

**SHIPPING ACT, 2007**  
**THE SHIPPING (HIGH-SPEED CRAFT) REGULATIONS**  
**2007**

Made by the Minister under sections 162 and 404 of the Model Shipping  
Act 2007

1. These Regulations may be cited as the Shipping (High-Speed Craft) Regulations 2007. Citation
2. (1) In these Regulations, unless the context otherwise requires— Interpretation
- "Act" means the Shipping Act 2007;
- "cargo craft" means a high-speed craft other than a passenger craft, which is capable of maintaining the main functions and safety systems of unaffected space in any one compartment on board;
- "constructed" means a craft the keel of which is laid or which is at a similar stage of construction; and "similar stage of construction" means a stage at which:
- (a) construction identifiable with a specific craft begins; and
  - (b) assembly of that craft has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is the less;
- "Convention certificates" means a High-Speed Craft Safety Certificate and a Permit to Operate issued in accordance with the High-Speed Craft Code;
- "Trinidad and Tobago high-speed craft" means a high-speed craft which is registered in Trinidad and Tobago;
- "craft" means ships and hovercraft;
- "high-speed craft" means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding:
- $$3.7 = \frac{D^{0.1667}}{100}$$
- where:  $D$  = displacement corresponding to the design waterline ( $m^3$ );
- "High-Speed Craft Code" mean the International Code of Safety for High-Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.36(63) and any amendment thereto or replacement thereof;

"operational speed" means 90% of the maximum speed of which the craft is capable;

"passenger craft" means craft carrying more than twelve passengers;

"Permit to Operate" means a Permit to Operate a High-Speed Craft referred to in section 1.9 of Chapter 1 of the High-Speed Craft Code;

"owner", "pleasure vessel" and "proper officer" have the meanings given by section 2 of the Act;

"tons" and "Safety Convention" have the meanings given by section 159 of the Act.

(2) Having been made mandatory under regulation 4 below, the language of the High-Speed Craft Code shall be construed accordingly, and in particular "should" shall be construed as "shall".

(3) References to proceeding to sea or on a voyage over water include proceeding on or over land, so far as being part of that voyage.

Application

3. (1) These Regulations apply to every high-speed craft which meets all of the following criteria:

(a) it is a craft constructed on or after 1 January 1996;

(b) it is a:

(i) passenger craft which does not proceed in the course of its voyage more than 4 hours at operational speed from a place of refuge when fully laden; or

(ii) cargo craft of 500 tons or more which does not proceed in the course of its voyage more than 8 hours at operational speed from a place of refuge when fully laden; or

(iii) craft carrying less than 12 passengers and used for hire or reward; or

(iv) craft of less than 500 tons and used for carrying cargo for hire or reward;

(c) it is (wholly or partly) sea-going;

(d) it is—

(i) a Trinidad and Tobago high-speed craft; or

(ii) any other high-speed craft, when in Trinidad and Tobago waters;

and

(e) it is not a pleasure vessel.

(2) These Regulations also apply to high-speed craft constructed before 1 January 1996 and falling within all the criteria in subregulations (1)(b) to (e) in respect of repairs, alterations and modifications of a major character made after 1 January 1996.

4. (1) Subject to subregulation (2), high-speed craft to which these Regulations apply shall be constructed, equipped, maintained and operated in accordance with the requirements of the High-Speed Craft Code.

Requirements for high-speed craft

(2) Without prejudice to section 161 of the Act, the Director may exempt—

- (a) high-speed craft not engaged on international voyages; and
- (b) high-speed craft to which these Regulations apply by virtue of regulation 3(2),

from any of the requirements of the High-Speed Craft Code as are in the opinion of the Director not appropriate to the voyage, or any intended voyage.

5 (1) Every high-speed craft shall be subject to surveys in accordance with paragraph 1.5 of Chapter 1 of the High-Speed Craft Code.

Surveys and maintenance of condition

(2) The condition of every high-speed craft and its equipment shall be maintained after survey pursuant to section 1.7 of Chapter 1 of the High-Speed Craft Code.

6. (1) Where a survey of a Trinidad and Tobago high-speed craft to meet the requirements of the High-Speed Craft Code is satisfactorily completed, the Director shall issue, in the case of craft engaged on international voyages, a High-Speed Craft Safety Certificate in accordance with section 1.8 of Chapter 1 of the High-Speed Craft Code, or, in the case of a high-speed craft not engaged on international voyages, a Trinidad and Tobago High-Speed Craft Safety Certificate.

Issue of certificates to Trinidad and Tobago high-speed craft

(2) The period of a High-Speed Craft Safety Certificate shall be as specified in section 1.8 of Chapter 1 of the High-Speed Craft Code. A Trinidad and Tobago High-Speed Craft Safety Certificate shall be of the same period as a High-Speed Craft Safety Certificate.

7. (1) Where the Director is satisfied that the requirements of paragraph 1.2.2 to 1.2.11 of Chapter 1 of the High-Speed Craft Code are met in relation to a Trinidad and Tobago high-speed craft, and after consultation with the Administration of any other country where the craft is intended to operate, it shall issue the owner with a Permit to Operate.

Issue of Permits to Operate to Trinidad and Tobago high-speed craft

(2) In the case of such a craft intended to be operated to or from a country other than the Trinidad and Tobago, the Permit to Operate shall include any operational conditions requested by the Administration of that country, and shall be approved by it.

8. (1) The Director may request, through a proper officer or otherwise, the government of a country to which the Safety Convention applies—

Issue and endorsement of Certificate and Permit by another Government

- (a) to survey a Trinidad and Tobago high-speed craft, and
- (b) where satisfied that the requirements of the High-Speed Craft Code are complied with, to issue to the craft a High-Speed Craft Safety Certificate or authorise such issue. A

certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by the Director.

(2) The Director may request, through a proper officer or otherwise, the government of a country to which the Safety Convention applies, if it is satisfied that the requirements of paragraphs 1.2.2 to 1.2.11 of Chapter 1 of the High-Speed Craft Code are complied with, to issue to the craft, a Permit to Operate or authorise such issue. A Permit to Operate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by the Director.

High-speed craft not registered in the Trinidad and Tobago and to which the Safety Convention applies

9. (1) The Director may, at the request of a government of a country to which the Safety Convention applies, survey a high-speed craft registered in that country and, if satisfied that the requirements of the High-Speed Craft Code are complied with, and that a survey has been satisfactorily completed in accordance with these Regulations, issue to the craft a High-Speed Craft Safety Certificate and, where appropriate, endorse such certificates in accordance with the requirements of the Convention. A certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by that government and not by the Director.

(2) The Director may, at the request of a government of a country to which the Safety Convention applies, and if he is satisfied that paragraphs 1.2.2 to 1.2.11 of Chapter 1 of the High-Speed Craft Code are complied with, issue to the craft a Permit to Operate. A Permit to Operate issued in accordance with such a request shall contain a statement that it has been so issued and shall have effect as if it was issued by the government of the requesting country and not by the Director.

(3) This regulation applies to craft operated or intended to be operated on international voyages.

Other non-Trinidad and Tobago high-speed craft

10. (1) The Director shall require that the Permit to Operate of a high-speed craft which is not a Trinidad and Tobago high-speed craft, which operates to or from the Trinidad and Tobago on international voyages, contains operational conditions requested by the Director, and is approved by it.

(2) Subregulations (3) and (4) apply to high-speed craft which are not Trinidad and Tobago high-speed craft operated or intended to be operated on voyages which are not international voyages.

(3) Where there is not in force in relation to such a craft a High-Speed Craft Safety Certificate, the Director may, where a survey or surveys of the craft to meet the requirements of the Code has been satisfactorily completed, issue a Trinidad and Tobago High-Speed Craft Safety Certificate.

(4) (a) Where there is in force in relation to such a craft a Permit to Operate issued by the government of the country where the craft is registered, the Director may request the inclusion of operational conditions in the Permit to Operate and shall

approve the Permit to Operate. Such a Permit to Operate, if not approved, shall not be valid.

- (b) Where there is not in force in relation to such a craft a Permit to Operate issued by the country where the craft is registered, the Director may issue such a Permit to Operate.

11. (1) The Director may cancel a certificate or permit issued to a Trinidad and Tobago high-speed craft, or pursuant to regulation 10, where he has reason to believe that:

Cancellation of a certificate or permit

- (a) the certificate or permit was issued on false or erroneous information;
- (b) since any survey required by these Regulations, the structure, equipment or machinery of the craft has sustained damage or is otherwise deficient; or
- (c) there has been non-compliance with the conditions of the permit such that the safety of the craft or of life were imperilled.

(2) The Director may require that a certificate or permit issued to Trinidad and Tobago high-speed craft, or pursuant to regulation 10, which has expired or has been cancelled be surrendered, as directed.

(3) No person shall:

- (a) intentionally alter a certificate or permit referred to in these Regulations;
- (b) intentionally make a false certificate or permit referred to in these Regulations;
- (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate or permit referred to in these Regulations; or
- (e) fail to surrender a certificate or permit required to be surrendered under subregulation (2).

12. (1) No Trinidad and Tobago high-speed craft shall proceed to sea or otherwise on a voyage unless it has been surveyed and there are in force the following certificates and permits;

Prohibition on proceeding to sea without the appropriate documentation

- (a) (i) in the case of a high-speed craft engaged on international voyages, a High-Speed Craft Safety Certificate; or
- (ii) in the case of a high-speed craft not engaged on international voyages, a Trinidad and Tobago High-Speed Craft Safety Certificate; and

(b) a Permit to Operate.

(2) No high-speed craft registered in a State to which the Safety Convention applies shall proceed to sea from the Trinidad and Tobago on an international voyage unless there are in force such Convention certificates that would be required if the craft was a Trinidad and Tobago high-speed craft, and the Permit to Operate contains any operational conditions required by the Director.

(3) No high-speed craft registered in a State to which the Safety Convention does not apply shall proceed to sea from the Trinidad and Tobago on an international voyage unless the craft is in possession of documentation which shows that it has been surveyed, and is in compliance with the High-Speed Craft Code, and meets the requirements of paragraph 1.2.2 to 1.2.11 of the High-Speed Craft Code.

(4) No high-speed craft which is not a Trinidad and Tobago craft shall proceed on a voyage which is not an international voyage unless there is in force in relation to it:

(a) a High-Speed Craft Safety Certificate or a Trinidad and Tobago High-Speed Craft Safety Certificate, and

(b) a Permit to Operate issued—

(i) by the government of the country in which the craft is registered, which contains all operational conditions requested by the Director and is approved by him, or

(ii) by the Director.

(5) Where a certificate of a Permit to Operate is issued subject to conditions, the owner and master shall ensure that all conditions are complied with throughout the voyage.

(6) The master of every high-speed craft shall produce to an officer of customs, from whom a clearance for the craft is demanded for an international voyage, the certificates or documentation referred to in this regulation.

Limit on the number of passengers on passenger high-speed craft

13. The owner and master of a passenger high-speed craft shall ensure that there is not on board a greater number of passengers than that stated on the craft's Permit to Operate.

Penalties

14 Without prejudice to section 185 of the Act -

(a) any contravention of regulation 11(3) shall be an offence, punishable on summary conviction by a fine not exceeding [\$5,000 US];

(b) any contravention of regulation 12(6) shall be an offence punishable on summary conviction by a fine not exceeding [\$5,000 US];

- (c) any contravention of regulation 12(6) shall be an offence punishable on summary conviction by a fine not exceeding [\$20,000 US].

15. In any case where a high-speed craft does not comply with the requirements of these Regulations, the craft shall be liable to be detained and section 384 of the Act (which relates to the detention of a ship) shall have effect in relation to the high-speed craft, subject to the modification that as if for the words "the Act," wherever they appear, there were substituted the words "the Shipping (High-Speed Craft) Regulations 2001", and for the word "ship" there were substituted "high-speed craft".

Power to detain