directions can be published; directions deciding an individual certificate, detention or casualty finding should be prohibited.

Draft One establishes a ministerial Maritime Administration with protected technical functions, preserving the possibility of a later funded statutory corporation. This is a recommended institutional choice, not a finding that the announced Maritime Authority reform has been enacted. The Administration should procure specialist survey, legal and scientific expertise where justified, supervise recognised organisations, and remain responsible for delegated work. 60: Saint Lucia to establish Maritime Authority amid wide sector reforms

Enforcement revenue should not determine an inspector's incentives. Fee income should be handled under public-finance law. A small operation can have an affordable fee while still meeting the safety standard. A service charter should set application information, response targets, reasons for delay and escalation. These are more useful to a fisher than a promise that the Authority will be "world class".

7.4 Independent investigation and a visible learning loop

Safety investigation asks how recurrence can be prevented. Criminal investigation, civil litigation and a Commission of Inquiry answer different questions. They may proceed at the same time, with coordinated access to material and appropriate protections for compelled testimony. An investigator must not pronounce criminal or civil liability.

The legislation should protect safety interviews, analysis and draft reports against routine disclosure, but allow a tightly reasoned judicial decision where the interests of justice outweigh the adverse effect on safety. It should preserve the police's access to evidence they obtain independently and should not make physical evidence inaccessible merely because a safety investigator also holds it. Persons materially criticised need a fair opportunity to identify factual errors without vetoing publication.

Publication must lead somewhere. Each recommendation needs a named recipient, a response deadline and a public status. "Accepted" without a funded action and completion evidence is insufficient. Families need a liaison point and timely factual updates, subject to privacy and the integrity of investigations.

7.5 Liability, insurance and environmental cost recovery

A damages right is only useful if a solvent defendant or valid security can meet it. The Act should require verified financial security for applicable treaty cases and progressively for domestic commercial passenger and higher-risk operations. It should address insurer cancellation, certificate verification, claims contact information and direct action where the applicable legal regime permits or creates it.

The technical work is particularly consequential. Saint Lucia's treaty obligations, existing convention-precedence provisions and printed domestic liability figures must be reconciled before any new limitation amount is enacted. Insurance minima do not necessarily equal liability caps. Pollution under CLC/Fund, bunkers, wreck removal and general maritime liability are distinct regimes with different scope, defences and time limits. A single generic pollution clause must not accidentally undo treaty protections or recovery rights. 16: IMO treaty status, August 2026 20: Shipping Act, s.494 21: Shipping Act, s.421 22: Shipping Act, s.425

Draft One preserves existing liability and limitation law, creates administrative verification and domestic non-treaty response duties, and requires a published concordance before replacement liability rules commence. This is a deliberate reserved drafting issue: a final clean consolidated Act requires a separately validated compensation and limitation module. The report does not recommend inserting unverified SDR numbers into primary law.

8. Perils, opportunities and practical choices

Choice or peril	Why it matters	Recommended response
Broad repeal on day one	Could remove mortgages, liens, crew rights or technical codes	Targeted amendments and express continuation; certified concordance before later consolidation
Automatic incorporation of every future treaty amendment	Can make obligations or offences hard to discover and weaken scrutiny	Publish applicable text, scope and commencement; preserve existing effect while replacing the future-update method
A new authority with too little recurring funding	Creates titles without survey, watchkeeping or enforcement capacity	Cost functions and staff coverage before institutional expansion
Identical rules for every small craft	Ignores exposure and can exclude lawful livelihoods	Use voyage and activity classes, preserving essential safety floors
Exemptions granted through private discretion	Can undermine safety and fair competition	Written equivalent-safety findings, time limits and a public register

Choice or peril	Why it matters	Recommended response
Criminalising every paperwork defect	Discourages reporting and overwhelms courts	Corrective notices for remediable defects; focused offences for serious misconduct
Digital-only clearance	Can stop lawful operations during outages or exclude users	Assisted access, paper/offline fallback and one submission across agencies
Insurance mandate before market testing	May make ordinary trips commercially impossible	Obtain specimen policies and quotations; phase non-treaty classes; retain treaty requirements
Register expansion before oversight capacity	Adds flag-State exposure and reputational risk	Fleet admission standards, beneficial-owner verification and quality screening
Unfunded pollution or SAR promises	Legal power cannot mobilise a contractor without money	Budgeted readiness, regional agreements and tested mobilisation procedures
Centralising all waterfront functions	Can blur fisheries, land-use, conservation and port responsibilities	Express interfaces and referral deadlines; keep each agency's lawful decision
Overstating what an incident proves	Harms fairness and can produce the wrong rule	Use official findings where available; state unresolved facts and evidence requests

The opportunities are substantial: safer visitor experiences, stronger fishing livelihoods, reliable port services, fewer duplicate filings, credible environmental protection, regional training and professional maritime employment. These are plausible benefits, not quantified forecasts. Registry revenue is particularly uncertain without a business case that includes oversight, international audit obligations, claims exposure and the cost of poor-quality ships.

8.1 Questions a drafting committee should ask and the proposed answers

Should the new law be called a Maritime Act or a Merchant Shipping Act? Maritime Act is appropriate if it visibly covers domestic boating, fishing-vessel safety, coastal activities and response as well as merchant ships. The title does not settle which other statutes must remain. Draft One uses a Maritime Act with explicit continuing-law provisions.

Must the regulator become a separate statutory corporation? No. Independence and accountability can be designed within a ministry. Decide on a corporation only after comparing recurring cost, staffing, public-service constraints and conflicts. Do not postpone essential safety duties while choosing the institution.

Should fishing vessels be exempt because they are already licensed? No blanket safety exemption. Recognise Fisheries inspections where equivalent, share data, and issue coordinated decisions. A fishing licence controls the fishing activity; it should not be mistaken for permission for an offshore passenger excursion.

Should every craft carry AIS, a liferaft and the same electronic beacon? No universal equipment shopping list. Specify the safety function and minimum requirements by exposure, persons carried and rescue coverage. Offshore alerting needs independent redundancy; protected-water equivalence needs evidence. Existing mandatory equipment remains required unless a lawful equivalent is approved.

Should every domestic trip obtain full customs clearance? No new customs requirement is proposed. Repetitive domestic trips should use simplified voyage and return records proportionate to risk. Border agencies retain international-clearance functions.

Should an investigation automatically stop because police are investigating? No. Coordinate evidence handling and protect fair-trial interests, but continue the safety investigation unless a court makes a necessary, proportionate order. Publication can be adjusted to avoid specific prejudice without indefinite silence.

Who can stop an unsafe voyage? The master has a positive duty to do so. The regulator can impose an urgent safety restriction; a harbour master controls port movements under lawful powers. Each decision needs stated grounds, a review route and a release process.

Can the Act require rescue while protecting volunteer rescuers? Yes. Preserve the master's duty to assist within reasonable safety limits, coordinate volunteers, and protect good-faith assistance from ordinary negligence claims only within a carefully defined domestic rule. Draft One does not immunise recklessness or override binding compensation regimes.

Should wreck removal in the territorial sea simply be called Nairobi implementation? Not without checking the Convention's geographic application and any territorial extension declaration. Draft One separates domestic territorial powers from the Convention module. Saint Lucia's ratification does not by itself prove an Article 3(2) extension. 61: Nairobi International Convention on the Removal of Wrecks 16: IMO treaty status, August 2026

How should fees and fines be chosen? Through a published cost and impact exercise using actual incomes, operator numbers and court capacity. Draft One's penalty maxima are proposed consultation figures in Eastern Caribbean dollars. They are not calibrated estimates of deterrence or statements of current law.

What should be deferred? Unverified liability numbers, wholesale ship-title re-enactment, mandatory equipment specifications requiring fleet trials, and expansion of an international registry without capacity evidence. Deferral should have an owner, a deliverable and a public status, while existing protective law continues.

8.2 Public-policy connections: RIPPLE-4 and Sovereign Option Theory

Maritime safety is also livelihoods, tourism, environmental and public-finance policy. An inspection rule changes the cost of a trip; its delivery affects whether lawful services remain accessible; a casualty can place demands on rescue, hospitals, courts and households. The following application uses SLPA's

RIPPLE-4 and Sovereign Option Theory as decision frameworks. It is a reasoned assessment of possible pathways, not a measured forecast or a finding of current non-compliance.

RIPPLE-4 traces four causal orders: direct incidence, adaptation, propagation and the inherited state. These are relationships between effects, not fixed calendar periods. 75: RIPPLE-4 method

O1 — Direct incidence. Clearer voyage duties change what masters and operators must do. Public bodies need staff, records and maintained equipment. Cost each duty and identify its responsible role before commencement; publish usable safety and permission information for passengers.

O2 — Adaptation. Operators may repair vessels, train crews, change routes or raise prices. Slow inspections or unaffordable requirements could encourage avoidance; insurers could exclude particular risks. Test actual processing time, affordable compliance and specimen insurance wording, while acting promptly on immediate danger.

O3 — Propagation. Costs and delays can reach fishing income, passenger fares, tourism suppliers and the shared rescue and clinical system. Linked records can improve coordination but can also spread mistakes. Monitor distributional effects, provide correction routes and test emergency handovers across agencies.

O4 — Inherited state. Reform can leave trained inspectors, trusted records and useful regional agreements, or dependence on one supplier and institutions without recurrent funding. Preserve data export, staff development, maintenance finance, review rights and the ability to change an institutional arrangement that is failing.

The adverse pathway to test is a reform that raises formal requirements faster than Saint Lucia can provide inspections, affordable compliance and credible enforcement. Activity could become harder to see, weakening information needed for rescue and learning. This is why clauses 2 and 136 require a workable compliance route, and why Schedule 8 should track access barriers and record quality alongside enforcement.

Sovereign Option Theory examines how far to commit while protecting essential conditions and retaining useful future choices. The settled mission here is safe voyages, credible investigation, ecological protection and workable compensation. The regulator’s final organisational form, software provider and detailed requirements for newly covered classes should remain adjustable until evidence supports commitment. 76: Sovereign Option Theory

First fund the legal concordance, fleet inventory, record preservation, current inspections, practical training and response exercises. Then test departure records, assisted access, inspection capacity and insurance availability at representative landing sites. Expand a function when lawful authority, staffing, recurrent finance, guidance, correction and appeal routes, and operating tests are in place. A permanent new authority or major registry expansion needs a separate business and oversight case. Existing duties and urgent safety powers continue throughout.

The development test is what Saint Lucia can continue to do for itself: inspect vessels, govern its records, train maritime professionals, coordinate regional assistance and replace a failing supplier. Equipment purchases and institutional changes count as progress when those capabilities work. Recommendation tracking should distinguish the existing 28-day duty to respond from the time reasonably required to complete an accepted action. 14: Recommendation responses

9. Delivery programme and operating procedures to develop

9.1 First 90 days after policy approval: establish the factual and legal baseline

The Attorney General's Chambers should lead a certified inventory of the Shipping Act, amendments, commencement instruments, treaty notices, regulations, codes and relevant judgments. It should resolve the current effect of sections 493–495, the LLMC limits and the detailed treaty discrepancies. Check original records with the IMO depositary and ILO where necessary. The legislation indexes searched here are a discovery aid, not a completeness certificate.

The responsible ministry, DMA, Fisheries and Marine Police should create a reconciled vessel inventory with active/inactive status, use, length, operating area, certificate, owner/operator and insurance fields. Publish only non-sensitive aggregate results. Inspect a purposive sample across passenger boats, offshore pirogues, domestic cargo craft, pleasure craft and water sports. This is a diagnosis, not an enforcement amnesty or proof that uninspected vessels are compliant.

Obtain staff rosters and qualifications, inspection backlogs, casualty notifications, enforcement outcomes, port-state-control eligibility and inspection data, distress logs, asset-service records and response agreements. The published CMOU figure does not supply these denominators. Convene fishers, tour operators, seafarers, disability representatives, insurers, salvors, environmental bodies and coastal communities alongside the Chamber of Shipping. 34: Caribbean Memorandum of Understanding 62: Saint Lucia unites maritime sector with launch of Chamber of Shipping

9.2 Months 3–6: test the rules before commencing new burdens

Trial the proposed voyage classes at representative landing sites. A "protected area" should be supported by geography, weather exposure, refuge availability and credible rescue arrangements. Test a one-page certificate and a short departure/return record with actual users. Observe whether a master can demonstrate radio procedure and emergency action, not merely produce an attendance certificate.

Seek insurance quotations and specimen wording for passenger injury, pollution and wreck exposure. Test exclusions for vessel type, operating area, overloading, night operation, named masters and non-disclosure. Obtain advice on which defences may be raised against third parties. Price survey capacity, training, mobile visits, equipment maintenance, regional investigators and emergency retainers. No reliable programme cost is asserted in this report because the necessary inventory and quotations were unavailable.

Publish draft regulations, guidance, forms, fee methodology and an impact statement. Translate practical safety guidance into accessible language and provide oral assistance where useful. The law should be available free; obtaining a lawful certificate should not require hiring an intermediary.

9.3 Months 6–12: commence ready functions and support compliance

Commence independent casualty investigation and clearly assigned emergency powers once personnel, protocols and funding are in place. Transfer regulatory files and staff lawfully, with continuity of service and records. Run practical assessment and recognition-of-experience pathways. Prioritise high-exposure passenger and offshore operations for new certification requirements.

Deploy electronic identity and clearance incrementally, with an outage exercise before relying on the system. Integrate submissions across agencies without merging their legal decisions. Publish processing times, refusals and appeals in aggregate. An existing certificate should continue until its lawful expiry or a reasoned safety intervention, subject to its current conditions.

9.4 Months 12–24: complete the liability and consolidation work

Complete the validated compensation module, commercial-law concordance and final consolidation. Assess whether staffing and revenue justify an independent authority or whether the ministry model is performing adequately. Evaluate compliance cost and exclusion effects on small operators. Publish progress on casualty recommendations and treaty implementation.

The useful performance measures are exposure-adjusted serious casualties where reliable voyage data exist, functional distress coverage, overdue-alert handling, survey timeliness, significant defects corrected, report publication, recommendation completion, response exercises and recoverable environmental costs. Do not reward raw inspection or fine counts without examining risk and outcomes.

9.5 Priority procedure set

Procedure	Minimum content	Accountable function
Domestic passenger departure and return	Identity, authorised voyage, persons, weather, equipment, shore contact, overdue escalation	Operator/master; Administration oversight
Offshore fishing voyage	Route, reserves, independent alerting, crew competence, return plan	Operator/master; Fisheries and Administration coordination
Beach and water-sports operation	Zones, launch corridor, briefing, observer, swimmer protection, emergency stop	Licensed operator; local safety approval
Distress coordination	Staffed contact, alert verification without delay, position, asset tasking, regional escalation, handover	Designated SAR coordination function
Casualty notification and preservation	Common reporting channel, recipients, records freeze, physical evidence handling	Administration and independent investigator
Wreck and pollution response	Hazard assessment, owner/insurer notice, urgent works, procurement, cost ledger, waste disposal	Designated response lead; supporting agencies
Detention and release	Defects, reasons, permitted movement, review, verification and release	Authorised inspector/Director

Procedure	Minimum content	Accountable function
Digital outage	Alternative submission, receipt, agency decisions, later reconciliation	Single-window operator and each agency

10. Evidence still needed, and limits of this first draft

The highest-value next evidence is: the original 2026 Gazette issue authenticated against the checked screenshots, any later Commission directions or amendments, and the eventual findings; current inspection and incident files; a certified legislation and treaty concordance; a reconciled fleet census; actual staffing and operating budgets; modern SAR and oil-response plans with exercise records; insurance terms and quotations; port-state-control eligibility data; and current electronic-clearance deployment records. These are identifiable follow-ups, not reasons to delay all drafting.

The research used official Saint Lucian legislation, Gazette sources including the supplied September 2026 Commission screenshots, IMO and ILO records, government and SLASPA operational publications, four comparator-country legal sources, attributed incident reporting and specialist material. A prior research note available to the user and a Drive-held Gazette instrument were used as discovery material; consequential propositions were checked against primary sources where accessible. The Drive instrument concerns a specific departmental maritime-radio fee exemption and does not establish a general fee waiver. 31: Telecommunications (Maritime Mobile Radio) (Fees) (Exemption) Order 2020, SI 126

Source dates and legal status matter. Historic response plans demonstrate an organisational model, not current readiness. A bill is not an enacted Act. A treaty matrix does not by itself prove domestic implementation. The supplied Gazette screenshots now establish the visible Commission remit, named vessels and timetable more directly than the earlier press account; retrieval and authentication of the original issue remain outstanding. An unanswered records request is not evidence of non-compliance.

Draft One is suitable for structured policy consultation and line-by-line legal development. Before introduction, local legislative counsel should settle constitutional appointment machinery, court jurisdiction and procedure, precise consequential amendments, the full treaty/limitation concordance, financial implications, and compatibility with applicable labour, public-finance, procurement, data-protection, environmental and criminal-procedure law. The continuing-law design protects against known transition hazards while that work is completed.

Maritime Act, 2026

Draft One model reform Bill • By Kevin L. Michel • 7 September 2026

Drafting status and architecture

This is proposed legislative text for consultation. It contains 140 clauses and eight schedules. It creates a modern operational and institutional framework while continuing the existing Shipping Act's technical and commercial modules except for the express amendments in Schedule 6. References to a "section" within the Bill mean the corresponding clause when enacted. All new deadlines, monetary penalties and policy choices are proposals. Schedule 6 must be checked against certified current legislation before introduction. The governance and treaty amendments commence as coordinated packages, with the safeguards in sections 2 and 136.

A BILL entitled an Act to provide for maritime safety, accountable administration, vessel operations, seafarer protection, navigation, search and rescue, independent casualty investigation, protection of the marine environment, wreck management, financial security and proportionate enforcement; to amend and continue specified shipping law; and for connected matters.

BE IT ENACTED by the Parliament of Saint Lucia as follows:

Part I — Preliminary

1. Short title

This Act may be cited as the Maritime Act, 2026.

2. Commencement

(1) Sections 1 to 6, 134 to 137, 139 and 140 come into force on publication. The remaining provisions come into force on dates appointed by the Minister by order published in the Gazette.

(2) An order shall identify each provision commenced, the corresponding amendments in Schedule 6, continuing instruments and any transitional period. Sections 9 to 19 shall commence with items 1 to 5 of Schedule 6; sections 20 to 26 with item 6; and sections 85 to 98 with item 8. Section 7 and sections 123 to 133 shall commence no later than sections 9 to 19. No provision requiring action by the Administration shall commence before sections 9 and 10 and items 1 to 5 of Schedule 6. No adverse administrative power shall commence before its applicable notice and review provisions. Item 7 of Schedule 6 shall commence with sections 36 to 45 and no earlier than section 24. Each Schedule commences, to the relevant extent, with the provision giving it effect.

(3) Before commencing a new licensing, certification or financial-security requirement, the Minister shall publish the readiness statement required by section 136. Different dates may be appointed for objectively defined vessel classes. Existing requirements remain enforceable during a transition.

(4) Before an appointed date, the competent authority may make an appointment, designation or arrangement necessary to bring a provision into operation, but no substantive power under that provision may be exercised before commencement. No governance transfer shall take effect until a Director or acting Director and the officers necessary for continuity have been lawfully appointed or continued.

(5) Part X and item 8 of Schedule 6 shall not commence until a Chief Investigator or acting Chief Investigator has been lawfully appointed and a readiness statement under section 136 identifies funded arrangements for receiving casualty notifications, preserving evidence, obtaining necessary investigative expertise and publishing reports. The continuing investigation law remains applicable until that coordinated commencement.

3. Objects and interpretation principles

The objects of this Act are to protect life and the marine environment; support lawful maritime work and commerce; implement applicable international obligations; ensure competent, proportionate and accountable regulation; promote learning from casualties; and secure effective remedies. A discretion under this Act shall be exercised for those objects, on relevant evidence and with regard to the nature and exposure of the operation.

4. Interpretation

In this Act, unless the context otherwise requires:

“Administration” means the Maritime Administration established by section 9; “Director” means its Director; “Minister” means the Minister responsible for shipping; “Chief Investigator” means the officer appointed under section 85; and “Court” means the High Court, except where criminal jurisdiction is expressly assigned elsewhere.

“vessel” includes a ship, boat, fishing vessel, pleasure craft, personal watercraft, hovercraft and other craft used or capable of being used for navigation on water, whether powered or unpowered; it excludes a fixed offshore installation except where an applicable provision expressly includes it.

“Saint Lucian vessel” means a vessel lawfully entitled to the nationality of Saint Lucia; “Saint Lucian waters” means internal waters and the territorial sea as determined under the Maritime Areas Act; and “exclusive economic zone” has the meaning given by that Act.

“owner” means the registered owner or, for an unregistered vessel, the person holding legal ownership; “operator” means the person exercising operational control, including a demise charterer or manager to that extent; “master” means the person having command or charge, other than a pilot acting only as pilot; and “crew” means persons assigned duties in the operation of the vessel.

“passenger” means a person carried other than the master, a working crew member or a person carried because of a rescue obligation; every infant and child is nevertheless included in the total number of persons for capacity, lifesaving equipment and evacuation. A treaty definition continues to govern the treaty’s particular application.

“commercial operation” means carriage or an activity for direct or indirect hire, reward or business benefit, including transport or entertainment supplied with accommodation or a tour package; it does not include genuine private sharing of actual voyage expenses without profit or a business arrangement.

“small vessel” means a vessel less than 24 metres in length, measured by the applicable technical rule; this definition does not alter the scope of a continuing code or treaty requirement. “personal watercraft” means a powered craft principally designed to be operated by a person sitting, standing or kneeling on it rather than within a conventional hull.

“casualty” means an occurrence connected with vessel operation causing death, serious injury, loss of a person, loss or abandonment of a vessel, significant damage, grounding, collision or pollution; “very serious casualty” means a casualty involving a death, total loss of a vessel or severe environmental damage; and “marine incident” means an occurrence that endangered, or if uncorrected would endanger, a vessel, people or the environment.

“wreck”, for domestic powers, means a sunken or stranded vessel, its parts or objects lost from it creating a maritime hazard, and a vessel objectively likely to sink or strand where effective assistance is not already being undertaken; the applicable convention definition governs its own regime. “Maritime facility” means a port, terminal, marina, bunkering or vessel-waste facility, and a fixed offshore installation for the pollution functions expressly applied to it by Part XI, within lawful jurisdiction.

For the casualty definitions, “serious injury” means an injury connected with vessel operation requiring hospital admission or causing substantial incapacity; “significant damage” means damage materially affecting seaworthiness, safe operation or a maritime structure; and “severe environmental damage” means actual substantial harmful effects on the marine environment from vessel operation. Applicable convention investigation definitions prevail within their scope. A death wholly unrelated to vessel operation does not alone trigger the definition, but an operational failure in medical response may be investigated.

"applicable convention" means an international maritime instrument binding on Saint Lucia to the extent that it has domestic legal effect under section 21 or continuing law; "continuing law" means legislation preserved by section 6 and Schedule 6; "prescribed" means prescribed by regulations under this Act; and "Eastern Caribbean dollars" means the lawful currency amounts used in Schedule 5.

5. Application and maritime jurisdiction

(1) This Act applies to Saint Lucian vessels wherever located, to vessels and maritime operations in Saint Lucian waters, and to persons subject to its express duties.

(2) Beyond Saint Lucian waters, a power against a foreign vessel may be exercised only where authorised by the Maritime Areas Act, an applicable convention having domestic effect or another enactment, and consistently with international law. This Act does not itself create general police jurisdiction throughout the exclusive economic zone.

(3) Innocent passage, navigational rights, immunities of foreign warships and non-commercial government vessels, and applicable restrictions on arrest, inspection and penalties are preserved. The Government shall issue instructions providing equivalent safety and environmental standards for its own non-commercial vessels so far as operationally practicable.

6. Relationship with existing law

(1) The Shipping Act and instruments under it continue in force except to the precise extent amended by Schedule 6. In particular, existing nationality, title, mortgages, liens, salvage, collision liability, limitation, seafarer claims and admiralty jurisdiction are preserved.

(2) The Maritime Areas Act, Fisheries Act, Saint Lucia Air and Sea Ports Authority Act and other enactments continue to govern their subject matter. A permission under this Act does not supply a fishing licence, planning consent, environmental approval, customs release or immigration permission.

(3) Additional duties under this Act apply according to their terms. They shall not be construed as reducing a stronger applicable safety requirement or overriding a convention-specific liability or compensation regime. Section 7 governs equivalent evidence of compliance; it does not authorise an unpublished choice between conflicting laws.

7. Coordinated compliance

The Director shall identify, by published notice, existing certificates, inspections and reports that satisfy a corresponding requirement under this Act because they establish the same facts and standard. The notice shall identify the legal requirements, vessel class, issuing authority and limits of recognition. It shall not waive a substantive requirement or expand a vessel's authorised activity. Agencies shall accept recognised evidence and request additional information only where reasonably necessary.

8. General safety responsibilities

(1) An owner shall provide and maintain a vessel, equipment and resources reasonably necessary for its lawful and safe operation. An operator shall establish safe arrangements, employ competent

personnel and support the master's safety decisions. A master shall take reasonable care for the vessel, persons aboard and others affected by its navigation.

(2) These duties are concurrent to the extent of each person's control. A contract or delegation does not extinguish them. Criminal liability arises only where an offence is expressly created by section 129 and Schedule 5; a breach of this section is otherwise enforceable through the corrective and safety powers of this Act.

Part II — Maritime administration

9. Establishment and functions

(1) A Maritime Administration is established within the ministry responsible for shipping to administer this Act and the functions expressly transferred by Schedule 6.

(2) Its functions include flag-State and port-State safety oversight, domestic vessel safety, registration administration, certification, maritime labour inspection within applicable law, environmental compliance, public guidance, treaty implementation advice and coordination with competent agencies.

(3) SLASPA retains port ownership, commercial operations, harbour services and other functions not expressly transferred. The Administration shall not exercise the Chief Investigator's independent functions.

10. Director and statutory officers

(1) There shall be a Director of Maritime Administration, Registrars of Ships and Seamen, a Principal Receiver of Wrecks, surveyors and such maritime officers as are lawfully authorised and funded.

(2) Appointments to public offices shall be made by the authority competent under the Constitution and applicable public-service law. Appointments shall require qualifications and experience relevant to the office. A person may hold compatible offices where workload permits; the Director shall not be Chief Investigator.

(3) A statutory designation of an external specialist does not itself appoint that person to the public service. Section 135 governs transfer, secondment and temporary continuity.

11. Technical independence

The Minister may give the Administration published directions of general policy consistent with this Act. No Minister, port commercial officer or other person may direct the outcome of an individual survey, certificate, detention, enforcement recommendation or safety finding. This restriction does not limit lawful judicial review, prosecutorial discretion or a statutory appeal.

12. Delegation

The Director may delegate a specified function in writing to a qualified officer, subject to conditions, supervision and revocation. The power to make regulations, determine an appeal against the Director's own decision, or direct an independent safety investigation shall not be delegated under this section.

The Administration remains accountable for supervision and shall publish the classes of delegated functions.

13. Recognised organisations and specialists

Recognition of a survey organisation shall be by written agreement identifying competence, scope, standards, reporting, audit access, professional insurance and withdrawal procedures. The organisation shall disclose conflicts, report serious defects promptly and provide underlying survey records. Recognition does not relieve the flag State or Administration of its responsibilities. A certificate shall not be accepted outside the organisation’s authorised scope.

14. Conflicts and integrity

An officer or contractor shall disclose a financial, family or operational interest reasonably capable of affecting a decision, withdraw where necessary and record the substitute decision-maker. Private payment to an officer for a statutory decision is prohibited. Fees shall be paid only through authorised channels. The Administration shall maintain a conflicts register and a confidential complaints channel, subject to lawful privacy protections.

15. Inter-agency arrangements

The Administration shall agree written operating arrangements with SLASPA, Fisheries, Police, Customs, immigration, health, environmental and disaster-management authorities. Arrangements shall identify statutory responsibilities, information exchange, joint inspection, emergency leadership and escalation. An arrangement cannot transfer a statutory discretion without lawful authority. A disagreement shall not delay urgent assistance to persons in danger.

16. Maritime advisory council

The Minister shall appoint a non-executive advisory council including fishing, passenger operations, ports, seafarers, insurers, environmental expertise and coastal-community interests, with balanced participation. Its membership, interests and recommendations shall be published. It may advise on policy, affordability and implementation but shall not decide individual applications, enforcement cases or investigations. Administrative support shall be proportionate to available resources.

17. Finance and fees

Expenditure and revenue shall comply with public-finance law and appropriations. Fees may be prescribed following publication of the service, cost basis and assessment of effects on small operators. Remission or subsidy shall use published eligibility criteria and identify its funding. No officer’s remuneration or performance incentive shall depend on fines imposed or vessels detained.

18. Public service standards

The Administration shall publish applicable rules without an inspection fee, application requirements, forms, service targets, complaint and appeal routes, and contact arrangements. It shall provide reasonable assisted and non-digital access. Where a target is missed, the applicant shall receive reasons and a revised estimate. Silence is not approval of an unsafe operation.

19. Annual accountability

Within six months after each financial year, the Director shall submit to the Minister an annual report addressing Schedule 8. The Minister shall lay it before Parliament within 30 sitting days of receipt. The Director shall publish it at the same time, excluding protected personal and security information. The report shall distinguish verified results, estimates, missing data and corrective actions.

Part III — International obligations and accessible rules

20. Treaty register and concordance

The Director shall maintain a public register identifying each relevant treaty, Saint Lucia’s status, entry-into-force date, reservations and declarations, applicable amendment version, domestic legal basis, responsible agency and implementation gaps. Depositary status and domestic effect shall be recorded separately. An unresolved entry shall be marked as unresolved and referred promptly for legal determination.

21. Domestic effect and future changes

(1) International instruments having lawful domestic effect immediately before this section commences retain that effect, including their then-applicable precedence, scope, rights and liabilities, subject to an express subsequent Act.

(2) An amendment or replacement taking effect internationally after that commencement does not acquire additional domestic effect merely because of its international adoption. It shall be implemented by an Act or an order within section 22. This subsection does not diminish Saint Lucia’s international obligations.

(3) The register records the law; an omission from it neither extinguishes an existing right nor creates a new offence.

22. Implementation orders

The Minister may, by order subject to affirmative resolution of Parliament, implement technical and administrative requirements of a binding maritime instrument within the subjects authorised by this Act. An order shall satisfy Schedule 3. It may not alter ship title, priority of claims, substantive civil liability, limitation amounts, court jurisdiction, constitutional rights or maximum criminal penalties. A change in those matters requires an Act unless a specific existing statutory power lawfully provides otherwise and is expressly identified.

23. Publication and amendment control

An incorporated instrument shall be identified by title, issuing body, version and relevant provisions, with free access to an authoritative text and a plain-language implementation notice. A future amendment shall not be incorporated by an unidentified “as amended from time to time” reference. Except for a justified urgent safety measure within existing authority, commencement shall allow at least 90 days for compliance with a new technical requirement.

24. Equivalent compliance

The Director may approve an equivalent method only where the governing law permits equivalence and a documented technical assessment shows safety and environmental protection at least equal to the specified requirement. Approval shall state reasons, conditions, duration, review triggers and affected vessels, and shall be published with protected information removed. It shall not waive competence, essential distress capability, compulsory treaty insurance or a binding treaty obligation.

25. Temporary safety directions

Where credible evidence establishes an immediate serious risk, the Director may issue a necessary and proportionate temporary operational restriction within the Administration's jurisdiction. Written reasons shall follow an oral direction within 24 hours. A general direction shall be published promptly and expire after 30 days unless replaced by a lawful regulation or renewed once for stated reasons. Section 127 applies. This power cannot amend primary law or create an offence beyond Schedule 5.

26. Regional cooperation

The Minister may conclude administrative arrangements, consistently with treaty-making and financial law, for surveys, training, port-State control, rescue, pollution response and specialist investigation. An arrangement shall identify authority, costs, information safeguards, liability and supervision. It shall not authorise a foreign officer to exercise coercive powers in Saint Lucia without a specific lawful designation.

Part IV — Vessel identity and lawful use

27. Integrated vessel record

The Administration shall maintain a unique vessel identifier linking the applicable ownership registry, safety record, licensed uses, survey history and financial-security record. Existing nationality and title registration remain governed by continuing law. Entry in an administrative safety record alone does not confer nationality, ownership or permission to operate.

28. Domestic identification

An operator of a powered vessel or a vessel used commercially in Saint Lucian waters shall ensure that it has an approved identifier and visible markings, subject to prescribed proportionate exceptions for visiting vessels and very small tenders identified with a parent vessel. A tender's use shall remain within its lawful conditions. Existing lawful identification satisfies this section until changed through the transition process.

29. Owners and controlling persons

An applicant shall provide reliable ownership and contact information and, for a legal entity, information identifying the natural persons who ultimately own or control it to the extent prescribed consistently with applicable ownership-disclosure law. The Registrar may require supporting evidence. Sensitive ownership information shall be available to competent authorities and protected from indiscriminate public disclosure.

30. Quality of admission to the flag

Before admitting a vessel to the Saint Lucian flag, the Registrar shall verify eligibility under continuing law and the Director shall assess its condition, history, outstanding detentions, recognised-organisation status and the Administration's ability to supervise it. A refusal shall identify the legal ground and evidence. Commercial revenue alone is not a sufficient reason to admit a vessel presenting an unacceptable, unmitigated safety or compliance risk.

31. Title and encumbrances

Registration of transfers, mortgages, liens and interests, priority and discharge continue under the Shipping Act and other applicable law. A safety restriction, administrative identifier or electronic migration of records shall not extinguish or reorder an interest. Corrections affecting a recorded proprietary interest require notice to affected persons and the existing adjudication process where disputed.

32. Classification of use

A vessel's permitted use shall identify commercial passenger carriage, cargo, fishing, private recreation, hire, towing or other approved activity as applicable. Mixed use requires compliance with the conditions of the activity actually undertaken. The Director shall give reasons for a disputed classification and may recognise genuine private expense sharing. A fisheries licence or tourism concession alone does not authorise commercial passenger carriage.

33. Electronic records and verification

Records and certificates may be created and authenticated electronically with reliable identity, integrity, access and audit controls. An electronic record meeting those controls has the same administrative effect as its paper equivalent, without displacing rules governing proprietary registration or court evidence. The Administration shall provide public verification of vessel identity, permitted activity and current safety status without disclosing passenger or residential data.

34. Changes, loss and disposal

An owner or operator shall notify a material change of ownership information, operating control, use or safety-relevant configuration within 14 days, and notify loss, theft or destruction promptly after becoming aware. This section does not replace shorter casualty-reporting duties or existing title-transfer formalities. A change requiring approval shall not be put into service before approval merely because it has been notified.

35. Suspension and closure of records

Safety defects shall ordinarily be addressed by operational restrictions or safety-certificate action. Suspension or closure of nationality registration may occur only on a ground authorised by continuing law, with reasons, notice to known owners and registered mortgagees, an opportunity to respond except in an urgent case, and review. It shall not erase title, securities, accrued liabilities or continuing flag-State responsibilities before a lawful change of nationality.

Part V — Vessel condition and certification

36. Applicable standards

A vessel shall comply with the technical standards lawfully applicable to its construction, equipment, use and voyage. Continuing convention requirements, the statutory Small Commercial Vessel Code and existing cargo-safety regulations remain applicable according to their own scope. A new class rule shall identify expressly which provision it supplements or replaces and the lawful power for replacement.

37. Risk classes

The Director shall assign domestic operating classes using Schedule 1, considering distance and time from refuge, sea conditions, night operation, persons carried, activity, communications and rescue coverage. A class is an operating limitation, not a declaration that the sea is always safe. Class boundaries and refuges shall be published after technical assessment and consultation. Existing lawful operating limits continue until an approved classification is issued.

38. Survey and inspection

Required surveys shall be performed by authorised competent persons using recorded criteria. The owner shall provide safe access and accurate information. Survey intervals shall follow the applicable code and shall not be extended by informal practice. The Director may require an additional examination after damage, a material alteration or credible evidence of a serious defect. Duplicate inspection shall be avoided through section 7 where the same assurance is established.

39. Safety certificate

A safety certificate shall identify the vessel and operator, permitted activities and area, day or night limitations, maximum passengers and total persons, minimum crew, survey dates, essential equipment and any approved equivalence. Its validity shall not exceed the applicable code period and is subject to required intermediate or annual examinations. The operator shall display or make readily available the conditions relevant to passengers and enforcement officers.

40. Maintenance and defects

An operator shall maintain required equipment in working condition and record material defects, repairs and servicing. A defect affecting essential safety shall be reported promptly to the Director and shall prevent operation to the extent necessary until corrected or a lawful restricted movement is authorised. A certificate does not excuse operating a vessel known to be unsafe.

41. Stability and loading

The owner and operator shall provide the master with usable loading and stability limits appropriate to the vessel. The master shall keep loading, seating, freeboard, cargo securing and movement of persons within those limits. Persons and cargo shall not be carried in a manner obstructing safe navigation or escape. Every person counts toward the total-person limit, including infants and children.

42. Changes and novel technology

A material alteration affecting structure, propulsion, fuel systems, stability, capacity or control requires prior technical approval and updated certification. Battery, alternative-fuel, remotely controlled or autonomous systems shall be assessed for their particular fire, control, cybersecurity and emergency risks before authorisation. A trial approval shall identify a responsible operator, operating area, human intervention arrangements and termination conditions; it does not authorise unrestricted commercial deployment.

43. Withdrawn and conditional certificates

The Director may condition, suspend or withdraw a safety certificate on verified non-compliance, material misinformation or a serious safety risk. Reasons, necessary corrective steps and review rights shall be given. Except where immediate restriction is necessary, the holder shall first have a reasonable opportunity to respond. Reinstatement shall occur promptly when the relevant conditions are met.

44. Fishing and pleasure vessels

Regulations shall provide proportionate safety standards for fishing and pleasure vessels, including classes excluded from the Small Commercial Vessel Code. Fisheries inspection evidence may be recognised under section 7; maritime inspectors exercising Fisheries powers, or vice versa, require separate lawful authority. The general navigation, assistance and safety duties of this Act apply even where a periodic certificate is not required.

45. Competent assistance and accessible compliance

The Administration shall publish approved survey and assessment routes, practical guidance and recognised training providers. It shall coordinate mobile services where justified by demand and location. Financial assistance is subject to appropriation and published criteria; it does not remove essential safety conditions or authorise an unsafe voyage.

Part VI — Domestic voyages, passengers and water sports

46. Application of operational duties

Sections 47 to 57 apply to domestic commercial operations and prescribed high-exposure fishing, hire and recreational operations according to Schedule 1. Sections 48, 49, 51 and 54 apply to every vessel so far as relevant to its operation. Existing lawful safety-management arrangements may satisfy equivalent requirements under section 7. These sections do not reduce any existing navigation or safety duty.

47. Operator’s safety arrangements

An operator shall maintain proportionate written arrangements for lawful staffing, maintenance, voyage approval, emergencies, passenger management and reporting. For a simple small-vessel operation, an approved short checklist and emergency plan may suffice. The operator shall ensure that the arrangements are understood, used and updated after material changes or lessons from incidents.

48. Departure decision

Before departure, the master shall assess the voyage, forecast and observed conditions, vessel condition, loading, fuel and reserves, crew fitness, communications and safe destinations. The master shall not depart where a serious risk cannot reasonably be controlled within the vessel’s authorisation. An owner, customer or operator shall not penalise a master for a reasonable good-faith safety refusal.

49. Persons aboard and safe capacity

The master shall establish the number of persons aboard before departure and after boarding, swimming or shore excursions. Commercial operators shall keep a reliable person count and, where required by the risk class, a manifest with information reasonably necessary for rescue and family contact. Manifest information shall be kept ashore or transmitted securely where practicable. The master and operator shall not cause or permit operation with passengers or total persons exceeding the certified or otherwise legally prescribed limit. Carriage reasonably necessary for a genuine rescue obligation is excluded, but shall be managed with all practicable safety measures.

50. Voyage and return record

A designated shore contact shall receive the vessel identity, master, intended route or area, persons aboard, expected return and escalation instructions. The master shall report material changes and safe return. The operator shall ensure an overdue report reaches the designated rescue contact without avoidable delay. Repetitive short protected-water trips may use an approved simplified system providing equivalent accountability.

51. Distress capability and equipment

Required flotation, firefighting, navigation, first-aid and distress equipment shall be accessible, serviceable and suitable for the persons and voyage. Designated offshore operations shall have independent primary and backup means of distress alerting appropriate to coverage and position reporting. A cellular telephone alone is not sufficient where reliable coverage cannot reasonably be expected. Schedule 2 sets functional minimums; technical specifications shall preserve existing mandatory standards.

52. Passenger briefing and assistance

Before or promptly upon safe departure, passengers shall receive a clear briefing on flotation, emergency action, safe seating and movement, swimming and relevant hazards. Operators shall plan reasonable assistance for children, older persons and persons with disabilities according to the vessel's safe capabilities. A disability alone shall not justify refusal where reasonable safe arrangements are available; essential safety limits shall be explained before booking where practicable.

53. Night and exposed operations

Night, offshore or otherwise exposed operations shall occur only within the vessel's certificate or applicable class conditions, with suitable navigation equipment, lighting, competent personnel and distress arrangements. Approval for a sheltered daytime activity does not authorise an international or night voyage. The Director shall provide an accessible process for applying for an extended operating area based on demonstrated compliance.

54. Safe conduct and impairment

A person controlling a vessel or performing a safety-critical duty shall not do so while impaired by alcohol, drugs, fatigue or illness to an extent affecting safe performance. The master shall maintain an effective lookout and safe speed and comply with applicable collision rules. This section does not itself authorise compulsory bodily sampling; any testing requires the safeguards and authority of applicable law.

55. Swimming, towing and personal watercraft

An operator providing swimming, diving, towing or personal-watercraft activities shall use an approved activity plan addressing separation, lookout, competence, flotation, retrieval and emergencies. A towing activity shall have an observer in addition to the driver unless an approved technical assessment establishes an equally effective arrangement. An engine-stop device required by the craft's standard shall be used as intended. Navigation through swimmers or a prohibited bathing area is forbidden except for necessary rescue conducted with appropriate care.

56. Coastal safety zones

After consulting competent coastal, fisheries, environmental and local authorities, the Director may designate swimming areas, launch corridors and speed or activity restrictions by published order with maps, reasons and local markings. Restrictions shall be proportionate, navigationally clear and reviewed after material changes. An urgent temporary zone may be established under section 25. Existing lawful access and fishing uses shall be considered; the order does not grant land rights or a commercial concession.

57. Hire and customer information

A person hiring out a vessel shall verify competence appropriate to the intended operation, provide a safety briefing and identify lawful limits, emergency contacts and return arrangements. A commercial operator shall accurately state authorised activities and material safety limitations and provide a means to verify the vessel's identity and certificate. A waiver or ticket condition does not displace a statutory safety duty or an applicable non-excludable passenger right.

Part VII — Masters, crew and maritime work

58. Competence and recognition

A person assigned a certificated function shall hold the certificate or endorsement required by applicable law and operate within its limits. Recognition of foreign certificates shall follow the relevant convention and published verification procedure. Experience alone does not waive an essential competence requirement, but section 59 permits its assessment through an approved route.

59. Practical qualification routes

The Director may approve practical assessment and recognition of prior learning for domestic functions where the applicable law permits. An assessment shall demonstrate navigation, emergency response, communication and operational competence relevant to the intended vessel and area. Temporary recognition shall have conditions, a completion date and supervision appropriate to risk. Attendance at a course alone is not proof of competence.

60. Minimum manning and fitness

The operator shall provide the competent crew required by the vessel's manning document or domestic operating conditions. Fitness and medical requirements shall be proportionate to the function and applicable standards, with a review route for adverse assessments. A person assigned to keep a lookout or assist passengers shall have the training and opportunity to perform that duty effectively.

61. Fatigue and working time

The operator shall organise work and rest in accordance with applicable law and shall not assign duties where fatigue presents a serious safety risk. Required work and rest records shall be accurate and available for inspection. Emergencies may justify temporary departures only to the extent permitted by the governing standard, with compensatory rest and a record of the circumstances.

62. Employment terms and pay

Existing statutory rights to employment agreements, wages, medical care, repatriation and remedies are preserved. A commercial operator shall provide crew with clear written terms covering duties, pay, hours, complaint arrangements and applicable repatriation obligations. This requirement does not reduce a stronger labour entitlement or itself establish that a person is an independent contractor rather than an employee.

63. Repatriation and abandonment response

The Administration shall maintain procedures for receiving and coordinating seafarer welfare and abandonment complaints with labour, consular, port and welfare bodies. It shall verify required financial security and contact responsible owners and insurers promptly. Emergency assistance is subject to lawful funding arrangements; it does not release an owner from an existing obligation or create a general public guarantee of wages.

64. Complaints and retaliation

An operator shall provide a fair complaint route and shall not dismiss, threaten or disadvantage a person for a good-faith safety report, cooperation with a lawful investigation or a reasonable safety refusal. A person may complain directly to the Administration without first exhausting an onboard procedure where that would be unsafe or ineffective. Available labour and civil remedies remain unaffected.

65. Inspection and labour implementation

Maritime labour inspections shall be conducted by competent authorised officers and coordinated with labour authorities. Any implementation of additional international labour standards shall identify ratification status, domestic scope, inspection capacity and applicable remedies. Regulations under this Act shall not reduce existing wage, employment, equality or collective rights.

Part VIII — Navigation, ports and clearance

66. Navigation rules and master's authority

Applicable collision-prevention, navigation-light, signalling, chart and watchkeeping requirements continue in force. The master retains responsibility for safe navigation notwithstanding commercial instructions or the use of a pilot, subject to the pilot's own lawful duties. An operator shall provide the information and resources reasonably required for compliance.

67. Harbour movements

Harbour masters and SLASPA retain their lawful traffic, pilotage, berthing and port-safety functions. The Administration may impose a vessel safety restriction within its own powers and shall notify the harbour master promptly. Conflicting operational directions shall be resolved urgently by the designated officers with the safer practicable interim arrangement recorded; no officer may direct conduct outside that officer's statutory authority.

68. Navigational hazards and aids

A master or operator becoming aware of an unreported serious navigational hazard shall notify the appropriate authority as soon as practicable. The competent authority shall assess, communicate and where authorised mark the hazard. Responsibilities for charts, aids and notices shall be allocated by published arrangement without implying a guarantee that every hazard is marked.

69. Cargo information and safe handling

A shipper shall provide accurate and timely cargo information required by applicable law, including dangerous-goods particulars and verified mass where required. The operator and master shall use that information for safe stowage, stability and securing. No person shall knowingly direct loading or departure contrary to an applicable safety limit. Existing cargo and dangerous-goods regulations continue according to their scope.

70. Port-State control

Authorised officers may inspect foreign vessels within the scope permitted by applicable conventions and law, using published risk-based procedures and relevant regional arrangements. They shall respect certificate recognition, no-more-favourable-treatment rules where applicable, passage rights and limits on intervention. Inspection selection shall be recorded and serious deficiencies communicated to the flag State and recognised organisation as required.

71. Port facilities and emergency plans

Port operators shall maintain the maritime safety, security, reception-facility and emergency arrangements required by applicable law and cooperate with the Administration's lawful functions. Joint exercises shall identify operational leadership, communications, access and public information. The Administration shall not assume responsibility for a port operator's maintenance or commercial services merely because it reviews a plan.

72. Maritime single window

The Minister shall designate an operator for a maritime single window enabling information required for ship arrival, stay and departure to be submitted once and reused lawfully by competent agencies. Each agency retains its own statutory decision and shall identify the information it requires, the legal basis and response procedure. The system shall support applicable international facilitation standards and shall not create an additional clearance requirement without law.

73. Electronic submission and outages

A properly authenticated electronic submission shall satisfy a corresponding administrative filing requirement designated by regulation. The system shall issue a receipt and decision record, protect commercially sensitive and personal data, and maintain audit logs. Published contingency procedures shall allow assisted, offline or paper filing during outages and subsequent reconciliation without duplicate fees for the same transaction.

74. Domestic movements

Routine domestic voyages shall not require international arrival and departure formalities merely because they use the single window. Simplified records may satisfy sections 49 and 50 where they provide equivalent information. Customs, immigration, health and security requirements lawfully applicable to an international movement remain enforceable by the competent authority.

75. Security and cyber resilience

Operators subject to applicable maritime-security requirements shall maintain required assessments, plans and designated personnel. Operators of essential maritime digital systems shall maintain proportionate access controls, backups, incident reporting and recovery arrangements. Security powers and protected information shall be used for their lawful purpose and shall not prevent publication of non-sensitive safety rules or review of an adverse decision.

76. Closure and reopening

A competent authority may close or restrict a port, facility or operation only within its statutory powers and on recorded safety, emergency or security grounds. It shall notify affected users, identify safe alternatives where known, review the need for the restriction and publish reopening conditions. Storm plans shall address moorings, haul-out, fuel, damaged craft and debris without representing an unassessed location as a guaranteed refuge.

Part IX — Search, rescue and emergency readiness

77. National maritime rescue arrangements

The Minister, with the ministers responsible for police and disaster management, shall designate and publish the national maritime search-and-rescue coordination arrangements. They shall identify the staffed distress contact, operational lead, regional coordination, communications and asset tasking. Existing lawful Marine Police and disaster-management command functions continue unless expressly changed by law.

78. Master’s duty to assist

A master receiving information that persons are in distress shall render assistance so far as reasonably possible without serious danger to the vessel or persons aboard and shall follow lawful coordination directions. If unable to assist, the master shall record the reasons where practicable and relay relevant information promptly. Existing treaty and statutory assistance obligations are preserved.

79. Distress reporting and reception

A person responsible for a vessel shall relay a credible distress alert promptly. The designated rescue function shall record receipt, available position and circumstances, action taken and handover. Uncertainty shall be evaluated without avoidable delay in necessary action. A knowingly false distress alert is an offence under Schedule 5; an honest mistake or good-faith alert is not.

80. Rescue without discrimination

Assistance shall be provided according to need without discrimination based on nationality, migration status, occupation or ability to pay. Coordination shall seek prompt disembarkation at a place where survivors' safety and basic needs can be addressed, consistently with applicable international and domestic law. Migration or enforcement action shall not obstruct necessary life-saving assistance.

81. Plans, exercises and regional support

The designated agencies shall maintain a current rescue plan, contact directory, asset availability record and procedures for regional assistance. They shall conduct at least one coordinated maritime exercise annually, review actual responses and record corrective actions. Public reporting may omit operational details whose disclosure would create a specific security or personal risk.

82. Volunteers and good-faith assistance

The rescue coordinator may use trained volunteers and private assets under recorded tasking and safety arrangements. A volunteer acting reasonably and in good faith in a domestic rescue is not personally liable solely for an inadvertent act or omission in providing that assistance; this protection does not extend to gross negligence, recklessness, intentional wrongdoing or liability that cannot lawfully be excluded under an applicable convention. It does not limit a victim's other lawful remedies against responsible persons.

83. Rescue costs

A rescued person shall not be charged by the Government merely for receiving ordinary life-saving assistance. This does not prevent recovery from a person legally liable for reasonable response costs, or contractual payment for commercial towage or salvage distinct from rescue of life. No recovery shall penalise a good-faith request for assistance. The same expense shall not be recovered twice.

84. Emergency procurement and resources

Responsible agencies shall maintain lawful arrangements for mobilisation, fuel, communications, specialist support and emergency purchasing under procurement and public-finance law. The annual report shall identify unfunded capability gaps. This section authorises planning and coordination; it does not authorise expenditure without lawful financial authority.

Part X — Independent safety investigation

85. Chief Marine Safety Investigator

(1) There shall be a Chief Marine Safety Investigator appointed by the constitutionally competent authority through a process requiring relevant investigative and maritime competence, independence and disclosure of conflicts.

(2) The appointment shall be for five years, renewable once, subject to the Constitution and lawful conditions of service. Removal before expiry shall be only for established incapacity, serious misconduct or material conflict incompatible with the office, with reasons and an opportunity to be heard.

(3) The Chief Investigator shall be operationally independent of regulators, port operators, police, commercial interests and ministerial direction in selecting, conducting and reporting a safety investigation. Administrative funding arrangements shall not permit interference with findings.

(4) The Chief Investigator may designate in writing a suitably qualified and independent person as an authorised safety investigator, specifying the investigation, functions, conditions and duration. The Chief Investigator is an authorised safety investigator by virtue of office. Designation does not itself appoint the person to the public service or confer powers beyond this Act's jurisdiction. Evidence of authority shall be produced on request where practicable.

(5) Where the office is vacant, or the Chief Investigator is unable to act or has a conflict requiring withdrawal, the constitutionally competent authority may appoint a qualified and independent person to act in the office or in relation to the affected investigation. The requirements of competence, independence and conflict disclosure apply equally to an acting appointment. An acting appointment does not confer a substantive five-year term.

86. Purpose and non-attribution of liability

A safety investigation shall determine circumstances and contributing factors and make recommendations to prevent recurrence. It shall not determine civil or criminal liability. An investigation may identify conduct, organisational conditions and regulatory deficiencies necessary to explain safety findings without purporting to adjudicate guilt or damages.

87. Mandatory and discretionary investigations

The Chief Investigator shall initiate a safety investigation into a very serious casualty involving a Saint Lucian vessel anywhere, occurring in Saint Lucian waters, or involving a substantial Saint Lucian interest within the applicable international framework. A casualty other than a very serious casualty shall receive a preliminary assessment and a recorded decision on whether further safety investigation is necessary for prevention. Other incidents may be investigated where useful for prevention. No ministerial authorisation is required. Cooperation with a competent lead investigating State may satisfy the obligation where participation, access and publication are secured and recorded.

88. Notification

The master and operator shall report a casualty as soon as practicable after urgent life-saving action, using the designated reporting channel, and provide reasonably available particulars within 24 hours. Where the master cannot report, the senior surviving crew member shall do so when reasonably able. Submission through the designated channel satisfies the corresponding Shipping Act section 252 and 2021-regulation notification requirement to the extent it supplies the required information; the receiving authority shall forward it promptly. Other urgent distress and legally distinct police notifications remain required.

89. Preservation

The owner, operator, master and person controlling relevant records shall preserve reasonably identifiable evidence, including logs, communications, electronic tracks, images and damaged equipment, from notice of a casualty or investigation. Necessary rescue, containment and urgent safety work may proceed with practicable documentation. Routine overwriting shall be suspended for relevant records. An investigator shall issue proportionate preservation instructions, with clear scope and duration.

90. Investigative powers

An authorised safety investigator may inspect relevant vessels and non-residential operational premises, examine equipment, copy relevant records and require relevant information by written notice. Entry to a dwelling, forced entry or seizure without consent requires a judicial warrant unless another enactment expressly authorises immediate emergency action. A warrant shall identify the grounds, place, material and conditions. Powers shall be exercised proportionately, with an inventory of retained property and timely return when no longer necessary.

91. Interviews and self-incrimination

An investigator may require a person to attend and answer relevant questions, allowing legal representation, interpretation and reasonable accommodation. Legal professional privilege is preserved. A person shall not refuse a relevant answer solely because it may incriminate that person, but a compelled answer and evidence derived directly or indirectly from it shall not be used against that person in criminal proceedings, except for knowingly false evidence or obstruction in the investigation. Evidence demonstrably obtained from an independent source remains available. Where independence is disputed, the prosecution shall establish independent origin to the court's satisfaction. No court disclosure order under section 92 removes this immunity.

92. Protected safety records

Records specified in Schedule 4 shall not be disclosed or used outside the safety purpose except by order of the Court or with the Chief Investigator's recorded approval and the informed consent of each person whose protected interests are affected. Consent shall not waive another person's rights, legal privilege or institutional safety protections; where those cannot be preserved, a court order is required. The Court shall consider whether the interests of justice in the particular disclosure outweigh the likely adverse effects on the investigation, future cooperation, privacy and safety learning, and shall limit disclosure to what is necessary. Section 91's immunity and legal professional privilege cannot be displaced by this balancing power.

93. Parallel proceedings and evidence coordination

Police, coroners, courts, regulators and commissions retain their lawful functions. The Chief Investigator shall agree protocols for access, testing, custody and copies of physical evidence and independently existing records. Evidence does not become inaccessible to another lawful investigation solely because a safety investigator holds it. Neither a commission nor criminal proceedings automatically suspend a safety investigation. A court may make a narrowly tailored order to prevent demonstrated prejudice to justice.

94. Specialist and international assistance

The Chief Investigator may engage independent specialists and cooperate with substantially interested States under applicable standards. Each participant shall disclose conflicts, respect evidence protections and comply with agreed responsibilities. Delegation of technical work does not transfer responsibility for the integrity of the investigation or the publication obligations undertaken by Saint Lucia.

95. Fair process and family liaison

A person materially criticised in a proposed report shall receive relevant proposed passages and a reasonable opportunity to correct factual error, ordinarily at least 21 days. The investigator shall consider the response but need not obtain consent to publish. A designated liaison shall provide affected families with timely factual and procedural information, subject to privacy and lawful restrictions. No person may veto an independent finding.

96. Reports and urgent recommendations

The Chief Investigator shall issue urgent safety recommendations whenever necessary without awaiting a final report. An investigation required under section 87 shall begin promptly and no later than two months after the occurrence. Where the Chief Investigator first learns of it after that period, it shall begin as soon as practicable and no later than seven days after credible notification, with the delay and reasons recorded publicly in non-sensitive form. The aim is final publication within 12 months of the casualty; where that is not possible, an interim report explaining progress, established safety issues and next steps shall be published within that period and updated at least annually. Where the Chief Investigator first receives credible notification after the twelve-month period, an initial public status report shall be published within 30 days of that notification and updated at least annually until final publication. This provision does not delay urgent recommendations or the commencement required by this section, or excuse an earlier failure to comply by a person or authority already under the relevant duty. Reports shall distinguish evidence, analysis, uncertainty and recommendations and omit unnecessary identifying and protected material.

97. Responses and monitoring

A recipient of a safety recommendation shall consider it without delay and respond within 28 days, stating acceptance, alternative action or reasons for non-acceptance, responsible persons and proposed dates. Recipients shall notify material changes to their action or timetable. The Chief Investigator shall publish responses and maintain a status register, redacting protected, personal and specifically sensitive information. Before publishing information materially referring to a person, the Chief Investigator shall notify that person and consider factual representations received within 28 days, or an extended period for stated reasons. This consultation does not prevent an urgent safety recommendation from being issued without protected detail. A recommendation does not itself create a criminal duty or determine liability. A regulator may separately adopt a lawful rule or direction on the supporting evidence.

98. Annual investigation report

The Chief Investigator shall publish an annual report of notifications, investigations, publication timeliness, recommendations, responses, resources and independence concerns and submit it for laying before Parliament. It shall identify material delays and capability gaps without disclosing protected records. Funding and administrative arrangements shall support continuing access to competent regional expertise.

Part XI — Marine environmental protection

99. Scope and governing regimes

This Part applies within Saint Lucian waters and to Saint Lucian vessels elsewhere, and beyond those limits only to the extent permitted by section 5. A convention-specific pollution liability, compensation or intervention regime having domestic effect governs cases within its scope. This Part supplements prevention and response administration and shall not displace that regime's scope, defences, limitation or claims procedure.

100. Prevention of unlawful pollution

An owner, operator and master shall comply with applicable requirements concerning oil, chemicals, sewage, garbage, air emissions, ballast water, antifouling systems and harmful substances. A discharge expressly permitted by the governing standard is not prohibited merely by this general provision. Persons carrying out bunkering, waste transfer or other prescribed high-risk operations shall use reasonable prevention, containment and reporting arrangements appropriate to the activity.

101. Pollution notification

A master, operator or person in charge of a maritime facility who becomes aware of a discharge, escape or substantial threat of harmful pollution shall notify the designated response contact without delay and provide available information on location, substance, quantity, hazards and action taken. Incomplete knowledge shall not justify withholding a necessary initial alert. Notifications shall be shared with competent responders and the safety investigator where relevant.

102. Immediate measures

A person responsible for an operation creating pollution or its substantial threat shall take reasonable, safe and lawful measures within that person's control to prevent, minimise and report harm. The duty does not require an untrained person to enter an unsafe atmosphere or undertake specialist work beyond competence. Compliance does not determine ultimate liability or excuse an earlier unlawful act.

103. National contingency plan

The Minister shall ensure that a current national maritime pollution contingency plan is maintained with the authorities responsible for disaster management, environment, police, ports, health and fisheries. The plan shall identify incident command, regional assistance, sensitive areas, equipment, contractors, waste routes, evidence, communications and funding authority. It shall be exercised at least annually, with identified improvements and periodic review.

104. Response directions

The Minister shall by published order designate the office responsible for maritime pollution response, its lawful powers and geographic scope, preserving existing disaster-management and operational command. The designated response lead may direct a responsible owner, operator or person in charge of a maritime facility to take specified reasonable measures to avert or reduce a serious pollution threat, stating grounds, scope and time. If urgency or default makes this necessary, the lead may arrange the measures directly under lawful financial and procurement authority. Beyond Saint Lucian waters, intervention shall remain within applicable international and statutory limits. Directions shall be personally served or communicated by a reliable practicable method in an emergency, with written reasons and records provided promptly. The response plan shall specify operational handover and coordination with existing incident command.

105. Non-treaty response costs

(1) Where no convention-specific regime governs recovery, the owner of a vessel immediately before the pollution occurrence, or the operator of a facility at that time, from which harmful pollution has originated or an objectively established imminent threat arises is liable to the Government for reasonable and proportionate prevention, containment, removal and restoration-assessment costs incurred because of that pollution or threat. For a prevented occurrence, the relevant time is immediately before the threat first arose. Transfer or administrative closure does not extinguish an accrued liability; a current controller may separately receive a reasonable safety direction.

(2) Liability under this section does not arise to the extent the person proves that the occurrence was wholly caused by armed conflict, an exceptional natural phenomenon that was unavoidable despite reasonable precautions, or intentional conduct of an independent third party despite reasonable preventive measures. Ordinary seasonal weather and an operator's contractor default are not, by themselves, such a defence.

(3) Applicable limitation rights are preserved. The claimant shall prove the cost, causal connection and reasonableness. No new maritime lien or priority is created. Other lawful civil claims are preserved, without double recovery.

106. Reception, disposal and restoration

Required port reception facilities and waste-transfer arrangements shall be provided under applicable law. Waste generated by a response shall be classified, transported and disposed of through competent environmental authorities and authorised facilities. A response shall consider fisheries, habitats, public health and proportionate restoration. This Act does not grant approval for dumping, scuttling, seabed extraction or coastal development.

107. Environmental information and climate readiness

The Administration shall publish non-sensitive pollution incident and response information and coordinate with environmental authorities on ballast, emissions, coastal hazards and climate resilience. Regulations may implement technical standards within section 22 and provide monitoring and recordkeeping. New requirements shall identify their scope, evidence base, compliance route and transition; aspirational environmental targets alone shall not constitute a criminal offence.

Part XII — Wrecks, hazards and salvage interfaces

108. Wreck and hazard reporting

An owner or master aware of a casualty resulting in a wreck or navigational hazard shall report its location and available particulars promptly. A person finding an apparently unreported wreck shall notify the Administration or harbour authority without taking unauthorised possession. Existing receiver-of-wreck reporting and property obligations continue, with recognised common reporting under section 7.

109. Hazard assessment and marking

The Director or competent harbour authority shall assess whether a wreck presents a hazard, considering position, depth, traffic, cargo, pollution, sensitive areas and likely deterioration. Necessary warnings and marking shall be arranged promptly within lawful powers. The assessment and decisions shall be recorded and reviewed as conditions change. A wreck is not automatically abandoned property.

110. Territorial removal order

For a wreck in Saint Lucian waters that presents a material navigation, safety or environmental hazard, the Director may order the owner to locate, mark, secure or remove it by a reasonable date and require an acceptable removal plan. The order shall state the hazard, reasons, permitted methods, security where lawfully required and review rights. Known owners and registered secured interests shall receive notice where practicable. Disagreement about ultimate costs shall not prevent necessary interim safety measures.

111. Urgent public action

Where a serious hazard requires immediate action, or an owner fails to comply with a lawful order, the Director, or the competent harbour authority acting within its existing statutory powers and coordinating with the Director, may carry out necessary and proportionate work and engage specialists. It shall record why delay was unacceptable, preserve evidence where practicable and give notice as soon as circumstances permit. Title shall not be transferred merely because the authority stabilises or removes the wreck.

112. Convention wrecks and geographic scope

For a wreck within the scope of an applicable wreck-removal convention, its rules on reporting, hazard determination, removal, owner liability, defences, limitation, insurance and direct action govern. The treaty register shall identify any territorial-extension declaration. Domestic territorial powers in sections 108 to 111 do not themselves make such a declaration or extend convention insurance obligations to vessels outside its scope.

113. Costs, property and sale

Reasonable public costs of action under sections 109 to 111 are recoverable from the owner immediately before the casualty giving rise to the wreck, subject to applicable convention and limitation law and the defences in section 105(2), adapted to the wreck occurrence. Costs shall be itemised and open to challenge. No new first-ranking lien is created. Sale affecting title or secured interests requires the existing lawful judicial or receiver procedure with notice, accounts and distribution according to established priorities; urgent destruction of a valueless hazard requires recorded necessity and does not extinguish a valid compensation claim for unlawful action.

114. Salvage and protected wrecks

Existing salvage rights, duties, rewards and security are preserved. An emergency direction does not by itself settle a salvor’s remuneration or authorise interference with protected heritage, human remains or State property. The receiver and competent heritage authority shall coordinate access and preservation, subject to necessary immediate protection of life and the environment.

115. Abandoned and derelict vessels

The Administration may require an owner to submit a lawful disposal or rehabilitation plan for a derelict vessel presenting an assessed hazard. Before non-urgent removal or a court application for disposal, reasonable efforts shall identify and notify owners and secured interests, with at least 30 days to respond. Mere disuse, poverty or an unpaid disputed fee does not establish abandonment or authorise confiscation.

Part XIII — Financial security and civil remedies

116. Treaty insurance and certificates

The Director shall verify and administer compulsory insurance and financial-security certificates required by applicable conventions and domestic implementing law. Verification shall establish the vessel, covered liability, provider, period and legally required amount and direct-action terms. Treaty thresholds, exceptions and certificate-recognition duties shall govern; a uniform threshold shall not be substituted for the different regimes.

117. Domestic financial security

Regulations may require financial security for domestic commercial passenger carriage, vessel hire, designated higher-risk operations and wreck or pollution exposure outside compulsory treaty coverage. Before commencement, the Minister shall publish an insurance-market and affordability assessment, minimum policy terms, classes, limits, transition and accessible verification process. A prescribed insurance amount is not a civil liability cap. This power does not permit postponement of an already binding domestic treaty-insurance duty. Regulations shall set acceptance criteria for non-treaty providers, including adequate financial standing, enforceable terms, a service and claims representative, and the treatment of guarantees or other security. Minimum terms shall ensure effective compulsory protection under section 119. New policy protections apply to policies issued or renewed after the relevant commencement, with published transition arrangements for existing policies.

118. Continuity, cancellation and verification

An operator subject to a security requirement shall maintain valid cover throughout the authorised operation and notify the Director immediately of cancellation, material restriction or invalidity. For non-treaty domestic policies issued to satisfy section 117, cancellation, termination, rescission or material reduction affecting compulsory protection as against third parties shall take effect only 30 days after written notice by the provider to the Director, or on replacement cover taking effect if earlier. This does not extend an ordinarily disclosed policy expiry, but the provider and operator shall notify any premature ending or reduction and the operator shall not operate without renewed or replacement cover. Treaty-specific cancellation periods prevail. The provider shall supply a claims contact and permit verification directly with the Director.

119. Domestic direct action

For security required under section 117, a person with a liability claim falling within the prescribed statutory minimum may proceed directly against the provider to that extent. Compulsory security shall respond notwithstanding avoidance, rescission or a contractual exclusion inconsistent with that minimum, including an undisclosed breach of an operating warranty. The provider may rely on defences to the underlying civil liability and the lawful compulsory-cover limit, but not the insured's insolvency, non-payment of premium, misrepresentation or breach of an insurance-contract condition as against the protected claimant. A provider remains entitled to prove that no genuine security undertaking was issued by it; acceptance and verification shall address that risk. The provider may recover from the insured where the contract lawfully permits. For a treaty claim, the treaty's direct-action rules govern instead. This section does not enlarge the underlying liability or abolish applicable limitation rights.

120. Existing compensation and limitation law

Existing collision, passenger, pollution, salvage, general maritime liability, limitation funds, time limits and admiralty remedies continue, subject to express amendments. No amount in a certificate or regulation under this Part replaces a statutory or convention liability limit. Before proposing replacement limits, the Minister shall publish a legal concordance identifying the operative treaty version, domestic provisions, reservations, currencies, conversion method, jurisdiction and transition for accrued claims.

121. Claims assistance and information

The Administration shall provide public information identifying relevant claim routes, verified security contacts and how to obtain non-protected vessel particulars. It shall refer claimants to appropriate courts, insurers or competent compensation bodies without promising payment or determining contested liability. Claims information shall distinguish reporting an incident from commencing proceedings and shall warn of applicable time limits only on the basis of verified law.

122. No double recovery or loss of accrued rights

A person shall not recover the same loss twice under overlapping provisions. Payments shall be credited as the governing law requires. Accrued causes of action, priorities, limitation defences, pending proceedings and valid securities are not extinguished by administrative transfer or by this Act unless an express provision validly provides otherwise. New substantive liability shall not apply retrospectively to an occurrence before the relevant provision commences.

Part XIV — Inspection, enforcement and review

123. Authorised officers and inspection

An enforcement officer shall be designated in writing with defined functions and shall produce identification on request where practicable. Within lawful jurisdiction, the officer may board and inspect a vessel, examine required records and equipment, and require reasonable assistance for compliance purposes. Intrusion shall be proportionate to the purpose. Entry to a dwelling or forced entry requires a warrant unless expressly authorised by another applicable emergency power. A safety investigator acts under Part X, not this section.

124. Corrective notices

For a remediable breach without an immediate serious risk, the Director may issue a notice identifying the legal requirement, facts, required correction and reasonable deadline. The recipient may make representations and request review. A notice shall not require expenditure or conduct unrelated to compliance. Serious or repeated misconduct may be referred for prosecution independently of a notice.

125. Detention and restriction

Where an authorised officer reasonably believes a vessel presents a serious safety or environmental risk, lacks a legally necessary certificate or materially breaches an applicable condition, the officer may detain it or impose the least restrictive effective operational condition. The decision shall identify facts, legal grounds, corrective steps and review rights in writing, with urgent oral directions confirmed within 24 hours. Where required, the flag State, consul and recognised organisation shall be notified promptly.

126. Verification and release

The Administration shall arrange prompt verification when correction is reported and release or adjust a restriction as soon as its grounds cease. It may authorise a controlled movement for repair where the risk is acceptably managed. Disputed payment of unrelated charges shall not prolong a safety detention under this Act. Survey and response costs may be recovered only under an identified legal power.

127. Review and appeal

A person affected by a certificate, classification, equivalence, direction, detention, removal or cost decision under this Act may seek internal reconsideration by an officer not responsible for the original decision and may appeal to the Court within 28 days of notification, or later with leave for good reason. Internal reconsideration is not a prerequisite to urgent court relief. The Court may confirm, vary, set aside or remit the decision and grant interim relief. An appeal does not automatically stay a safety restriction; the Court shall balance safety, legality and prejudice. Existing more favourable or specialised review rights remain available without duplicate proceedings over the same decision.

128. Unlawful or unreasonable detention

A person who establishes that a detention or restriction under this Act was unlawful or imposed without reasonable grounds may recover loss proved to have been caused by it from the Government where the officer acted for the Administration, or from another legal person legally responsible for the act, in accordance with applicable proceedings-against-the-Government and public-liability law. Mere later correction of a defect does not establish that the initial detention lacked grounds. Good-faith personal protection does not prevent review, correction or a valid claim against the responsible body.

129. Offences and penalties

Only conduct expressly specified in Schedule 5 constitutes an offence under this Act. The prosecution shall prove the elements and mental state beyond reasonable doubt. A regulation may prescribe forms, technical detail and compliance methods but shall not create imprisonment, increase a statutory maximum or criminalise conduct outside the offence authorised by this Act. Applicable international limits on proceedings and penalties against foreign vessels shall be respected.

130. Responsibility of legal persons

A legal person may be convicted where the offence is attributable to its authorised decision-making or operational conduct under ordinary criminal attribution principles. A director or manager is personally liable only where that person participated, consented, knowingly connived or, where the offence expressly permits negligence, personally committed the required negligent conduct. Office-holding or ownership alone is insufficient. The prosecution retains the burden of proof.

131. Procedure and proportionality

Proceedings shall be brought by persons lawfully authorised under applicable prosecution law, with prosecutorial independence preserved. Where the same conduct constitutes offences under this and another enactment, charging and sentence shall respect protections against double punishment. A court shall consider culpability, harm, benefit, remedial action, means where relevant and the need for deterrence. No administrative officer may impose imprisonment or a criminal conviction.

132. Evidence, privacy and record use

Operational records shall be retained only for prescribed periods reasonably necessary for safety, lawful administration and claims, subject to casualty-preservation duties. Collection and sharing shall use a lawful purpose, access controls and proportionate data fields. A certified electronic extract may be tendered subject to ordinary evidential challenge; authenticity is not conclusive merely because a system generated it. Part X protections prevail for protected safety records.

133. Complaints and enforcement reporting

The Administration shall maintain a fair complaint process and publish aggregate inspection, corrective action, detention, prosecution, appeal and reversal information. Reports shall distinguish alleged breaches from convictions and record significant systemic findings. A person shall not be identified publicly as guilty solely because an investigation or charge exists.

Part XV — Regulations, transition and review

134. Regulations and scrutiny

The Minister may make regulations necessary to administer matters expressly authorised by this Act, including technical safety, certification, records, competence assessment, financial security, applications, fees and procedures. Draft regulations shall ordinarily be published for at least 60 days of consultation with an impact statement. Regulations imposing new fees, compulsory financial security or material class requirements require affirmative parliamentary resolution; other regulations are subject to annulment in accordance with the applicable statutory-instrument procedure. Regulations cannot amend primary proprietary rights, substantive liability or penalties beyond an express power.

135. Continuity and lawful transfer

Existing lawful certificates, licences, registrations, appointments, delegations, exemptions, applications, fees paid and proceedings continue under their existing conditions until expiry, lawful replacement or a reasoned intervention authorised by law. No employee becomes a public officer merely by this Act. A transfer or secondment shall use the competent constitutional, employment and pension processes and preserve accrued contractual and statutory rights. Temporary exercise of transferred functions shall be provided as specified in Schedule 6, without a break in lawful authority.

136. Readiness and coordinated commencement

A readiness statement shall identify appointed officers, funding authority, applicable rules, forms, available survey and assessment services, public guidance, data arrangements, appeal access and treatment of existing permissions. It shall explain remaining constraints and how they are managed. The Minister shall not commence a new burden for a class where no practicable lawful compliance route exists, except a necessary immediate restriction on a serious risk under existing powers. Schedule 7 governs transition milestones and public progress reporting.

137. Consequential amendments and consolidation

The enactments specified in Schedule 6 are amended as stated when the corresponding items commence. The Attorney General's Chambers shall prepare a certified concordance and recommend a consolidated maritime statute after the retained technical and commercial modules are reviewed. A consolidation that changes substantive rights requires legislation; editorial publication alone cannot repeal or alter them.

138. Review of operation

Within three years after the principal operational provisions commence, the Minister shall arrange an independent review of effectiveness, affordability, institutional capacity, casualty learning, environmental recovery and effects on small operators. The report and a government response shall be laid before Parliament and published within six months of receipt. The review shall examine evidence and exposure, not assume that more fines or a larger registry demonstrate success.

139. Savings and interpretation of transition

Nothing in this Act validates an unlawful past act, converts an invalid certificate into a valid one, grants an amnesty or revives an expired claim. A transition shall preserve enforceable existing obligations until a lawful replacement takes effect. Where a conflict affecting accrued rights cannot be resolved by the express provisions, the matter shall be determined by the competent court, not by an unpublished administrative waiver.

140. Implementation report before full operation

Within six months of publication, and every six months until all intended Parts are in force, the Minister shall publish provisions commenced and outstanding, responsible agencies, readiness progress, expenditure authority and reasons for delay. A proposed commencement date in an implementation plan is not itself legal commencement.

Schedule 1 — Domestic operating classes and decision rules

Sections 37 and 46

1. The following class framework guides certification. Geographic boundaries and equipment specifications shall be set through published technical rules after local assessment. No distance in this Schedule is a representation of existing rescue coverage.

Class	Principal exposure	Required decision and additional controls
P: protected local operation	Defined sheltered area with identified refuge and operating conditions	Published area, weather limits, shore contact and readily available rescue arrangements
C: coastal operation	Coastal passage outside a protected area, including exposed headlands	Route/refuge assessment, reliable communications and appropriate navigation capability
O: offshore or inter-island operation	Extended exposure, limited refuge or international passage	Independent distress alerting, position information, survival capability and voyage endurance assessment
N: night endorsement	Operation after sunset or before sunrise	Appropriate lights, navigation equipment, competence and passenger-management arrangements
A: activity endorsement	Passenger excursion, towing, diving, swimming, hire or personal watercraft	Activity-specific competence, separation, briefing, lookout and retrieval controls

2. Endorsements supplement a geographic class; they do not replace it. A small vessel's certificate shall state both. A vessel subject to a different mandatory international or statutory code continues to comply with that code.
3. Classification shall consider maximum time to refuge and likely assistance, hull and propulsion characteristics, seasonal exposure, persons and their needs, fuel, communications and the operator's emergency arrangements. International passage shall be identified even where distance is short.
4. The Director shall consult affected users, publish maps and reasons, and provide review under section 127. A general relaxation of a class requires a public technical reassessment. An individual equivalence must satisfy section 24.

Schedule 2 — Minimum voyage functions

Sections 47 to 53

1. Before a voyage within section 46, the master shall be able to establish: lawful vessel identity and activity; applicable certificate conditions; crew competence and fitness; persons aboard; suitable loading; forecast and observed conditions; intended area and refuge; fuel and reserves; functioning required equipment; communication and distress arrangements; and an appropriate return or arrival report.
2. Flotation shall be suitable for the persons carried, including children, accessible and used when required by the operating condition or assessed risk. Flotation worn for a water-sports activity shall be suitable for that activity. Rescue carriage in an emergency shall be managed as safely as circumstances permit and shall not be treated as routine commercial over-capacity authorisation.
3. Distress capability shall provide a practicable way to alert a staffed responder and communicate position. Designated offshore classes require independent primary and backup alerting; the technical rule shall state accepted systems, coverage assumptions, registration, servicing and testing. No rule may count two devices with the same unmitigated common failure as independent merely because they are separate units.
4. A shore contact shall know what constitutes overdue arrival, how to contact the vessel, and when and where to escalate. The contact shall not wait indefinitely for certainty before reporting a credible concern. A rescue alert may be cancelled only after reliable resolution is communicated to the recipient.
5. A short approved checklist may satisfy record requirements for simple operations. It shall be completed at a meaningful time and retained for the period prescribed under section 132. A pre-filled unchecked form is not compliance. Existing stronger statutory code requirements continue.

Schedule 3 — Contents of a treaty implementation order

Section 22

An order shall state: the instrument and exact version; depositary status and date binding on Saint Lucia; reservations or declarations; the provisions given effect; geographic, vessel and activity scope; responsible authority; required certificates and verification; existing law supplemented or replaced within the enabling power; inspection and appeal routes; commencement and transition; free access to the incorporated text; consultation and implementation assessment; and any matters reserved for primary legislation. It shall identify rather than presume the legal basis for civil liability, limitation, direct action and criminal enforcement. The explanatory statement shall disclose any unresolved concordance issue.

Schedule 4 — Protected safety records

Sections 91 and 92

1. Protected records are statements, interview recordings and personal notes obtained specifically for a safety investigation; information identifying confidential witnesses; sensitive personal or medical information obtained for that purpose; investigators' analysis and deliberations; opinions supplied specifically for the investigation; draft reports and responses to factual consultation; and bridge or other private maritime voice recordings to the extent protected by applicable safety-investigation standards and law.
2. Except for voice recordings expressly protected under paragraph 1, a pre-existing log, chart, maintenance record, tracking record, photograph or physical object does not become exclusively protected merely because a copy or the original is held by the investigator. Lawful independent access is governed by section 93. Information revealing a source's identity or protected interview shall be separated where practicable.
3. Public factual reports and recommendations are not protected merely by their origin. Disclosure under a court order shall use redaction, restricted recipients and use conditions where necessary. Compelled-answer immunity and legal professional privilege remain governed by section 91 and cannot be overridden through section 92.

Schedule 5 — Defined offences and proposed penalty maxima

Section 129

1. These are proposed consultation maxima in Eastern Caribbean dollars. Category A is punishable on summary conviction by a fine not exceeding EC$25,000; Category B on summary conviction by a fine not exceeding EC$100,000; Category C on conviction on indictment by a fine not exceeding EC$500,000 or imprisonment not exceeding two years, or both. A legal person is liable to a fine only. Applicable international restrictions on imprisonment and enforcement against foreign vessels prevail.
2. No breach of a general duty is an offence unless the conduct satisfies a row below. "Recklessly" means consciously disregarding a substantial and unjustifiable risk. "Negligently", where expressly used below, means a material departure from the care reasonably expected of a competent person performing that function in the circumstances. The prosecution must establish that departure and every other element.

Conduct constituting the offence	Required state of mind or qualification	Class
Supplying materially false information to obtain or retain a registration, certificate, endorsement or compulsory-security verification under Parts IV, V, VII or XIII	Knowledge of material falsity	B

Conduct constituting the offence	Required state of mind or qualification	Class
Operating contrary to a legally required certificate or a material operating restriction under sections 32, 39, 43 or 53	Knowledge of the absence or restriction, without lawful emergency justification	B
Operating with persons in excess of the lawful capacity under section 49	Knowledge of excess; necessary genuine rescue excluded	B
Conduct in breach of sections 41, 48, 51, 54 or 69 that exposes another person to a substantial risk of death or serious injury	Intentional creation of the risk or recklessness	C
Controlling a vessel or performing a safety-critical duty while impaired within section 54	Knowledge, or recklessness as to, the impairment affecting performance	B
Navigating through a prohibited bathing zone or conducting an unapproved towing or personal-watercraft commercial activity contrary to sections 55–56	Knowledge of the restriction or lack of required approval; necessary rescue excluded	B
Failing to transmit a required overdue, casualty or pollution report under sections 50, 88 or 101	Knowledge of the reportable circumstances and intentional failure without reasonable excuse	B
Failing to assist persons in distress contrary to section 78	Knowledge of distress and intentional refusal despite ability to assist within that section	C
Transmitting a false distress alert under section 79	Knowledge that the asserted distress does not exist	B
Destroying, concealing or materially altering evidence required to be preserved under section 89	Intent to obstruct a lawful investigation	C
Obstructing lawful inspection or investigation under sections 90 or 123, or refusing a lawful information requirement	Intentional obstruction without reasonable excuse; privilege and protected rights preserved	B
Giving materially false evidence in a safety investigation	Knowledge of falsity	C
Disclosing a protected record contrary to section 92	Knowledge that the disclosure is unauthorised	B
Causing a discharge prohibited by a specifically applicable standard under section 100	Intent, recklessness or negligence as defined in paragraph 2; lawful standard exceptions preserved	B

Conduct constituting the offence	Required state of mind or qualification	Class
Aggravated prohibited discharge under section 100 causing, or creating a substantial risk of, serious environmental harm	Intentional conduct or recklessness as to the serious harm or risk; lawful standard exceptions preserved	C
Failing to comply with a served lawful pollution, wreck, detention or temporary safety direction under sections 25, 104, 110 or 125	Knowledge of the direction and intentional non-compliance without reasonable excuse	B
Conducting an operation without financial security legally required under section 116 or 117	Knowledge of the absence of required security	B
Failing to make a material-change notification under section 34 after a written corrective notice and reasonable opportunity to comply	Intentional failure without reasonable excuse	A
Penalising a protected safety report or reasonable refusal contrary to sections 48 or 64	Intentional retaliation because of the protected conduct	B

3. A person is not required to comply with an unlawful direction. The prosecution must prove the direction's lawful authority, adequate notice and relevant terms. Honest reporting, inability caused by circumstances beyond reasonable control and a necessary proportionate response to an emergency shall be considered under the express elements and reasonable-excuse provisions; they are not a general exemption from care.

Schedule 6 — Express amendments and continuing-law interfaces

Sections 2, 6, 135 and 137

The following amendments are proposed against the online 2023 Shipping Act baseline, with the original 2025 cargo regulations separately preserved. They require a certified current-text check before introduction. Each item takes effect only with the corresponding commencement order under section 2.

Item 1. Shipping Act section 2: defined officers

For the definition of "Director", substitute: "Director means the Director of Maritime Administration appointed under section 10 of the Maritime Act, 2026." For the definition of "maritime officer", substitute: "maritime officer means a person lawfully appointed or designated to exercise specified maritime functions under sections 10 or 12 of the Maritime Act, 2026, and includes a person continued in office under section 135 of that Act." Other definitions continue for their existing statutory purposes; the new Act's total-person rule does not silently rewrite treaty-specific passenger definitions.

Item 2. Shipping Act section 4: administration

For section 5, substitute: "5. Ministerial directions. Directions concerning administration of this Act are subject to section 11 of the Maritime Act, 2026. No direction may determine an individual technical, certification, detention or enforcement decision."

For section 4, substitute:

"4. Administration of this Act. (1) This Act shall be administered by the Maritime Administration established under section 9 of the Maritime Act, 2026. (2) The Director and statutory officers lawfully appointed or designated under that Act shall exercise the corresponding functions under this Act. (3) An act within an officer's lawful authority has the same effect as an act of the corresponding office under this Act. (4) The transfer of regulatory administration does not transfer SLASPA's port-commercial, harbour-service or other functions except to the extent expressly provided by an enactment."

Item 3. Shipping Act sections 6, 8 and 10: officers and registrars

For section 6, substitute: "6. Maritime officers. Maritime officers lawfully appointed or designated under the Maritime Act, 2026 may exercise the functions specified in their appointment or designation under the direction of the Director."

For section 8, substitute: "8. Registrar and Assistant Registrar of Ships. The Registrar of Ships and any Assistant Registrar lawfully appointed or designated under the Maritime Act, 2026 shall perform the registration functions under this Act under the Director's administrative supervision, without prejudice to duties to preserve title records and comply with court orders."

For section 10, substitute: "10. Registrar of Seamen. The Registrar of Seamen lawfully appointed or designated under the Maritime Act, 2026 shall perform the corresponding functions under this Act. The Director may hold that office where lawfully appointed and compatible with effective performance."

Item 4. Shipping Act section 475: appointment machinery

For section 475 and its heading, substitute: "475. Appointment and continuity of maritime officers. Appointment to a public office shall be made by the constitutionally competent authority. The qualifications, designation, supervision and continuity of the Director, maritime officers and other statutory officers are governed by sections 10, 12 and 135 of the Maritime Act, 2026. No provision of this section deems a SLASPA employee to be a public officer or extinguishes an accrued employment or pension right."

Item 5. Transfer continuity and references

(1) Immediately before governance transfer, the Minister shall publish the functions, records, pending matters, assets and funded services transferring, and the lawful appointees or designations through which they will be exercised. Property and employee transfers requiring another statutory, contractual or constitutional process shall use that process. A notice under this item cannot bypass it.

(2) An existing SLASPA-appointed officer may, with lawful consent and arrangements, continue exercising the corresponding statutory function for up to 12 months pending lawful appointment or secondment. During that period the officer remains on the existing employment terms unless lawfully varied, but exercises the transferred regulatory function under the new Director's technical supervision. The Chief Investigator shall not be designated through this continuation merely by reason of regulatory office.

(3) References in continuing shipping instruments to the Division of Maritime Affairs mean the Administration, and references to its Director mean the new Director, for transferred functions.

References to SLASPA in port, property, financial or commercial functions do not change. Other statutory appointment powers shall be exercised consistently with the Constitution and the lawful designation of the corresponding office; this item does not confer a general ministerial appointment power.

Item 6. Shipping Act sections 492 to 495: exemptions and conventions

For section 492, substitute: "492. Equivalent compliance. An exemption or equivalent method may be approved only within the authority, technical conditions and safeguards of section 24 of the Maritime Act, 2026 and the governing convention or code. This section does not authorise modification of primary proprietary rights, liability, limitation or penalties."

For section 493, substitute: "493. International instruments. The identification, publication, continuing domestic effect and future implementation of international maritime instruments are governed by sections 20 to 23 of the Maritime Act, 2026."

For section 494, substitute: "494. Continuing convention effect. An international instrument having domestic effect immediately before commencement of this substituted section retains its then-applicable effect and precedence in accordance with section 21 of the Maritime Act, 2026. Subsequent changes acquire domestic effect only through the lawful process identified in that Act. The Minister may not set aside primary rights or duties by an unpublished exception."

For section 495, substitute: "495. Convention non-compliance. A contravention of an applicable convention shall be addressed through the lawful certification, restriction and detention powers of the Maritime Act, 2026 and this Act. Non-compliance alone does not authorise extinction of registration, ownership or securities. Any registry action shall comply with section 35 of the Maritime Act, 2026 and the specific registration ground under this Act."

Item 7. Small Commercial Vessel Code and Part 19A

Add at the end of section 2A: "The Code continues according to its scope. Sections 7, 24 and 36 to 45 of the Maritime Act, 2026 govern coordinated evidence, lawful equivalence and supplemental domestic safety administration. A certificate valid under the Code satisfies a corresponding new certificate requirement within its actual conditions. A new administrative vessel class does not reduce a mandatory Code standard."

Part 19A and its technical and employment protections continue. Its exemptions shall be exercised consistently with section 24 of the Maritime Act, 2026; its detention and certification decisions shall receive at least the notice and review safeguards in sections 43 and 125 to 127 of that Act, without removing an existing appeal right. No fishing or pleasure vessel is brought within the Code merely by this item; its applicable supplemental requirements arise under the new Act and properly commenced rules.

Item 8. Safety investigation and existing inquiry law

(1) For a casualty occurring on or after commencement of Part X, the safety investigation is governed by that Part. Sections 437 to 447 of the Shipping Act continue for lawful formal or disciplinary proceedings, subject to fair process, but shall not substitute for or direct the independent safety investigation. Add a new subsection to section 437 stating this division of functions and requiring evidence coordination under sections 91 to 93 of the Maritime Act, 2026.

(2) The Shipping (Accident Reporting and Investigation) Regulations, SI 160 of 2021, cease to govern the conduct of a new safety investigation after that date, except that their technical definitions and reporting particulars may be used where consistent with Part X and no replacement form is yet published. Their existing protections and obligations continue for earlier occurrences until the relevant proceeding is completed or transferred under paragraph (3).

(3) Within 60 days, the Chief Investigator shall publish a list of ongoing safety investigations and their governing law, lead and publication arrangements, omitting protected details. A transfer of an earlier safety investigation to Part X requires a recorded decision preserving procedural fairness, existing evidence protections and accrued rights; it does not reopen completed adjudications. A commission, police investigation or coroner proceeding continues under its own authority. Relevant 2016 inquiry instruments continue for their lawful non-safety functions pending specific concordance and amendment.

Item 9. Continuing instruments and commercial modules

All other valid Shipping Act instruments continue under their existing enabling provisions and scope until lawfully replaced. This expressly includes the scheduled Small Commercial Vessel Code, applicable manning and training instruments, navigation and load-line rules, and the Shipping (Caribbean Cargo Ship Survey and Construction) Regulations, SI 53 of 2025. The Administration shall publish a certified inventory identifying every instrument, amendment, parent power, officer and replacement trigger before any general technical consolidation commences.

The Shipping Act's registration and property provisions, mortgages, maritime liens, crew claims, salvage, collision and passenger liability, limitation, admiralty jurisdiction, evidence and legal procedures continue except for a precise amendment stated in this Schedule. No generic reference to "inconsistency" authorises an officer to disapply a commercial right. The limitation and compensation concordance required by section 120 shall precede a replacement module.

Item 10. Other agencies and remaining consequential work

The Fisheries Act, Maritime Areas Act and SLASPA Act remain in force. Where a further amendment is needed to transfer a function expressly retained there, Parliament shall enact that amendment; a coordination agreement or commencement notice cannot accomplish it. Before introduction, legislative counsel shall verify every cross-reference affected by the new Director and officer definitions, including appointment provisions for surveyors and the receiver of wreck, and settle any additional textual amendment required. This item is a declared finalisation task, not a delegated power to rewrite an enactment.

Schedule 7 — Transition and required implementation products

Sections 135 and 136

1. Within six months of publication, publish the certified-law work programme, treaty concordance priorities, fleet-inventory method, institutional transfer plan and consultation programme. Within twelve months, publish the first reconciled implementation register and the status of required

operational instruments. These deadlines require reporting of progress and unresolved items; they do not certify that missing evidence exists.

2. Before a new class requirement commences, provide the class maps and standards; available inspection and practical-assessment routes; application and appeal forms; fees and assistance criteria; current-certificate recognition; insurance conditions where relevant; and accessible guidance. Existing operators shall receive a reasonable stated period reflecting the change and available services. No transition authorises a vessel presenting an immediate serious risk to operate.
3. Existing certificates continue within their original validity and conditions unless lawfully restricted. An application already complete shall not be required to restart solely because the administering institution changes. Fees already paid shall be credited for the same service. Existing lawful offences and proceedings remain governed by the law applicable when the conduct occurred, subject to constitutional protections.
4. Priority operational products are: departure/return procedures; offshore distress standards; beach and water-sports zone procedures; inspector detention/release procedure; casualty reporting and evidence protocol; SAR coordination and regional escalation; pollution and wreck mobilisation; insurance verification; and single-window outage procedures. Each shall name its owner, legal basis, training requirement, resources and review date.

Schedule 8 — Public performance information

Section 19

The annual report shall provide, where lawfully available: active vessels by use and operating class; registration and certificate applications and processing times; survey workload and backlog; major defects and correction; port-State-control eligible calls and inspections with methodological limits; safety incidents and exposure denominators where reliable; distress alerts, action times and exercise findings; competence assessments and access barriers; pollution and wreck incidents, response costs and recoveries; insurance verification; complaints, appeals and reversals; treaty implementation; regional service arrangements; expenditure and fee income; staff qualifications and vacancies; and actions on independent recommendations.

Data gaps and changes of method shall be stated. Personal information and protected investigation material shall not be published. Neither more inspections nor fewer reported incidents shall be presented as proof of safer operations without considering coverage, exposure and reporting quality.

Drafting notes and priorities for Draft Two

How to assess the model Bill

The Bill is intentionally usable as a clause-by-clause policy proposal. Its architecture makes new responsibilities operative while preserving technical rules and commercial rights that have not been exhaustively re-enacted. It should be evaluated on the safety function delivered, the lawful decision-maker, the evidence required, the cost of compliance and the remedy if the decision is wrong.

The four most consequential choices are institutional separation, controlled treaty updating, independent investigation and reliable financial security. They require deliberate legislative decisions. Formatting an old Act under a new title would not resolve them.

Principal drafting choices

Clauses 2 and 135–140: coordinated commencement. Governance cannot move before officers are lawfully appointed and transfer arrangements are ready. The new safety-investigation regime cannot replace the existing regime before a lawfully appointed Chief or acting Chief and funded notification, evidence, expertise and publication arrangements are ready. Enforcement cannot begin without its notice and review safeguards. A readiness statement is evidence of preparation, not a power to exempt an unsafe vessel. Schedule 6 preserves current permissions and commercial modules; it does not certify every existing instrument's validity.

Clauses 9–19: ministry model. This draft selects a Maritime Administration within a ministry. It transfers technical regulation from SLASPA through express amendments and lawful staffing arrangements. A separate statutory corporation would require a different institutional Part addressing legal personality, board appointments, audit, borrowing, revenue, employment and public accountability. The current draft should not be partly combined with a corporation model without reconciling those provisions.

Clauses 20–26: treaty effect. The draft preserves existing lawful domestic effect and precedence while controlling the future-update process. It prevents technical implementation orders from altering primary rights, limitation, court jurisdiction or maximum penalties. Legislative counsel must reconcile this approach with each existing convention-specific enabling provision. The register is informational: an omission cannot erase an existing obligation or create an offence.

Clauses 27–57: identity, certification and the actual voyage. The draft separates title, safety, permitted use and activity licensing, connects their records, and makes the departure decision enforceable. Fishing, pleasure and water-sports operations receive appropriate duties without being fictionally inserted into a code that currently excludes them. Published class maps and operating endorsements need local trials; the draft supplies the decision criteria rather than invented safe distances.

Clauses 58–65: crew rights. Existing employment, wage, repatriation and claim rights continue. Practical qualification routes require demonstrated competence. The anti-retaliation duty supports masters and crew who identify genuine danger. Its interaction with labour tribunals and civil remedies should be settled with employment counsel before introduction; a maritime inspector should not become an informal labour court.

Clauses 66–84: ports, digital clearance and rescue. Harbour, border and emergency agencies retain their statutory functions. The single window receives information once while preserving separate agency decisions. Rescue is based on need and lawful coordination. Emergency response contracts and training require budgets; neither a plan nor the Act itself appropriates money.

Clauses 85–98: independent investigation. Automatic triggers and independent authorisation replace a ministerial initiation step for the new safety regime. The existing two-month commencement backstop, twelve-month interim-publication requirement and 28-day recommendation-response period are retained. Compelled-answer immunity, court-controlled disclosure, protection of designated voice recordings and independent physical evidence access need final constitutional and evidential review. The new office must have practical access to specialists, not merely a statutory title. Acting appointments provide continuity during a vacancy, inability to act or a conflict; they remain subject to constitutional appointment powers. For first notification after twelve months, clause 96 requires a public status report within a proposed thirty days without excusing an earlier breach. 70: Constitution, section 86 71: Constitution, section 87

Clauses 99–115: pollution and wrecks. Convention-specific regimes govern their own cases. The draft adds clear response leadership, domestic territorial powers and non-treaty public-cost recovery. The new non-treaty owner-cost rule is a substantive policy proposal with stated defences and preserved limitation, not a description of current law. It identifies the owner at the relevant occurrence so a subsequent transfer does not erase accrued exposure. It creates no automatic first-ranking maritime lien. Destruction, judicial sale, salvage remuneration and protected heritage remain distinct legal questions.

Clauses 116–122: insurance and compensation. Treaty security duties continue according to their own thresholds. Domestic compulsory cover is phased after market assessment. The proposed domestic direct-action rule prevents specified insurance-contract avoidance from defeating statutory minimum protection while preserving underlying-liability defences, the lawful cover limit and recourse against the insured. That protection affects underwriting and price: obtain specimen terms and quotes before commencement. Forged security is a separate verification risk; the text does not make an uninvolved insurer liable on a document it never issued.

Clauses 123–133 and Schedule 5: enforcement. Corrective notices, urgent restrictions, court review and an express detention-compensation route accompany defined offences. Ownership or corporate office alone does not prove personal guilt. Lesser negligent pollution has a summary fine route; aggravated intentional or reckless harm has a more serious route. All maxima are consultation proposals. Local counsel should settle venue, prosecution, procedural time limits, public-liability procedure and the fit with existing criminal law. The draft does not authorise compulsory bodily testing without separate lawful safeguards.

A focused agenda for Draft Two

1. Authenticate current enactments, commencement orders and all treaty notices; retrieve the original 2026 Gazette issue, reconcile it with the checked Commission screenshots and verify later directions or amendments. Resolve the LLMC and OPRC-HNS concordance issues and MLC status.
2. Decide the institutional model and settle lawful appointment, employment, pensions, funding and transfer of each specific function. Confirm the accountable 24-hour rescue and pollution contact arrangements.
3. Test the domestic operating classes, model certificate, departure record and competence assessment with actual fishers, tour operators, private boaters and inspectors. Check affordability and geographic access.
4. Validate the compensation and limitation module, compulsory-insurance terms, direct action, claims jurisdiction and interaction with salvage, mortgages and maritime liens. Settle any intended change in wreck-removal limitation through the proper treaty and legislative route.
5. Obtain and apply the independent findings from the Anse Cochon process when available. Test whether each finding concerns law, implementation, resources or an unresolved fact; amend the appropriate part of the programme.
6. Complete a provision-by-provision repeal and continuation table against certified legislation, including every subsidiary instrument, before presenting a clean consolidated Act. No unverified clause should disappear through an omnibus repeal.

The next revision should be accompanied by draft regulations, sample certificates and practical operating forms, a funded implementation plan and a response to consultation. This first package supplies the substantive foundation and a reviewable legislative starting point.

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