

## **ANGUILLA AIR & SEA PORTS AUTHORITY SEAPORTS REGULATIONS**

### **ARRANGEMENT OF REGULATIONS REGULATIONS**

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## ANGUILLA AIR AND SEA PORTS AUTHORITY

### SEAPORTS REGULATIONS

#### PART 1 PRELIMINARY

##### Short Title

1. These Regulations may be cited as the Anguilla Air and Sea Ports Authority – Seaports Regulations.

##### Interpretation

2. In these Regulations unless the context otherwise requires—

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

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

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

“**Authority**” means the Anguilla Air and Sea Ports Authority established under Section 3 of the Act;

“**Authority Pilot**” means a person licensed to act as an Authority Pilot under Section 56 and employed by the Authority under Section 61 of the Act

“**customs officer**” means the Comptroller of Customs or any officer authorised by him or her to exercise the powers or perform the duties in respect of which the expression is used;

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

“**exports**” mean goods loaded or intended to be loaded in a ship in a port;

“**fairway**” means the whole of the navigable channel or channels of a port;

“**ferry**” means a passenger vessel that is licensed by the Maritime Administration Unit of the Ministry responsible;

“**Chief Executive Officer**” means the Chief Executive Officer appointed as such under Section 10 of the Act, and any person deputising for or acting under the authority of the Chief Executive Officer

“**goods**” include all kinds of movable property including animals;

**“immigration officer”** means the Chief Immigration Officer or any officer authorised by him or her to exercise the powers or perform the duties in respect of which the expression is used;

**“imports”** means goods other than transshipment goods or overlanded goods discharged at a port from a ship;

**“lifting machinery”** means cranes, winches, derricks, hawsers, derrick booms derrick and mast bands, goose necks, eyebolts and all other permanent attachments to the derricks, masts, and decks used in hoisting or lowering in connection with the processes;

**“master”** means the captain or other person in charge of a ship or aircraft and any agent appointed by him in writing;

**“normal working hours”** means the normal hours of work as prescribed by the Chief Executive Officer ;

**“overtime”** means work carried on outside normal working hours;

**“owner”** means when used in relation to—

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

**“passenger”** means a person other than a stowaway being carried on a ship who is not a member of the crew of that ship;

**“passenger baggage”** means the baggage carried on a ship by a passenger as personal property and does not include trade goods;

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

**“port”** means a seaport in these seaport regulations

**“port area”** means the fenced area in a port approved by Customs for the manipulation and storage of goods and any other premise or property owned or used by the Authority;

**“ship”** includes every description of water craft in the water used or capable of being used as a means of transportation on water and shall include in its meaning master, owner or agent;

**“small craft”** means any tug, launch, barge, lighter, rowing boat, sailing-boat, or similar craft under 100GRT but does not include schooners or ships engaged in international trade;



**“tariff”** means the Tariff Book and Regulations prepared and promulgated under Section 54 of the Act;

**“transhipment goods”** means goods declared as such in a port and brought in by a ship from a foreign place for the purpose of re-shipment.

**“transit shed”** means a warehouse approved by the Comptroller of Customs or used as a transit shed or any premise used by the Authority to store goods;

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

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

## **PART 2 CONTROL OF PORTS**

### **Application of Regulations**

3. These Regulations apply to all persons who are at any time in any part of a seaport.

### **General Control**

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

### **General Restrictions on Persons Entering or Leaving a Port**

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

nature of his or her business and produce any written permission or authority to that authorised person.

- (3) All persons entering or leaving a port area shall do so only through the entrances or exits provided and designated for that purpose.
- (4) Any authorised person may stop the entry of any person to a port area or eject any person from a port area unless he or she has legitimate business.
- (5) The port area shall be open for such hours and on such days as the Chief Executive Officer determines [after due consultation with the Governor and Minister](#).
- (6) Any person wishing to enter a port area for a legitimate purpose between the hours of 6:00 p.m. and 6:00 a.m. may apply to the Chief Executive Officer who may allow such entry subject to the condition that the Authority is not liable for personal injury whether fatal or otherwise to any such person and/or loss of or damage to his or her property howsoever caused.

#### **Restricted Areas, etc., Not to Be Entered**

6. (1) The following areas and places are hereby declared to be restricted—
  - (a) the customs areas;
  - (b) the port terminal facility including the departure area and the arrival area;
  - (c) the pier;
  - (d) the storage areas; and
  - (d) the harbour.
- 2) No person shall enter or be in any restricted area or place except with the express permission of the Chief Executive Officer.

#### **Customs Area**

7. No person shall enter or be upon any part of the port, including any part of the terminal building, appointed by the Comptroller of Customs by notice in writing to be a customs area for the purposes of these Regulations unless the person belongs to one of the following classes of persons—
  - (a) persons assigned to duty in the customs area;
  - (b) authorised representatives of the Government;
  - (c) persons authorised by the Chief Executive Officer;
  - (d) persons authorised by the Comptroller of Customs or his representative; or
  - (e) passengers entering the customs area for the purposes of immigration and customs control.

### **Port Passes**

8. (1) Any person employed within or habitually visiting a port area shall carry and exhibit such means of identification or pass as may be prescribed by the Authority.
- (2) Any person who seeks to enter a port area shall first apply for and obtain an entry pass or identification disc which may be restricted to such parts in a port area as the Authority may designate in the pass.
- (3) The Chief Executive Officer without stated reasons may delay or refuse to issue any pass or identification disc or withdraw any pass or identification disc already issued under paragraphs (1) and (2).
- (4) A pass or identification disc referred to in paragraphs (1) and (2) is not transferable and is valid only for the person named therein and for the purpose and period of time stated therein.
- (5) Every person who has obtained a pass and/or identification disc referred to in paragraphs (1) and (2) shall—
- (a) be considered to have read and understood it and to have agreed to abide by such terms and conditions as may be written or printed on the pass or endorsed thereon;
  - (b) keep the pass and identification disc in his or her possession whilst in the port area.
  - (c) comply with every direction given by an authorised person;
  - (d) at the request of an authorised person produce the pass;
  - (e) surrender the pass to the Authority when the need for the pass no longer exists or when the pass has expired.

### **General Restrictions on the Entry of Vehicles into a Port Area**

9. (1) The Vehicles and Road Traffic Act and regulations made under it shall apply to vehicles in a port area.
- (2) Before operating or parking a vehicle in a port area a person shall first obtain a permit from an authorised person for that purpose.
- (3) Where any vehicle is driven into a port area with the knowledge and consent, expressed or implied, of the registered owner any violation or contravention of these Regulations by the operator of the vehicle shall constitute a violation or contravention of these regulations by the registered owner.
- (4) The entry of vehicles into a port area shall be subject to the control and direction of the Chief Executive Officer and any vehicles entering a port area for the purpose of delivery, depositing or collecting goods or passengers therein shall not be permitted to remain in a port area after the goods or passengers as the case may be have been so delivered, deposited, or collected.

**General Restrictions on the Use of Vehicles in a Port Area**

10. (1) Any person driving or using or in charge of a vehicle shall at all times when arriving at an entrance to a port area for the purpose of entering or whilst within a port area or when leaving a port area shall conduct himself or herself in an orderly manner and shall comply with—
- (a) such directions as may be issued generally or specially by the Chief Executive Officer in respect of driving, parking or the use of vehicles in the port area or at any entrance to or exit from a port area;
  - (b) the terms of all notices or signs relating to the driving, parking or use of vehicles exhibited in a port area by the Authority.
- (2) Where a vehicle is operated or parked in a port area in contravention of these regulations the Chief Executive Officer may remove that vehicle at the risk and expense of the owner.

**Restrictions on the Use of Vehicles in a Port Area**

11. A person shall not while in a port area—
- (a) drive any vehicle in a manner which is dangerous to other vehicles, persons or property in a port area;
  - (b) drive any vehicle at a speed exceeding 10 miles per hour or any other speed as may be prescribed by the Authority;
  - (c) when driving or in charge of a vehicle disregard any danger signal given or refuse to stop when so required by an authorised person;
  - (d) park any vehicle at any place or in a manner otherwise than in accordance with the general or special directions of the Chief Executive Officer . In this connection a vehicle considered to be parked wherever it is stopped other than required by traffic control whether or not the driver remains in the vehicle and whether or not the engine of the vehicle is running;
  - (e) leave any vehicle unattended in any place in a port area in such a manner as to cause or be likely to cause an obstruction to other persons or vehicles using or passing the place;
  - (f) ride any bicycle in any transit shed or along the quay front in a port area;
  - (g) allow gasoline oil or other substance likely to be dangerous or constitutes nuisance to drip from a vehicle;
  - (h) allow a vehicle or structure bearing the load to be loaded in excess of the load limits specified for that vehicle or structure;
  - (i) allow a vehicle to be loaded improperly or in such a way that it is likely to cause damage to roadways or other property or goods in a port area;
  - (j) supply to, receive into or discharge from any vehicle any gasoline or other fuel or oil except at locations and times approved by the Chief Executive Officer .

### **Report of an Accident Involving a Vehicle**

12. When any accident occurs within a port area involving a vehicle the driver shall stop the vehicle and report the accident to any authorised person and shall give his or her name and address and the name and address of the owner of the vehicle.

### **Removal of Goods**

13. (1) A person shall not knowingly or otherwise remove or attempt to remove any goods from a port area unless he or she—
- (a) is in possession of a written permit issued by an authorised person permitting the removal thereof;
  - (b) has satisfied customs requirements in connection with the goods;
  - (c) has paid or secured to the satisfaction of the Chief Executive Officer all port dues, rates, rents and charges which may have accrued on the goods.
- (2) Every person in a port area removing or about to remove any goods from a port area shall produce the written permit in paragraph (1)(a) on demand to any authorised person and shall if requested by the authorised person permit such authorised person to inspect the goods at such place in the port area as the authorised person may direct.
- (3) Any person or vehicle in a port area entering within or leaving a port area may be searched by an authorised person.
- (4) A person shall not tamper or interfere with goods or other property in a port area.

### **Lost Property**

14. (1) Any person who finds any property at a seaport shall immediately hand it in the state in which he or she finds it to the office of the Chief Executive Officer.
- (2) The Chief Executive Officer shall retain the property in safe keeping until the owner is ascertained or the property disposed of in accordance with this regulation.
- (3) If the owner of any property so retained by the Chief Executive Officer is not ascertained within 3 months of the date when it was handed over to his or her office, it shall thereupon vest in the Chief Executive Officer who shall, without undue delay, sell such property and from the proceeds of the sale pay such award as he or she sees fit not exceeding ½ to the finder and the balance into the funds of the Authority..
- (4) If any property so retained by the Chief Executive Officer appears to him or her to be of a perishable nature or is or becomes objectionable, and the owner thereof be not ascertained within 48 hours from the time when it was handed in at the office of the Chief Executive Officer, the Chief Executive Officer may thereupon destroy or otherwise dispose of it as he or she sees fit.

- (5) Any person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 54.

#### **Animals**

15. (1) A person except with the permission of the Chief Executive Officer shall not bring or cause to be brought into a port area any animal except a guide dog for the blind.
- (2) It shall be lawful for the Chief executive Officer and any person authorised by the Chief Executive officer or a police officer to seize and impound any livestock found straying or tethered in a port area.
- (3) Any animal found at large in a port area may be destroyed by an authorised person and the carcase disposed of by the Authority without compensation to the owner.
- (4) Any animal on board a ship in a port shall be properly secured thereon and only allowed ashore with the permission of the veterinary authority.

#### **Burials**

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

#### **Admission of Children**

17. A child under the age of 16 years shall not be allowed into a port area unless accompanied by an adult who shall be responsible for the child.

#### **Restriction on Trading Activities in a Port Area**

18. (1) A person shall not sell or expose or offer for sale any goods or refreshments or exchange any money or hold any auction or solicit any customer in a port area or from a ship alongside close to or occupying a berth in a port unless that person holds a licence issued in that behalf by the Chief Executive Officer.
- (2) The holder of a licence issued under paragraph (1) shall—
- (a) produce the licence when requested to do so by an authorised person;
  - (b) not transfer or lend such a licence to any other person for use by that person;
  - (c) not employ any person in a port area without the written permission of the Authority;
  - (d) not trade in any commodity other than that specified in the licence.

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

#### **In the Event of Fire in a Port Area**

19. In the event of a fire in a port area persons shall proceed according to Sections 71 and 72 of the Act.

#### **Accidents in a Port**

20.
  - (1) Every person involved in an accident which causes the death or injury to any person or loss or damage to goods or property in a port shall deliver to the authorised officer a written report giving details of the accident.
  - (2) The master of any vessel involved in any accident or incident on the port causing personal injury or property damage shall make to the Chief Executive Officer a full report of the accident or incident within 24 hours of the occurrence of the accident or, as the case may be, the incident.
  - (3) Notwithstanding subsection (1), where the master of a vessel referred in that subsection is disabled so as to be incapable of making such report, any other person acting as his representative shall make the report on his behalf.
  - (4) The master of a vessel or his agent or assign shall be responsible for the prompt removal of any wrecked or disabled vessel from the port and its parts as directed by the Chief Executive Officer.
  - (5) Where the master of a vessel or his agent or assign fails to comply with such directions, the Chief Executive Officer may remove or cause to be removed such wrecked or disabled vessel and its parts at the master's expense and without liability for damage which may result from such removal. In accordance with Section 73 of the Act.
  - (6) Any goods or property in a port that is damaged or destroyed by any person, ship or vehicle may be replaced or repaired as the case may be by that person, ship or vehicle without prejudice to any other penalty at law.

#### **Fuelling of Vessel Engine**

21.
  - (1) The engine of a vessel shall not be running while the vessel is being fuelled.
  - (2) Vessel fuel storage and fuel handling shall be conducted only in areas designated for that purpose.
  - (3) No engine of any vessel shall be fuelled unless the person supplying the fuel provides and makes available for immediate use in connection therewith fire extinguishers of a capacity of 15 lbs. or larger.
  - (4) During fuel handling in connection with any vessel, no passenger or passengers shall be permitted to remain in the vessel.
  - (5) Smoking is prohibited in or about such vessel during fuel handling.

- (6) Only personnel engaged in the fuel handling shall be permitted within 25 feet of the fuel tanks of such vessel during the fuel handling operations.
- (7) No person shall start the engine or engines of any vessel when there is gasoline, or any fuel under or about the vessel. In the event of the spillage of gasoline or any type of fuel in any area in the port, no person shall start a vessel engine in that area, unless permission has been granted for the starting of engines in the area by the Chief Executive Officer or a person authorised by him for that purpose.
- (8) All persons responsible for or engaged in fuelling operations shall take care to avoid spillage of fuel.

### **Aquatic Sports**

- 22. (1) A person shall not conduct or participate in a yacht or boat race or other aquatic sport or in any other activity that is liable to interfere with navigation or operations in a port except with the written permission of the Chief Executive Officer.
- (2) Liability shall not be incurred by the Authority in respect of injury or loss of life or of damage or loss to goods or property resulting from an activity referred to in paragraph (1) whether or not the Chief Executive Officer has given permission for such activity.
- (3) A person in control of any small craft in a port shall not operate in such a manner as to interfere with any other small craft or persons swimming or in the water.

### **General Restrictions on Activities of a Person in a Port**

- 23. A person without the permission of the Chief Executive Officer shall not—
  - (a) interfere with any board used or intended for use for the purposes of the publication in a port area of public notices issued by the Authority;
  - (b) stick or post up any bill, placard or other notice on any surface in a port area;
  - (c) write, draw or place any marking whatever on any surface in a port area;
  - (d) except in an emergency move or interfere with any life saving equipment, first aid equipment or any light signal, fire hydrant or other appliance provided for use in a port area for the protection or safety of persons or property;
  - (e) interfere with or obstruct or impede the use of any crane, forklift truck or other machinery or gear used in a port area by or on behalf of the Authority;
  - (f) deposit or cause to be deposited any refuse, rubbish or waste sweepings in or upon any place in a port area other than a place approved by the Chief Executive Officer by public notice;
  - (g) climb upon the roof of any building or upon any crane, mechanical equipment, lighthouse, signal station or navigation mark;



- (h) remove any timber, wood, vegetation or growth from any land of the Authority used by or for the purposes of the Authority;
- (i) cause or participate in any disturbance on port property;
- (j) without lawful excuse, the onus of proving which shall lie upon him or her, loiter in a port area;
- (k) convey or cause to be conveyed intoxicating liquor or dangerous drugs into, within or from a port area;
- (l) fish in or from a port area;
- (m) remain in a port area while suffering from any infectious or contagious disease;
- (n) use or ignite any inflammable or explosive substance in a port;
- (o) distribute circulars, leaflets or advertising matter;
- (p) bring into a port area any plant, machinery equipment or appliance;
- (q) place any structures in a port whether submerged or not and whether under construction or not;
- (r) remove from a port any sand, stone or gravel.

**General Restrictions on Conduct of a Person in a Port Area**

24. A person shall not—

- (a) organise or openly call or gather together with other persons at any meeting in a port area unless approved by the Chief Executive Officer;
- (b) gather together with other persons in a port area in such a manner as to cause or be likely to cause a breach of the peace;
- (c) engage in or carry on in a port area any gambling, betting or wagering with playing cards or other device or means whatsoever;
- (d) use any threatening, abusive, indecent, obscene or offensive language in a port area;
- (e) conduct himself or herself in a port area in a riotous, disorderly indecent or offensive manner or in a manner likely to cause a breach of the peace;
- (f) molest or wilfully cause alarm to any other person in a port area;
- (g) engage in smoking in any place in a port area where smoking is prohibited by the Authority;
- (h) kindle a fire in a port area;
- (i) be in possession of any loaded firearm or discharge any firearm or catapult or throw any missile in a port area;
- (j) engage in recreational swimming in a port;
- (k) be or remain in a port area while intoxicated by alcohol or drugs. Have in possession or consume intoxicating liquor or dangerous drugs in a port area;
- (l) urinate or defecate in any place in a port area other than a place provided for use as a urinal or toilet;

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

#### **Removal of a Person from a Port Area**

25. A person who commits a breach of regulation 21 or 22 may without prejudice to his or her liability to other penalty at law be removed from the port area by an authorised person.

#### **Penalties**

26. Any person who contravenes or attempts to contravene any of the provisions of this part commits an offence and is liable on summary conviction to a fine and or imprisonment in accordance with Section 164.

### **PART 3**

#### **PILOTAGE AND TOWAGE**

##### **General Compulsory Pilotage**

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

##### **Exemption from Pilotage**

28. (1) In addition to ships listed in section 55(2) of the Act the Chief Executive Officer may exempt from compulsory pilotage any ship in any particular case.
- (2) The Chief Executive Officer may issue a certificate of exemption to the master of a particular ship. This certificate shall be returned to the Authority when the master relinquishes command of that particular ship.

##### **Signals to be Shown by an Exempt Ship**

29. A ship which is exempt from pilotage shall hoist the following when entering or leaving any port—
- (a) by day, the International 'H' flag at the dip and in the case of small craft hoisted as high as possible;
  - (b) by night, 3 lights visible all round the horizon hoisted in a vertical line 6 feet apart where they can best be seen, the upper light red and the lower ones white. In the case of small craft if the 6 foot spacing is impracticable the 3 lights should be as far apart as possible.

### **Approach and Boarding of Pilot**

30. (1) Ships shall in order to avoid delay or accident take way off when the pilot launch is approaching and shall await the arrival of the pilot launch about half mile to one mile off a location designated by the Chief Executive Officer in respect of the sea ports of Anguilla.
- (2) All pilot ladders shall be in good repair and of modern pattern, be provided with reliable man ropes and be brightly illuminated at and after dusk and shall conform to the International Rules for Safety of Life at Sea.

### **Only Authority Pilots May Pilot Ships or Fly Pilot Flags**

31. (1) A person other than an Authority Pilot shall not offer his or her services to pilot ships.
- (2) A person who is not an Authority Pilot on board and on duty shall not hoist a pilot flag on a ship nor shall a ship display such a flag unless there is an Authority Pilot on board and on duty.

### **Ship to Occupy Assigned Berth**

32. Any ship not taking the berth assigned to it by the Chief Executive Officer or which is observed to be or likely to be dangerous to any work, buoy or other ship, due to having made a slack mooring or other cause, may be moved or removed under the direction of the Chief Executive Officer at the risk and expense of the ship.

### **Removal of Ship Anchored in Fairway**

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

### **The Authority Not Liable for Non-Availability of an Authority Pilot**

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

### **Towage**

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

### **Liability for Towage**

36. The Authority shall not accept any liability in respect of any injury or loss or damage to a ship howsoever caused arising out of—
- (a) the use of a tug or its towing gear; or
- (b) the failure or inability on the part of the Authority to provide a tug.

### **Condition Applying to Towage**

37. It shall be a condition on the attendance of a tug that the ship requiring such attendance shall indemnify the Authority against all or any injury or loss or damage incurred in connection therewith.

## **PART 4**

### **SHIPS REPORT, MOVEMENT, BERTHING**

#### **Application for a Berth**

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

#### **Ships Signals on Entering**

39. Before entering a port every ship which has arrived in Anguilla from a foreign place shall hoist the following flags in a conspicuous position—
- (a) the national flag of Anguilla from 0800 hours to 1800 hours;
  - (b) the ship’s national flag which it shall fly from 0800 hours to 1800 hours;
  - (c) the ships signal letters;
  - (d) the Q flag International Code until pratique is given;
  - (e) if carrying passengers, the I flag International Code until the immigration clearance is given;
  - (f) if animals are on board the N flag International Code; and
  - (g) if carrying dangerous goods the B flag International Code.

#### **Signals**

40. The following are prescribed signals in the ports of Anguilla and shall be displayed from the flag staff designated by the Chief Executive Officer—
- (a) signifying that a ship is about to enter the port—
    - (i) signal by day, International Code flag E,
    - (ii) signal by night, one red light;
  - (b) signifying that a ship is about to leave the port—
    - (i) Signal by day, International Code flag D,
    - (ii) signal by night, 3 red lights displayed vertically one above the other.

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

### **Speed in a Port**

41. All ships shall proceed at a moderate speed within the limits of a port as set by the Chief Operating Officer.

### **Due Notice of Departure**

42. A ship requiring a pilot and intending to leave a port shall during normal working hours, give notice thereof to the Chief Executive Officer at least 4 hours before the ship intends to leave. Special arrangements shall be made for any move outside the normal working hours.

### **Anchors and Gear to be in Readiness**

43. (1) Every ship entering or leaving a port shall have both bow anchors and cables clear and ready for use as required.
- (2) Ships intending to load or discharge cargo shall have their derricks hoisted when weather permits.

### **Port Health Requirements**

44. All ships entering a port from a foreign place shall await the granting of pratique before having any communication with the shore or with any other ship.

### **Customs and Immigration Requirements**

45. (1) After pratique has been granted to a ship the Customs and Immigration Departments shall commence clearance formalities.
- (2) A person shall not leave a ship prior to the completion of the clearance formalities required by paragraph (1) without the permission of the customs and immigration officers.
- (3) A person other than a health officer, an Authority Pilot, a customs officer, an immigration officer, shall not board any ship until the I flag is lowered or until permission to do so has been granted by customs and immigration officers.

### **Ships Arrival Report**

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

### **Master Responsible for Erroneous Declaration**

47. The master shall be responsible for all damage or consequence resulting from an erroneous declaration made by himself or herself or his or her agent as to the draft or dimensions of his or her ship or any other information on the ships arrival report.

### **Ships Tonnage**

48. The tonnage of a ship shall be the maximum GRT as shown in the certificate of registration which if requested shall be produced by the master to an authorised officer.

### **Ship to be Kept Fit to Move**

49. (1) Ships entering, leaving, or shifting berth within a port shall be provided with sufficient crew for the purpose and shall at all times be kept in a fit condition for removal in default of which the work may be done by the Chief Executive Officer at the risk and expense of the ship.
- (2) A ship shall not immobilise its engines without first obtaining written permission from the Chief Executive Officer.

### **Ships to be Moored Properly**

50. (1) Ships berthing at a port shall be provided with good and sufficient warps to the satisfaction of the Chief Executive Officer and a warp shall not be cast off for any reason unless so ordered or authorised.
- (2) In case of ships without the necessary gear, warps may when so ordered by the Chief Executive Officer be supplied at the risk and expense of the ship.
- (3) Every ship within a compulsory pilotage port, shall have sufficient crew on board to attend to her moorings and to cause them to be slackened or hove in as may be necessary.
- (4) A rope shall not be made fast except to moorings and bollards placed for the purpose, and a wire rope shall not be used unless the bollards and the edge of the coping of the wharf or jetty are protected from chafe to the satisfaction of the Chief Executive Officer.
- (5) A chain cable shall not be used for mooring alongside except with the special permission of the Chief Executive Officer.
- (6) All ships shall anchor, moor and berth to the satisfaction of the Chief Executive Officer, and shall take such additional precaution in adverse weather as may be ordered by the Chief Executive Officer.
- (7) All ships alongside quays shall affix efficient rat guards on every line and wire connected to or reaching the shore.
- (8) Where any direction of the Chief Executive Officer as to anchoring, mooring, unmooring, placing or removal of a ship is not obeyed the Chief Executive Officer shall cause the ship to be anchored, moored, unmoored, placed or removed as the Chief Executive Officer thinks fit and for that purpose he or she may cast off, unloosen or cut the moorings of the ship at its risk and expense.
- (9) Penalties to insert.

### **Authority to Assign and Control**

51. (1) The Chief Executive Officer shall have the right to determine the place in a port at which a ship shall berth or anchor and to assign a berth whether at a quay or elsewhere to any ship and where a berth is so assigned to a ship the ship shall occupy that berth and may at the discretion of the Chief Executive Officer be removed to any other berth. All masters or persons in charge of

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

- (2) A ship assigned a berth by the Chief Executive Officer shall not drift or change the assigned berth without permission.

#### **Ships Moored to Other Ships**

52. (1) A ship shall not make fast to or tie alongside another ship without the prior permission of the Chief Executive Officer.
- (2) The master or owner of a ship shall, when ordered so to do by the Chief Executive Officer, permit the other ship to make fast to or tie alongside his or her ship.
- (3) Whenever any ship is made fast to or is tied alongside another ship, a free and unencumbered passage over the inner ships shall be allowed to the outer ships for loading and unloading and for access to and from the shore.
- (4) Whenever any ship is made fast to or is tied alongside another ship, the lines of the ship that is so made fast or tied shall not, except in an emergency, be cut or cast off without the prior permission of the Chief Executive Officer and prior notice of the intention to do so having been given to the master or owner of the vessel that is so made fast or tied.

#### **Unseaworthy Ships may be Detained**

53. The Chief Executive Officer may detain a ship which in his or her opinion is in an unsafe condition to proceed to sea until the ship is made seaworthy to his or her satisfaction.

#### **Lights on Ships and Collision Regulations**

54. All ships whether under way or at anchor shall, save as otherwise provided by these Regulations, between the hours of sunset and sunrise, exhibit the lights required by and shall obey the rules of the road for preventing collisions at sea.

#### **Watch to be Kept**

55. (1) All ships other than small craft in a port shall maintain a watch of at least one man to be kept constantly upon the open deck by night and day.
- (2) A small craft shall not be left unattended when alongside any berth of the Authority.

#### **Liability for Damage**

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

### **Use of Buoys and Private Moorings**

57. (1) A ship shall not use any buoy which is the property of the Authority without the sanction of the Chief Executive Officer in writing.
- (2) A buoy shall not be laid down for any purpose whatsoever and no leading marks shall be erected without the prior permission of the Chief Executive Officer.
- (3) A charge as determined by the Authority shall be levied in respect of any mooring or buoys laid within a port on the owner of such a buoy or mooring.
- (4) Such buoys and moorings may be removed by the Chief Executive Officer at the expense of the owner if at any time the Chief Executive Officer so desires.
- (5) The Authority may use any private moorings or buoys.

## **PART 5 WORKING OF SHIPS**

### **General Control of Landing and Shipping Cargo**

58. The landing of cargo or the shipment of cargo or the landing or embarking of passengers in a port shall be subject to the control and direction of the Chief Executive Officer.

### **Manifests**

59. (1) Any ship which has arrived in Anguilla with cargo from a foreign place or which has loaded cargo in Anguilla shall furnish the Chief Executive Officer copies of the inward and outward manifests and other documents as may reasonably be required by the Chief Executive Officer in such a manner and time as may be stipulated by the Chief Executive Officer.
- (2) A ship shall notify the Chief Executive Officer **within 24 hours** of subsequent amendment to the documents required under paragraph (1).

### **Working of Ships**

60. (1) As far as may be practicable, cargo shall be discharged from and loaded into ships in the order of their arrival and readiness to work in a port but subject always to the direction of the Chief Executive Officer.
- (2) A ship which has arrived from a foreign place shall not break bulk until its cargo has been duly reported to customs or special authority has been obtained from customs.
- (3) The Chief Executive Officer may refuse to permit cargo to be landed from any ship until suitable accommodation is available for such cargo.
- (4) The use of lighters to or from a ship in a port area for the purpose of loading or discharging any cargo shall be subject to the general or special directions of the Chief Executive Officer and lighters shall be used as directed by the Chief Executive Officer.



- (5) The Chief Executive Officer may refuse to allow timber or iron and steel work of all kinds to be landed unless properly marked. If permission to land such cargo is given the Authority is not liable for any loss, damage, delay or misdelivery howsoever caused.
- (6) The landing of animals from any ship shall be prohibited unless a veterinary or other certificate or document required by any law in respect thereof is produced to the proper authority.
- (7) The landing of plants or plant matter shall be prohibited unless any certificate or document required by any law in respect thereof is produced to the proper authority.
- (8) The loading and discharge of petroleum products or other dangerous and hazardous cargo shall be prohibited outside normal working hours save with the written permission of the Chief Executive Officer.
- (9) In the case of ships from other places in Anguilla the loading or discharge of cargo or the embarking or landing of passengers shall be prohibited in a port area save with the written permission of the Chief Executive Officer .
- (10) The Chief Executive Officer may direct that the discharge of cargo from any ship alongside a port shall cease or shall proceed at a slower rate if in his or her opinion such discharge obstructs or is likely to obstruct any other operation. The Chief Executive Officer may so direct the cessation or slower discharge of cargo at the risk and expense of the ship
- (11) If a ship fails to take in or discharge cargo with such despatch as appears reasonable to the Chief Executive Officer the said ship shall after due notice lose its turn to take in or discharge cargo. If it is occupying a quay berth it may be removed at the risk and expense of the ship or the Chief Executive Officer may take whatever action he or she considers necessary for expeditiously taking in or discharging any cargo from the said ship.
- (12) If any plant, labour or staff engaged as requested by a ship for landing shipping or transshipping any cargo is not fully employed on such a ship the expenses incurred thereby by the Authority shall be paid by the ship.
- (13) A responsible person authorised by the master shall remain on board a ship whilst loading or discharging cargo, for the purpose of superintending such loading or discharging.
- (14) Any goods or ships gear dropped overboard shall be reported at once by the ship concerned to the Chief Executive Officer and shall be immediately recovered by the ship if it is reasonably possible. Failing that it may be recovered by the Chief Executive Officer at the risk and expense of the ship.
- (15) The Chief Executive Officer may direct that certain goods being loaded or landed should be handled directly between the ship and vehicles. Such goods may not be deposited on the quay.

### **Overtime**

61. (1) Work afloat and ashore in connection with the landing, shipping and transshipment of cargo outside normal working hours shall be charged at overtime rates at ships expense.
- (2) Overtime working may be allowed by the Chief Executive Officer either on a written request from the agent of a ship or otherwise.

- (3) Every port shall normally be closed on Good Friday, Easter Sunday, May Day and Christmas Day. However, in exceptional circumstances at the sole discretion of the Chief Executive Officer services may be performed subject to the payment of such time rates if labour and staff are available as may be determined by the Chief Executive Officer.

#### **Payment of Dues, Rates and Charges**

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

#### **Receipt for Cargo**

63. (1) Unless otherwise specially agreed between the Chief Executive Officer and the ship the Authority shall give a receipt to the ship for all cargo received subject to each item being properly marked and being discharged in an orderly manner.

Where in the opinion of the Chief Executive Officer an accurate tally cannot be made at discharge a receipt shall be given only when sorting and stacking has been carried out to the satisfaction of the Chief Executive Officer.

- (2) A receipt shall be given by the ship to the Chief Executive Officer for each separate consignment received by the ship.

#### **When Cargo is Considered Landed**

64. Cargo shall only be considered delivered to or in the possession of the Authority and the authorised agents when it has been removed from the cargo gear used to land the cargo from the ship.

#### **When Cargo is Considered Shipped**

65. Cargo for shipment will be considered delivered to a ship in good condition when it is placed by the Chief Executive Officer in the cargo gear provided for loading the ship, unless such cargo is declined by the ship as damaged or in a bad condition.

## **PART 6 SHIPS GENERAL**

#### **Fire on Ships**

66. (1) In the event of a fire occurring on board a ship in a port the master shall at once give the alarm and take such steps towards the protection of property subject to such directions as may be given by the Chief Executive Officer in the interest of protecting the port.
- (2) The alarm signal for ships (other than small craft) on fire shall be as follows—
- Ships shall hoist 'N.Q.' flags of the International Code and at the same time shall sound one long and 3 short blasts in quick succession on the siren. The signal 'N.Q.' shall be kept hoisted until the fire on board has been extinguished.

- (3) In addition to the signals the master shall report the fire immediately to the Chief Executive Officer.

### **Prevention of Nuisance in Ports**

67. All ships in a port shall ensure that—
- (a) all outlets or scuppers in the sides of the ship are fitted with adequate shields to prevent any obnoxious fluids or other matter from falling on the quay;
  - (b) exhaust pipes shall be so equipped as to prevent exhaust from inconveniencing other ships or traffic in the port or on the quay;
  - (c) thick smoke is not made; and
  - (d) excessive noise of chipping or sirens is not made.

### **Ships to be Open for Inspection**

68. An authorised person may in the execution of his or her duty at any time a ship is in a port, board such a ship and inspect it or any part of it.

### **Boarding or Leaving Ships**

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

### **Refuse Not to be Deposited in a Port**

70. (1) Ropes, wires, dunnage mats, wood, dirt, ballast, ashes, stone, offal or rubbish of any sort whatsoever shall not be thrown or allowed to fall or drift into the water at a port. Any ship from which such articles or refuse have been allowed to fall shall make good all loss, damage and expenses which the Authority or any other person may sustain or incur in consequence thereof.
- (2) A dead animal shall not be thrown into a port from any ship. Dead animals on board a ship unless permitted by the appropriate Authority to be buried ashore, shall be taken not less than 3 nautical miles outside port limits at the expense of the ship.
- (3) Oil or any similar substances of any description shall not be discharged into or allowed to escape into the water at a port.
- (4) A ship shall not pump out or clean their tanks or bilges within 200 nautical miles of Anguilla.
- (5) All articles which have fallen or drifted into the water in a port shall at once be recovered by the person responsible therefor failing which the Authority may recover them at the risk and expense of the person concerned.
- (6) Every ship whilst loading or discharging any cargo shall provide adequate safeguard to prevent it from falling into a port.

- (7) Without prejudice to any proceedings which may be instituted under the Anguilla Air and Sea Ports Authority Act, the regulations pertaining to prevention of pollution by sewage and garbage within the meaning of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 and any amendments of these Regulations apply herein *mutatis mutandis*

#### **Goods Not allowed to Float in a Port**

71. Goods shall not be permitted to float in a port unless previous permission in writing has been obtained from the Chief Executive Officer and handling charges at the same rate as if it had been landed have been paid. The ship or consignee shall be responsible for any damage caused by such goods and for the payment of charges and other losses which may result therefrom.

#### **Removal of Ships with Offensive Matter on Board**

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

#### **Protection of Hatchways**

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

#### **Fumigation**

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

#### **Repairs to Ships**

75. (1) Structural repairs of ships shall not be made in a port except with the written consent of the Chief Executive Officer and subject to the following conditions—
- (a) before any repairs are commenced the ship shall take such precautions as the Chief Executive Officer may direct to prevent dirt or other material falling into the water; and
  - (b) the ship shall observe such other conditions as may be imposed by the Chief Executive Officer .
- (2) If the ship contravenes or fails to comply with the provisions of paragraph (1) the work may be stopped by the Chief Executive Officer.

#### **Restriction on Use of Flame Apparatus in Port**

76. (1) Flame or welding equipment shall be used only by a qualified operator.
- (2) Construction, repair or maintenance work entailing use of any flame apparatus, or any apparatus which produces extreme heat, shall not be carried out on any ship in a port without written permission of the Chief Executive Officer.

- (3) Where it is proposed to do any work in respect of which permission is required under paragraph (1), the master or other person in charge or agent of the ship shall make application in writing for that purpose to the Chief Executive Officer. Where such application relates to a petroleum ship, the application shall be accompanied by a certificate from a person, approved by the Authority that such ship is at the time of the application free from any inflammable liquid or gas.

**Placing on Wharf or Quay any Ships Boat, Ships Gear etc.**

77. Any boat, gangway, spar, anchor, cable, dunnage, cattle fittings, horse box or other ships gear shall only be allowed to remain upon any wharf, jetty or quay of the Authority with the permission of the Chief Executive Officer and subject to the payment of such charges as may be determined by him or her.

**Explosives May Not be Used or Guns Fired**

78. (1) A gun or explosive device shall not be fired or exploded in a port without the permission of the Government of Anguilla.
- (2) A rocket shall not be fired or signal light burned on board a ship in a port without the permission of the Chief Executive Officer unless the ship is in actual distress or in need of assistance.

**Propellers May Not be Turned Without Warning and Permission**

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

**Displaced Moorings or Mark to be Reported**

80. (1) If any mooring or marker buoy is dragged from its position or damaged by a ship, the cost of replacing or repairing it shall be borne by the ship.
- (2) Any ship getting foul of any mooring laid by the Authority shall not, except in case of emergency, lift the buoy for the purpose of getting clear, but shall immediately report the occurrence to the Chief Executive Officer and await instructions.

**Submarine Cables**

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

**Crew of Ships to Take Lines**

82. (1) All ships anchored, moored or berthed in a port shall receive on board, make fast or cast off lines or warps from any other ship when required so to do by the Chief Executive Officer.
- (2) Lines or warps shall not be stretched across the waters of a port without the permission of the Chief Executive Officer.
- (3) The Chief Executive Officer may, in case of urgent necessity cause to be cut any warps, ropes, cable or hawser endangering the safety of any ship in a port.

### **Animals**

83. (1) Animals when ashore or afloat in a port area and when landed, discharged or shipped therein shall be treated in a humane manner, and in accordance with veterinary practice.
- (2) The Chief Executive Officer may in his or her discretion refuse to land or ship animals if such landing or shipping would in his or her opinion entail unnecessary suffering to any animal.

## **PART 7**

### **DANGEROUS GOODS**

#### **General**

84. Except otherwise herein provided the classification method of handling packing and magazine requirements and all other matters pertaining to dangerous goods shall be in accordance with the recommendations made by the International Maritime Organisation.

#### **Authority to Supervise**

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

#### **Liability for Expenses**

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

#### **Master or Agent to Give Notice of Dangerous Goods on Board**

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

If without permission any such goods are landed the Chief Executive Officer may order the same to be placed on board the ship whence they came or otherwise deal or destroy them as he or she considers necessary at the risk and expense of the ship from whence they were discharged.

#### **Exemptions for Warships and Transport and Other Ships**

88. (1) Ships of war and military transports may be exempted from this Part subject to such terms and conditions as the Authority may consider fit.
- (2) Every ship having the following dangerous goods on board shall be exempt from this Part and such dangerous goods may be landed and dealt with at such places and under such conditions as the Chief Executive Officer may direct—
- (a) safety-cartridges, safety-fuses, percussion caps fireworks, and any other dangerous goods, specially exempted by the Minister;

- (b) any other dangerous goods of the nature of any explosives which does not exceed 50 pounds in weight and is properly stored in an approved magazine.

### **Berthing of Ships Carrying Dangerous Goods**

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

### **Red Flag to be Exhibited**

- 90. The master of every ship having dangerous goods on board shall, whilst within the limits of a port, keep conspicuously exhibited at the fore by day a red flag 'B' (International Code) in size not less than 4 feet by 3 feet, and at night at the mast head in addition to the lights ordinarily required and above them a red light showing a clear uniform unbroken light all round the horizon, visible on a clear night at a distance of one nautical mile from such ship.

### **Fires and Fire Fighting**

- 91. (1) A person, when in or upon any vessel in a port, where dangerous goods or highly flammable goods are located, shall not smoke or have in his or her possession any match or fire-producing device or have in his or her possession any article or substance that may cause explosion or fire. For the purpose of enforcing this section, the Chief Executive Officer may search any person who in his or her opinion is in possession of any such article or device.
- (2) Artificial lights or other activities which in the opinion of the Chief Executive Officer may cause either explosion or fire shall not be permitted in a port where dangerous goods are being loaded, unloaded, or handled.

However, this regulation shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the Authority or of a ship's riding or signal lights so disposed as to prevent any risk of fire or explosion.
- (3) Sufficient fire-extinguishing equipment of a type for coping with incipient fires while dangerous goods are on port property, or being loaded, unloaded or handled in a port shall be provided by the owner or agent of such dangerous goods and shall be in readiness for immediate use.
- (4) Every ship having on board explosives or dangerous goods shall display "No smoking" signs in prominent places on board the ship.

### **Only Dangerous Goods to be Handled at One Time**

- 92. (1) During the time any dangerous goods are being handled other goods shall not be dealt with at or near the place thereof.
- (2) Persons other than those actually engaged in or superintending the work of handling shall not be allowed access to the ship without permission of the Chief Executive Officer.

### **Permits to Land Dangerous Goods**

93. Dangerous goods shall not be landed from any port except on production of a certificate on oath of a duly qualified chemist to the effect that the dangerous goods have been shipped in good order and condition, properly packed and labelled, and safe to be shipped through the tropics and handled in a warm climate.

### **Licence for Special Small Craft**

94. (1) A small craft shall not be used for the storage of dangerous goods except under a special licence granted on a certificate from the Chief Executive Officer and subject to such condition as it may impose.
- (2) Such small craft shall—
- (a) at all times remain afloat;
  - (b) be moored only at places approved by the Chief Executive Officer ;
  - (c) exhibit a red flag by day and a red light in an elevated position at night.
- (3) A dangerous cargo shall not be carried on the deck of a small craft licenced to carry dangerous cargo and hatches shall be properly secured.
- (4) A small craft propelled by gasoline shall not carry dangerous goods.

### **Vessels to Have Tow Line**

95. Every vessel that has explosives or dangerous goods on board shall, when moored or anchored in the port, have at all times at both bow and stern, a suitable tow line of steel wire securely fastened on deck one end and hanging over the offshore side of the vessel so that the other end, which shall be equipped with an eye, is suspended at a point not more than 4 feet from the water's surface.

### **Inspection and Examination**

96. Every person in control of any dangerous goods or of any ship or vehicle containing such goods shall when so required by the Chief Executive Officer show all such goods under his or her control and shall afford every reasonable facility to enable inspection and examination of such goods so as to ascertain whether these Regulations are being duly observed.

### **Petroleum**

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

### **Penalty**

98. In the event of any breach of any regulation in this part, without prejudice to any action taken under regulation 163, all or any part of the dangerous goods in a port may be forfeited and disposed of at the discretion of the Chief Executive Officer at the risk and expense of the owner of the ship, vehicle or goods involved.



## **PART 8**

### **FERRY SERVICE**

#### **Roster of Ferries**

99. (1) The Chief Executive Officer shall prepare the daily roster of ferries scheduled to—
- (a) depart from the port to such other port or ports outside Anguilla; and
  - (b) travel to the port from such port or other ports outside Anguilla;
- on which shall be shown, against the name of each ferry, the times for each such departure from and travel to the port and the master of that ferry.
- (2) For the purposes of subsection (1), the Chief Executive Officer may, at such times and place as he considers necessary, consult with the appropriate representative organizations of owners and charterers of ferries providing ferry services to and from the port.
- (3) The master of every ferry whose name appears on the roster of ferries for the day shall provide the ferry services in accordance with that roster and such directions and orders as the Chief Executive Officer may issue.
- (4) Where a ferry which is scheduled on a day to depart from or travel to the port is unable due to no fault of the master of the ferry to so depart or travel, that master shall promptly inform the Chief Executive Officer of the inability to depart from or travel to the port and furnish that information in writing.
- (5) Where the master of a ferry, at the time of informing the Chief Executive Officer of the inability to depart from or travel to the port, is unable to furnish such information, the master shall as soon as practicable furnish the written information.
- (6) If the owner or person in charge of any ferry commits a breach of subsection (3) he or she shall in addition to the penalty under any other law be liable to a fine and or imprisonment in accordance with Section 165.

#### **Transportation Fees**

100. (1) There is payable by a passenger the applicable transportation fee specified in the Tariff Book.
- (2) Every owner, master or charterer of a ferry or passenger vessel shall appoint an agent for the collection of such transportation fees.
- (3) Every passenger who pays such transportation fee shall be issued a ticket evidencing payment of such fee.

## **PART 9**

### **SMALL CRAFT**

#### **Small Craft to Give Way**

101. Small craft within the limits of a port shall at all times make way for ocean-going ships under way or tugs engaged in towing.

#### **Row Boats to Give Way to Sailing Boats**

102. When 2 boats are being propelled, one by sails and the other by oars and are proceeding on a course, which, if continued, would involve the risk of collision the boat propelled by oars shall keep out of the way of the other, and the boat under sail shall use every precaution to avoid accident and if so close that collision cannot be avoided by the action of the vessel giving way alone, she also shall take such action as will best aid to avoid collision.

#### **Small Craft to Carry Lights**

103. (1) Subject to the provision of paragraph 2, small craft when under way between sunset and sunrise shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.
- (2) Powered launches and fishing boats shall carry the lights prescribed for their class.

#### **Approaches to Wharves, Landing Places and Ship's Ladders to be Kept Clear**

104. (1) Free passages shall be kept to all jetties, landing places, wharves and moorings, and small craft shall, when directed by an authorised person, move so as to clear such passages.
- (2) A small craft shall not lie alongside any of the passenger landing places or ship's accommodation ladders longer than necessary to embark or land passengers and their luggage, and when waiting, shall lie off at a distance of at least 20 yards from such landing place or ship's accommodation ladder in order not to obstruct the approach thereto.
- (3) A person in charge of a small craft, a member of the crew of such craft and baggage clearing agent shall not loiter on any pontoon or landing step or accost passengers thereon.

#### **Mooring of Small Craft**

105. A small craft shall not except with the permission of an authorised person be secured to any wharf, jetty, quay, mooring, post, pile, bollard or buoy belonging to the Authority. Under no circumstances shall such a craft be left unattended.

#### **Small Craft Sunk in Port to be Reported**

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

### **Boats Not to Go Alongside Ships Under Way**

107. A small craft, other than a small craft carrying any person authorised by regulation 43(3) to board a ship before the 'I' flag is lowered shall not go alongside a ship which has arrived in Anguilla from a foreign place until such ship is at anchor or made fast alongside and has been granted pratique.

### **Passengers and Goods to be Landed at Place Appointed**

108. Every small craft leaving the side of a ship shall proceed to a place approved by the customs officer and shall not land passengers or goods elsewhere.

### **Small Craft Plying for Hire to be Surveyed Before Granting Certificate of Fitness**

109. Any person who desires to ply for hire with or let for hire any small craft, [to and from a port area](#) shall apply to the Chief Executive Officer for a licence. The Chief Executive Officer is hereby empowered to appoint inspectors who shall inspect such small craft and issue a certificate to the effect that the craft is in a suitable condition and fit for the purpose for which it is intended.

### **Method of Obtaining a Licence for Small Craft Plying for Hire**

110. Upon the production of a certificate granted under regulation [109](#) and upon payment of the licence fee prescribed in the Tariff Book, a licence may be issued by the Chief Executive Officer to the holder of the said certificate authorising him or her, subject to such terms and conditions as may be specified in the licence, to ply for hire or let for hire [to and from a port area](#) the small craft to which such certificate relates.

### **Duration of Licence of Small Craft Plying for Hire**

111. (1) A licence under regulation 110 shall, unless previously cancelled, expire on the day of expiration of the certificate to which such licence relates.
- (2) A person shall not ply for hire or let for hire any small craft without a licence.

### **Transfer of Licenced Craft**

112. The transfer by sale or otherwise of any licenced small craft may be approved by the Chief Executive Officer and shall not affect the licence already granted.

### **Persons Carried Not to Exceed Authorised Number**

113. (1) A licenced small craft shall not carry more than the number of persons such craft is licenced to carry.
- (2) A notice showing the number of persons authorised to be carried shall be painted on or affixed to some conspicuous part of such craft. A person shall not board a craft containing its full licenced complement.
- (3) The master of a vessel or his agent or assign shall be responsible for ensuring that the number of persons authorised to be carried shall not be exceeded.

### **Goods Carried Not to Exceed Authorised Load**

114. (1) A small craft, licenced to carry passengers only, shall not carry any goods other than passengers' baggage.

- (2) A small craft licenced for the carriage of goods shall not carry a greater load of goods than such craft is licenced to carry.
- (3) A small craft licenced to carry goods only shall not carry passengers.

#### **Unclaimed Property to be Taken to Customs**

- 115. The person in charge of a small craft licenced to carry passengers shall be responsible for all unclaimed property left on his or her boat, and he or she shall take or cause to be taken all such unclaimed property to the [office of the Chief Executive Officer](#).

#### **Expired Licence to be Returned**

- 116. On the expiration or other determination of any licence, the owner of the licenced small craft in question shall return the licence to the Chief Executive Officer.

#### **Life-saving and Fire-Extinguishing Apparatus**

- 117. Every licenced small craft shall be equipped with such radio, life-saving and fire-extinguishing appliances as may be considered necessary by the Chief Executive Officer [for any small craft operating to and from a port area](#) and shall be kept so as to be at all times fit and ready for use.

#### **When Holder of Licence Made to Cease to Use Craft**

- 118. (1) Any inspector appointed under regulation 110 may and is hereby empowered and authorised at any time to enter upon any small craft licenced under regulation 111 and inspect and examine the hull equipment or machinery of any craft. If in his or her opinion the said hull, equipment or machinery is not in a condition suitable and fit for the purpose for which it is being used, he or she shall notify the same to the Chief Executive Officer. The Chief Executive Officer shall instruct in writing the holder of the licence to discontinue the usage of the said craft until the defects are remedied.
- (2) In the event of the removal of defects after further inspection, the inspector shall report the fact to the Chief Executive Officer who shall make an endorsement to that effect upon the licence and the date thereof, and from such date the holder of the licence shall be entitled to continue to ply for hire or let for hire the said craft for the unexpired period of the currency of the licence.

#### **Penalty for Non Observance of Notice**

- 119. Any holder of a licence who uses or causes to be used any small craft in contravention of regulation 118, and any person who refuses to allow or obstructs an inspector to enter upon, inspect or examine any such craft or its machinery or equipment commits an offence and the licence granted in respect of such a craft may be cancelled.

#### **Person in Charge of Small Craft Licenced to Ply for Hire to be Capable**

- 120. A holder of a licence issued under regulation 111 shall not permit his or her small craft to be used for hire unless sufficiently manned by competent persons.

**Person in Charge of Small Craft Plying for Hire May Not Refuse Engagement**

121. A person in charge of a licenced small craft that is plying for hire of passengers shall not refuse without good reason to accept an engagement, or shall attempt to extort fares in excess of the authorised tariff charge.

**Quantity of luggage that may be carried**

122. The Chief Executive Officer may regulate the quantity of luggage which may be carried consistent with the safety and convenience of the passengers conveyed in any small craft. The owner or person in charge shall abide by the orders of the Chief Executive Officer in this respect.

**Liability**

123. This Part shall not be considered to impose any liability or responsibility upon the Authority for any loss or injury caused by the acts or negligence of any owner or person in charge of or member of the crew of any licenced small craft.

**Small Craft Prohibited from Conveying Liquor to Ship's Crew**

124. (1) An owner or person in charge of any small craft, or a boatman or any person employed by such owner shall not supply, convey or deliver any intoxicating liquor to any of the crew of or to any other person on board any ship at anchor or moored in a port, except—
- (a) such liquor as may be purchased with the consent of the master of the ship from a person duly licenced to sell the same; or
  - (b) such liquor as may be allowed under the Customs law.
- (2) Where any such owner is convicted of a contravention of this regulation, the licence, if any, of the small craft used in connection with the commission of such offence shall be cancelled without prejudice to any other penalty provided by the law.

**Penalty for Breach of Small Craft Regulations**

125. If the owner or person in charge of any small craft licenced under regulation 111 commits a breach of this part he or she shall in addition to the penalty under any other law is liable to a fine and or imprisonment in accordance with Section 164.

**Control of Small Craft**

126. (1) A person shall not operate a vessel in the port—
- (a) recklessly or negligently, or at a speed or in a manner dangerous to the public;
  - (b) while drunk;
  - (c) without due care and attention or without reasonable consideration for other persons using the port;
  - (d) when it is overloaded with passengers or cargo;
  - (e) when it is not seaworthy or safe.

- (2) Without restricting the generality of the term where it appears in paragraph (1), 'Recklessly or Negligently' includes the operation of a small craft that unreasonably interferes with the free and proper use of the waters by other ships, or persons or that endangers other or any person upon any other ship or in the water or upon the small craft itself.
- (3) The International Rules of the Road shall be strictly observed by all small craft in a port and in the event of conflict between these Regulations and the International Rules of the Road the latter shall apply.

#### **Control of Speed Boats**

127. Without prejudice to the generality of regulation 121 every speed boat when within 200 yards of the waters edge shall travel at a slow speed not greater than that specified by the Chief Executive Officer and shall keep well clear of all bathers.

#### **Duty of Person in Charge of a Speed Boat**

128. If the person in charge of a speed boat shall fail to comply with the provisions of regulation 121 or shall fail to ensure that the speed boat of which he or she has charge and any water skier being towed by such boat do not cause any inconvenience to bathers he or she commits an offence and the licence, if any, of the small craft used in connection with the commission of such offence may be cancelled.

#### **Suspension of Licence for Misconduct**

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

### **PART 10**

#### **GENERAL HEALTH AND SAFETY REGULATIONS**

##### **Application**

130. The Regulations contained in this Part shall apply to the processes of loading, moving and handling goods in or at a port area and to the processes of loading, unloading and restowing any ship in a port.

##### **General Health and Safety at the Sea Ports**

131. Without prejudice to any proceedings which may be instituted under the Anguilla Air and Sea Ports Authority Act, the regulations pertaining to ship and port facility safety within the meaning of the Merchant Shipping (Health And Safety: General Duties) Regulations 1991 enabled under section 22 of the Merchant Shipping Act 1979 [title 31 item 16] and brought into operation on 1 February 1991 and any amendments apply *mutatis mutandis*.

##### **Duties of Masters and Others**

132. (1) It is the duty of the owner, master or other person in charge of a ship to comply with such regulations as are applicable to that ship including those relating to machinery and plant used in the processes.

- (2) In order cases it shall be the duty of the owner of machinery and plant used in the processes to comply with the regulations.
- (3) If the persons concerned with paragraphs (1) and (2) fail to comply with these Regulations the employer of such persons shall stop the said processes until these Regulations are complied with.

#### **Safe Means of Access**

133. A ship in a port for the purpose of carrying out any process shall have a safe means of access for the use of employees passing from the ship to the shore or from the shore to the ship.

#### **Disembarking and Embarking Passengers**

134. (1) When passengers disembark from or embark on any ship in a port a sound gangway shall be provided and one of the crew of the ship shall be in attendance at the ship's end of the gangway to attend to the security of the gangway and the safety of the passengers over it.
- (2) When any ship is in port a lifebuoy with a line attached thereto shall be placed in proper order for immediate use near the head of each gangway.
- (3) Suitable safety nets shall be applied beneath every gangway.
- (4) Every gangway shall be illuminated at night.
- (5) A process shall not be undertaken over a gangway.

#### **Safe Means of Access to Other Ships to be Provided**

135. If a ship is alongside any other ship, and persons employed have to pass from one to the other, safe means of access shall be provided for their use. If one of such ships has a relatively low freeboard the means of access shall be provided by the ship which has the high freeboard.

#### **Safe Means of Access from Deck to Hold**

136. (1) If the depth from the level of the deck to the bottom of the hold exceeds 5 feet, there shall be maintained safe means of access from the deck to the hold.
- (2) Every person employed shall use the means of access in paragraph (1).

#### **Efficient Lighting to be Provided**

137. All parts of a ship where processes are carried on and for which access is required shall be sufficiently lighted with due regard to the safety of the ship to goods onboard, and persons employed therein also the navigation of other ships.

#### **Beams and Hatches**

138. (1) Hatches and coverings in a ship shall be so constructed to allow persons to open and close them without risk.

- (2) All fore and aft beams and thwartship beams used for hatch coverings shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.
- (3) All hatch coverings and beams shall be plainly marked to indicate the deck and hatch to which they belong and their position therein.
- (4) All fore and aft beams and thwartship beams used for hatch coverings and all hatch coverings shall be maintained in good condition.
- (5) Adequate handgrips shall be provided on all hatch coverings, unless the construction of the hatch or the hatch coverings renders the provision of handgrips unnecessary.
- (6) When the working space around a hatch is less than 2 feet, provision shall be made to remove and replace in safety all fore and aft beams thwartship beams used for hatch coverings and all hatch coverings.
- (7) The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent displacement.

#### **Lifting Machinery**

139. (1) Lifting machinery of all kinds, chains, blocks, wire ropes, ropes and any other attachments or gear used or provided for use in processes shall be maintained in good order, in the event of any doubt concerning the serviceability of any item the authorised person may prevent its use until tested by a competent person at the risk and expense of the owner.
- (2) All lifting machinery including ship's derricks shall be clearly marked with the safe working load of such appliances.
- (3) Means shall be provided to enable any person using a pulley block, chain or wire rope sling to ascertain the safe working load for such items.

#### **Lifts Not to Exceed Safe Working Load**

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

#### **Fire Prevention**

141. (1) Every person in a port and every ship in a port shall comply with all such standards of fire prevention and protection against fire as, in the opinion of the Chief Executive Officer are necessary or advisable for the protection of persons and property.
- (2) Before welding or burning equipment which is used in a port, all flammables shall be moved to such a distance from the equipment as will render them safe from fire and, where such movement is impossible, the flammables shall be adequately shielded.
- (3) Suitable fire-extinguishing equipment, ready for instant use in case of fire, shall be placed near each unit of welding or burning equipment.



- (4) Every compressor or generator used in connection with welding or burning equipment shall be placed securely and in such a manner as not to interfere with any other operations carried on in the port or on port property.
- (5) An operator of welding or burning equipment shall not do any act that may cause explosion or fire.
- (6) A person shall not smoke or have in his or her possession any lighted match or other lighted fire-producing device, in, or at any shed, warehouse.
- (7) Artificial light by which fire may be ignited shall not be used on port property without permission of the Chief Executive Officer.
- (8) An article substance shall not be burned, boiled or heated by fire on port property except with the permission of the Chief Executive Officer.
- (9) Every ship in a port shall have suitable fire-extinguishing equipment available for immediate use in any part thereof.
- (10) The Chief Executive Officer may in addition to the equipment required by paragraph (9), require additional equipment to be provided in any ship to meet any particular condition involving extra fire risk.
- (11) Fire shall not be allowed on any ship in a port except in suitable containers and under watch.
- (12) A person shall not use a fire hydrant located on port property for any purpose other than fire or fire drill without permission of the Chief Executive Officer.

## **PART 11**

### **GENERAL SECURITY REGULATIONS**

#### **General Security at the Sea Ports**

142. Without prejudice to any proceedings which may be instituted under the Anguilla Air and Sea Ports Authority Act, the regulations pertaining to ship and port facility security within the meaning of the Ship and Port Facility Security Regulations enabled under Section 71 of the Merchant Shipping Act R.S.A.C. M82 apply mutatis mutandis.

## **PART 12**

### **HANDLING AND STORAGE OF CARGO**

#### **Onus of Cargo Handling**

143. All cargo handling in a port shall be carried out by the Authority or its authorised agent

### **Transit Sheds Closed to Public**

144. The transit sheds and warehouses in a port shall be closed to the public and no vehicle or person shall enter any of them without the permission of the Chief Executive Officer.

### **Documents Required Before Delivery of Cargo**

145. Importers or their agents shall present at such place as may be appointed by the Chief Executive Officer during normal working hours of a port the following documents before delivery of cargo—
- (a) delivery order complete in every detail and specifying marks and numbers, descriptions and contents with the dead weight and cubic measurement thereof, the name of the ship, port of shipment, arrival date and disposal instructions. There shall be a separate delivery order for each consignee and for each bill of lading;
  - (b) a bill of lading or shipping company's delivery order duly released by the ship;
  - (c) a release by customs officer authorising the delivery of the cargo;
  - (d) in the case of transshipment goods a shipping order complete in every detail and respect.

### **Documents Required for Shipment of Cargo**

146. Persons desiring cargo to be shipped shall deliver to an authorised person at such a place as may be determined by the Chief Executive Officer during normal working hours shipping orders complete in every detail and specifying marks and numbers, descriptions and contents with the dead weight and cubic measurement thereof as required by the Tariff Book. There shall be a separate shipping order for each consignment.

### **Receiving of Cargo for Shipment**

147. (1) Cargo for shipment shall be deposited in such places as the Chief Executive Officer may direct.
- (2) All cargo intended for shipment for any particular ship together with the relative shipping orders shall be presented to the Chief Executive Officer at a port not later than one clear normal working day previous to the ships appointed sailing time. In the event of cargo and/or shipping orders being received late, the shipper is liable for any additional expense incurred.
- (3) Cargo in respect of which shipping orders are presented shall be ready for shipment in all respects.
- (4) Sorting or other manipulation of cargo for shipment is not permitted in a port.
- (5) Cargo which is not accepted for shipment shall be removed within 48 hours after receipt.

- (6) The Authority shall not be responsible for ensuring that the whole or any part of any cargo intended for shipment is placed on board any ship before the time of sailing.

#### **Cancelling or Amending Orders**

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

#### **Weights and Cubic Measurements**

149. (1) When the weight or cubic measurement of cargo is not available the goods shall be weighed or measured by the Chief Executive Officer and a charge paid by the person presenting the delivery order or shipping note.
- (2) All packages exceeding one ton in weight shall have the gross weight legibly marked thereon. If a package is unevenly loaded the heavy end should be clearly marked.

#### **Marking of Packages**

150. (1) Where cargo is insufficiently or incorrectly marked the Chief Executive Officer may require from any person claiming such goods a special release order signed by the ship. Storage charges shall be charged against all cargo remaining in a port as a result of insufficient or incorrect marking.
- (2) The Authority is not liable for any loss, damage, delay or non-delivery of cargo occasioned by insufficient or incorrect marking.

#### **Defective Packages**

151. (1) Where any cargo has been landed in packages of a defective or leaky character, despite the provisions of regulation 59 or the fact that the Authority has given a receipt for the cargo, delivery of cargo shall not be considered to have been made to the Authority until such packages have been repacked, rebagged or repaired in a reasonably sound condition and such cargo checked in the presence of the ship and customs officer only such cargo shall be considered to have been accepted by the Authority.
- (2) The Authority may decline to accept any cargo which is tendered for landing in packages of a defective or leaking character.

#### **Acids Landed or Found in a Leaky Condition**

152. (1) When acids, oils, paints or similar substances come into possession of the Authority in a leaky condition, the Authority may in its discretion repair the leaky or defective packages at the expense of the owner and may refill any packages from which the original contents have leaked.
- (2) The owner or consignee of any leaking packages the contents of which either damage the Authority's property or other cargo is liable for such damage.

### **Unpacking of Cargo**

153. Except for Customs purposes cargo shall not be unpacked in a port area without the special permission of the Chief Executive Officer. All packing and other material from which cargo is so unpacked shall be immediately removed by the owner of the cargo failing which this shall be done by the Authority at the owner's risk and expense.

### **Destruction of Dangerous and Offensive Cargo**

154. (1) In cases of emergency or for the purpose of securing better safety for a port the Chief Executive Officer may destroy or otherwise dispose of dangerous cargo in a port without compensation to the owner.
- (2) The Chief Executive Officer may, in consultation with the customs officer, and after giving at least 2 hours notice to the owner order the removal or destruction of any goods or matter which in the opinion of the Chief Executive Officer are, of an offensive nature. Such removal or destruction and any loss of Customs duties, rates or other charges incurred thereby shall be at the expense of the owner.

### **Storage Charges on Import Cargo**

155. (1) Storage charges after the prescribed free period in the Tariff Book shall be levied on all import cargo.
- (2) In the case of large consignments the Chief Executive Officer may extend the free period when delivery is being effected as fast as the Authority requires.

### **Storage Charges on Import Cargo**

156. Storage charges after the prescribed free period if any in the Tariff Book shall be charged on all export cargo until the date the ship commences loading or in the event of non-shipment the date the cargo is removed from the port.

### **Storage Charges on Transhipment Cargo**

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

### **Change of Ownership of Cargo**

158. Any change in ownership of cargo shall be notified to the Chief Executive Officer immediately such change takes place and in the absence of such notification before the cargo leaves the custody of the Authority the previous owner shall be held responsible for all charges.

### **Charges to be Prepaid or Secured**

159. All dues and charges, prescribed in the Tariff Book and payable upon all goods landed, shipped, transhipped or warehoused shall be paid or sufficient security

furnished for their payment before any orders for delivery shipping or forwarding are acted upon.

#### **Delivery to Customs Warehouse**

160. (1) The delivery of goods to a warehouse appointed by a customs officer shall constitute delivery of such goods to the consignee and the Authority is not liable in respect of such goods after they have been so delivered.
- (2) Where the consignee takes delivery from the customs warehouse such goods shall not be delivered until all the dues rates and charges of the Authority have been secured.

### **PART 13 MISCELLANEOUS**

#### **Licences Generally**

161. The Chief Executive Officer may cancel any certificate, licence or badge granted under these Regulations or may refuse to renew or endorse the same.

#### **Liability**

162. The granting under these Regulations of any licence authorisation, certificate or permit for any purpose shall not impose any liability or responsibility upon the Authority for any accident to the person so authorised or to the holder of such licence, certificate or permit arising from any cause whatsoever.

#### **Licensing of Agents and Others**

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

#### **Exclusive Powers of the Chief Executive Officer**

164. Save as where otherwise herein these Regulations specially provided or with the written permission of the Chief Executive Officer specifically in that regard a person shall not in any port perform or cause to be performed any work, service or facility or suffer any obstruction or nuisance to remain.

#### **Offences and Penalties**

165. (1) Any person who commits an offence under these regulations is liable on the conviction for that offence—
- (a) on indictment, to a fine not exceeding 200,000 dollars or to imprisonment for a term of not more than 5 years, or to both; or
- (b) on summary conviction to a fine not exceeding 50,000 dollars or to imprisonment for a term of not more than 2 years, or to both.

- (2) Any person who commits an offence under these regulations is liable on the second or any subsequent conviction for that offence—
  - (a) on indictment, to a fine not exceeding 400,000 dollars or to imprisonment for a term of not more than 5 years, or to both; or
  - (b) on summary conviction to a fine not exceeding 100,000 dollars or to imprisonment for a term of not more than 2 years, or to both.