

MONTSERRAT

STATUTORY RULES AND ORDERS

S.R.O. 36 OF 2026

SMALL COMMERCIAL VESSEL REGULATIONS 2026

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NO. 36 OF 2026

SMALL COMMERCIAL VESSEL REGULATIONS 2026

**THE SMALL COMMERCIAL VESSEL REGULATIONS 2026
MADE BY THE GOVERNOR ACTING ON THE ADVICE OF
CABINET UNDER SECTIONS 67D, 104, 123 AND 141 TO 145 OF
THE MERCHANT SHIPPING (REGISTRATION) ACT (CAP. 7.11).**

PART 1- PRELIMINARY

1. Citation

These Regulations may be cited as the Small Commercial Vessel Regulations 2026.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires—

“**the Act**” means the Merchant Shipping (Registration) Act (Cap. 7.11);

“**Administration**” in relation to a vessel other than a Montserrat vessel, means the maritime administration of the ship’s flag State or, if none, the government of the flag State;

“**Boat Master Licence**” means a Boat Master Licence issued under regulations 12 and 13;

“**Boat Engineer Licence**” means a Boat Engineer Licence issued under regulation 12 and 14;

“**Code**” means the Code of Safety for Small Commercial Vessels Operating in the Caribbean dated July 2017 as amended from time to time;

“**foreign vessel**” means a vessel which is not a Montserrat vessel;

“**IMO**” means the International Maritime Organization;

“**Maritime Administration**” means the Maritime Administration established under section 3A(2) of the Act; and where a function is conferred on the Maritime Administration by these Regulations, unless the context otherwise requires, includes a

surveyor organisation authorised under section 125(1) of the Act to perform that function;

“**master**” means a person who has command of a vessel;

“**owner**” in relation to a vessel, includes—

- (a) the registered owner or, in the absence of registration, the person owning the vessel, and
- (b) any other person (such as the ship manager, agent or bareboat charterer) who has agreed in writing to assume responsibility for the operation of the vessel;

“**passenger**” means any person carried in a vessel, except—

- (a) a person employed or engaged in any capacity on board a vessel on the business of the vessel,
- (b) a person on board the vessel in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled, or
- (c) a child under 1 year of age;

“**passenger vessel**” means a small commercial vessel carrying more than 12 passengers;

“**the Safety Convention**” has the meaning given by section 2(1) of the Act;

“**SCV Safety Certificate**” means a Small Commercial Vessel Safety Certificate of that name issued in accordance with regulation 30 or Part D of Chapter I of the Code;

“**SOLAS Passenger Ship Safety Certificate**” means a certificate of that name issued in accordance with regulation 31 or Chapter 1/23 of the Code;

“**STCW Convention**” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended from time to time;

“**surveyor**” means a—

- (a) a surveyor appointed by the Maritime Administration under section 124(2) of the Act, or
- (b) a surveyor organisation authorised under section 125(1) of the Act;

“**vessel**” means a vessel of five or more metres but less than 24 metres in length in commercial use; and includes a

vessel that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;

“**voyage**” includes an excursion.

- (2) Words or expressions used in these Regulations relating to the Code have the same meaning as they have in the Code, unless expressly provided otherwise.
- (3) Where a vessel is managed by a person other than the owner, whether on behalf of the owner or some other person, or on the person’s own behalf, a reference in these Regulations to the owner shall be construed as including a reference to that person.

3. Caribbean Small Commercial Vessel Code to have force of law

The Code has the force of law in Montserrat.

4. Construction of references in the Code

- (1) In applying any provision of the Code in these Regulations, unless the context indicates otherwise—
 - (a) a reference to the “**Administration**” or the “**Administration of a State**” is to be construed—
 - (i) in relation to a Montserrat vessel, as a reference to the Maritime Administration;
 - (ii) in relation to a vessel other than a Montserrat vessel, as a reference to the maritime administration of the ship’s flag State or, if none, the government of the flag State;
 - (b) the phrase “**to the satisfaction of the Administration**” is to be construed as a reference to the Maritime Administration being satisfied as to the particular provision in the Code in accordance with, or taking account of, any standard or guidance which the Maritime Administration determines as being relevant;
 - (c) a reference to “**inspection**” in Part B of Chapter 1 of the Code is to be construed as a reference to a survey undertaken in accordance with Part 6 of these Regulations.
- (2) In subregulation (1), “**any standard or guidance which the Maritime Administration determines as being relevant**” means any standard or guidance relevant to the particular provision of the Code—
 - (a) issued by—
 - (i) the Maritime Administration;
 - (ii) the Secretary of State;

- (iii) a classification society or recognised organisation,
and
- (b) published on the Maritime Administration's website as
being relevant.

5. Dynamic references

- (1) Any reference in these Regulations to a provision in the Code, the Safety Convention or the STCW Convention is to be construed as—
 - (a) a reference to the provision in that instrument as modified from time to time, and
 - (b) if the instrument is replaced by another instrument, as a reference to the provision in that other instrument.
- (2) For the purposes of subregulation (1)(a), an instrument is modified if omissions, additions or other alterations to the text take effect.
- (3) The Maritime Administration shall as soon as reasonably practicable—
 - (a) notify the House of Assembly of any modification or replacement by virtue of this regulation, and
 - (b) publish details of the modification or replacement with an explanation of their effect in such manner as the Maritime Administration thinks fit.
- (4) No modification or replacement by virtue of subregulation (1) affects any right or liability arising before the date on which the modification or replacement has effect.

6. Application

- (1) Subject to subregulations (2) and (3) and regulation 7, these Regulations apply to—
 - (a) a Montserrat vessel trading in the Caribbean Trading Area;
 - (b) a foreign vessel whilst in Montserrat waters.
- (2) These Regulations do not apply to a passenger vessel which—
 - (a) operates beyond 20 miles of the nearest harbour or safe refuge, or
 - (b) carries more than—
 - (i) 150 passengers, or
 - (ii) where overnight accommodation is provided, 50 passengers overnight.
- (3) These Regulations do not apply to—
 - (a) a fishing vessel;

- (b) a pleasure vessel;
- (c) a ship to which the Safety of Life at Sea Convention Regulations 2026 apply;
- (d) a vessel holding—
 - (i) a valid International Passenger Ship Safety Certificate issued under the provisions of the Safety Convention (other than such a certificate issued under regulation 31(3), or
 - (ii) a Caribbean Cargo Ship Safety Certificate;
- (e) a boat forming part of a vessel's lifesaving equipment that is used to carry passengers only in emergencies or during emergency exercises;
- (f) a vessel which carries 12 or less passengers and hold a valid certificate issued under the provisions of another Code specially designed for such vessels;
- (g) a vessel constructed or adapted for the carriage in bulk of liquid cargoes of a flammable or toxic nature (tanker);
- (h) a warship.

7. Exemptions and equivalences

- (1) The Maritime Administration may exempt any vessel or description or class of vessel from all or any of the provisions of these Regulations if the Maritime Administration is satisfied that compliance with such provision is impracticable or unreasonable.
- (2) Where the Code requires that a particular fitting, material, appliance or apparatus, piece of equipment or machinery shall be fitted or carried in a vessel, or that any particular provision shall be made, the Maritime Administration may permit any other fitting, material, appliance or apparatus, piece of equipment or machinery to be fitted or carried or other provision to be made in that vessel where it is satisfied by trials or otherwise that the alternative is at least as effective as that required by the Code.
- (3) Any exemption or permission granted under this regulation shall—
 - (a) be in writing, and
 - (b) specify the date on which it takes effect and the conditions (if any) on which it is given.
- (4) Where the Maritime Administration has granted permission under subregulation (2), it shall note the equivalence permitted on the certificate issued to the vessel.

PART 2 - REQUIREMENTS FOR VESSELS

8. Responsibilities of owner and master

- (1) The owner and master of a vessel shall ensure that—
 - (a) a vessel is constructed so as to comply with the Code,
 - (b) the condition of the vessel and its equipment is maintained so as to comply with the Code,
 - (c) after any survey required by these Regulations has been completed, no material change shall be made to the vessel or its equipment which affects the safety of the vessel without the approval of the Maritime Administration,
 - (d) the vessel is operated so as to comply with the Code, and
 - (e) where an accident occurs to a vessel or a defect is discovered either of which affects the safety of the vessel or the efficiency or completeness of its equipment, the master and owner shall report the accident or defect immediately to—
 - (i) the Maritime Administration, and
 - (ii) where the vessel is in a port outside of Montserrat, to the proper authorities of the State in which the port is situated.
- (2) Where a report is received under subregulation (1)(e), the Maritime Administration shall cause an investigation to be initiated to determine whether a survey is necessary and shall in that event require such a survey to be carried out.

9. Permitted number of passengers

- (1) This regulation applies to a passenger vessel.
- (2) The Maritime Administration shall—
 - (a) determine the total number of passengers permitted to be carried on the vessel,
 - (b) notify the owner and master of the number, and
 - (c) record the number on the vessel's SCV Safety Certificate.
- (3) In determining the total number of permitted passengers, the Maritime Administration shall act in accordance with Chapter I/14.2 and I/14.3 of the Code.

PART 3 - BOAT MASTERS AND BOAT ENGINEERS

10. Boat masters

- (1) A vessel shall carry in command a person who complies with either—
 - (a) Condition A, or

(b) Condition B.

(2) Condition A is that—

- (a) the person is the holder of a licence stating that the person is qualified to have command of such a vessel, issued—
 - (i) in the case of a Montserrat vessel, by the Maritime Administration under regulation 12;
 - (ii) in the case of a foreign vessel, by the maritime administration of the ship's flag State,
- (b) the licence is in force and is of the grade appropriate in respect of the waters in which the vessel is being navigated, the size of the vessel and the number of passengers carried, and
- (c) the vessel is in an area specified in the licence as one in which a vessel may be navigated under the command of the holder.

(3) Condition B is that the person is the holder of a certificate of competency as a master issued in accordance with the provisions of the STCW Convention.

11. Boat engineers

(1) A vessel fitted with main propulsion machinery of up to 750 KW shall, where an engineer is required by the Maritime Administration or Table 6 in Regulation IX/6 of the Code, carry as engineer a person who complies with either—

- (a) Condition A, or
- (b) Condition B.

(2) Condition A is that—

- (a) the person is the holder of a licence stating that the person is qualified to be in charge of the engines and machinery of such a vessel, issued—
 - (i) in the case of a Montserrat vessel, by the Maritime Administration under regulation 12;
 - (ii) in the case of a foreign vessel, by the maritime administration of the ship's flag State,
- (b) the licence is in force and is of a grade appropriate in respect of the waters in which the vessel is being navigated, and
- (c) the vessel is in an area specified in the licence as one in which a vessel may be operated under the charge of the holder.

(3) Condition B is that the person is the holder of a certificate of competency as an engineer officer issued in accordance with the provisions of the STCW Convention.

- (4) Except as authorised by the Maritime Administration, a vessel with an engine of 750 KW and over shall carry engineers qualified in accordance with the provisions of the STCW Convention.

12. Issue of Boat Master and Boat Engineer Licences: standards and conditions

- (1) An application for a licence as a boat master (“**a Boat Master Licence**”) or a licence as a boat engineer (“**a Boat Engineer Licence**”) shall be—
 - (a) made in writing to the Maritime Administration in such form as the Maritime Administration may require,
 - (b) accompanied by such information as the Maritime Administration may specify, and
 - (c) accompanied by any fee that may be prescribed by the Maritime Administration.
- (2) The Maritime Administration shall issue a Boat Master Licence or Boat Engineer Licence, as the case may be, if the Maritime Administration is satisfied that the applicant for a licence (“**the applicant**”) —
 - (a) meets the standards of competence to be attained and the conditions to be satisfied by a person in order for a licence to be issued—
 - (i) specified in Annex 5 of the Code, or
 - (ii) specified from time to time and published by the Maritime Administration as alternatives to those specified in the Code,
 - (b) is, having regard to all the relevant circumstances, a fit person to be the holder of such a licence, and
 - (c) has been issued with a valid certificate of medical fitness.
- (3) For the purposes of subregulation (2)—
 - (a) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced, and
 - (b) the conduct of any examinations and the conditions of admission to them,shall be that specified in Annex 5 of the Code.
- (4) For the purposes of subregulation (2)(c), a “**valid certificate of medical fitness**” means a certificate attesting to a person’s fitness to perform the duties which that person will carry out at sea issued by a qualified medical practitioner following satisfactory completion by the applicant of—
 - (a) a medical examination, and
 - (b) an eyesight test for colour and vision.

- (5) A valid certificate of medical fitness shall be subject to such conditions as the practitioner considers necessary to record.
- (6) A Boat Master Licence or a Boat Engineer Licence shall be issued in the form contained in Annex 10 to the Code.

13. Grades and area restrictions of Boat Master Licences

- (1) A Boat Master Licence shall—
 - (a) bear the title “Boat Master Licence”, and
 - (b) be one of the following grades, which shall be specified in the licence—
 - (i) Boat Master Licence, Grade 1,
 - (ii) Boat Master Licence, Grade 2, or
 - (iii) Boat Master Licence, Grade 3.
- (2) The grade of Boat Master Licence appropriate in respect of a vessel shall be determined in accordance with regulation X/5 of the Code.
- (3) A Boat Master Licence of any grade shall be subject to such restrictions as the Maritime Administration may determine as to the area or areas in which a vessel may be navigated under the command of the holder; and every such restriction shall be stated in the licence.

14. Grades and area restrictions of Boat Engineer Licences

- (1) A Boat Engineer Licence shall—
 - (a) bear the title “Boat Engineer Licence”, and
 - (b) be one of the following grades, which shall be specified in the licence—
 - (i) Boat Engineer Licence, Grade 1, or
 - (ii) Boat Engineer Licence, Grade 2.
- (2) The grade of Boat Engineer Licence appropriate in respect of a vessel shall be determined in accordance with regulation X/9 of the Code.
- (3) A Boat Engineer Licence of any grade shall be subject to such restrictions as the Maritime Administration may determine as to the area or areas in which a vessel may be navigated with the holder carried as an engineer; and every such restriction shall be stated in the licence.

15. Validity and renewal of Boat Master and Boat Engineer Licences

- (1) A Boat Master Licence or a Boat Engineer Licence shall remain valid only so long as the holder complies with the standards of competence and the conditions, including conditions as to medical fitness, specified in regulation 12(2).

- (2) A Boat Master Licence or a Boat Engineer Licence held by a person of up to 65 years of age shall be subject to revalidation every 3 years.
- (3) For the purposes of subregulation (2) a Boat Master Licence or a Boat Engineer Licence shall only be revalidated if the holder—
 - (a) provides proof of at least 45 days' service in vessels for which the licence is valid during the previous 3 years, and
 - (b) submits a valid medical fitness certificate issued in accordance with such requirements as the Maritime Administration may from time to time determine.
- (4) A Boat Master Licence or a Boat Engineer Licence held by a person of 65 years of age and over shall be subject to revalidation every year.
- (5) For the purposes of subregulation (4) a Boat Master Licence or a Boat Engineer Licence shall only be revalidated if the holder—
 - (a) provides proof of at least 15 days' service in vessels for which the licence is valid during the previous year, and
 - (b) submits a valid medical fitness certificate issued in accordance with such requirements as the Maritime Administration may from time to time determine.
- (6) Where a holder of a Boat Master Licence or a Boat Engineer Licence is unable to produce proof of the experience required under subregulation (3)(a) or (5)(a), in order for the licence to be revalidated the holder shall satisfy the Maritime Administration that he or she continues to meet the standards of competence to be attained and the conditions to be satisfied by a person in order for a licence to be issued—
 - (a) specified in Annex 5 of the Code, or
 - (b) specified from time to time and published by the Maritime Administration as alternatives to those specified in the Code,

16. Record of Boat Master and Boat Engineer Licences

- (1) The Maritime Administration shall during the period of the licence retain a copy of every Boat Master Licence or a Boat Engineer Licence issued under these Regulations.
- (2) The Maritime Administration shall keep a record of—
 - (a) every Boat Master Licence or a Boat Engineer Licence issued under this Part, and
 - (b) every suspension, cancellation or alteration of and any other matter affecting such a licence.

17. Loss of Boat Master and Boat Engineer Licences

- (1) Where the holder of a Boat Master Licence or Boat Engineer Licence loses the licence, the Maritime Administration may, on receipt of the fee specified by the Maritime Administration, issue a copy of the licence.
- (2) Any copy issued under subregulation (1) shall be certified as a copy by the Maritime Administration.

18. Suspension of Boat Master and Boat Engineer Licences

- (1) This regulation applies where it appears to the Maritime Administration that the holder of a Boat Master Licence or a Boat Engineer Licence is unfit to discharge his or her duties, whether by reason of incompetence or misconduct or for any other reason.
- (2) Where this regulation applies, the Maritime Administration shall cause an inquiry to be held by one or more persons appointed by it and, if it does so, may suspend a licence pending the outcome of the inquiry.
- (3) A licence so suspended shall be surrendered to the Maritime Administration within 7 days.
- (4) Where the inquiry recommends the suspension or cancellation of the licence, the licence shall be suspended or cancelled, accordingly, and shall be surrendered to the Maritime Administration within 7 days.

PART 4 - HOURS OF WORK AND REST

19. Interpretation of Part 4

- (1) In this Part, unless the context otherwise requires—
 - “**crew**” includes every person, except masters and pilots, employed or engaged in any capacity on board a vessel;
 - “**employer**”, in relation to a master who is in command of a vessel in the course of employment means the person who employs that master in that employment;
 - “**working day**”, in relation to any person to whom these Regulations apply, means any period during which that person is on duty which is not followed by an interval for rest of not less than 8 hours.
- (2) For the purposes of this Part, a director of a company shall be deemed to be employed by it.

20. General duty of shipowner, master, employer

- (1) The persons mentioned in subregulation (2) shall ensure that a seafarer engaged or employed on a vessel is provided with at least the minimum hours of rest specified in regulation 21.
- (2) The persons are—
 - (a) the owner of the vessel, and
 - (b) the master of the vessel.
- (3) A muster, drill or training session—
 - (a) may require the participation of a seafarer during the seafarer's hours of rest, but
 - (b) shall be conducted in a manner which minimises disturbance of the seafarer's hours of rest and does not induce fatigue.
- (4) A seafarer who is on-call on board ship—
 - (a) may be required to do call-outs during hours of rest, but
 - (b) shall be provided with an adequate compensatory rest period for any call-out work done during hours of rest.
- (5) This regulation is subject to regulation 23.

21. Minimum hours of rest

- (1) The minimum hours of rest are—
 - (a) 10 hours in any 24-hour period, and
 - (b) 77 hours in any 7-day period.
- (2) The 10 hours of rest mentioned in subregulation(1)(a) may be divided into no more than 2 periods, one of which is to be at least 6 hours in length.
- (3) This regulation is subject to regulation 23.

22. Authorised exceptions to minimum hours of rest

The Maritime Administration may authorise an exception from the required hours of rest in regulation 21(1)(b) provided that the hours of rest are at the minimum 70 hours in any 7 day period.

23. Exception for emergencies

- (1) The master of a vessel may require a seafarer to work any hours of work necessary—
 - (a) for the immediate safety of the ship, persons on board or cargo, or
 - (b) for the purpose of giving assistance to another ship or to a person in distress at sea.

- (2) As soon as practicable after the normal situation has been restored the master shall ensure that any seafarer who has performed work in hours of rest is provided with an adequate rest period.

24. Records

- (1) The master of a vessel, or a person authorised by the master, shall maintain records of each seafarer's daily hours of rest.
- (2) Records under subregulation (1) shall be in a format which complies with the requirements published by the Maritime Administration from time to time.
- (3) Records under subregulation (1) shall be in English and in the working language of the ship if that is not English.
- (4) The records kept under subregulation (1) shall be endorsed by—
- (a) the master, or a person authorised by the master; and
 - (b) the seafarer to whom the record relates.
- (5) The master, or a person authorised by the master, shall give a copy of the endorsed record to the seafarer to whom the record relates.
- (6) An inspector may examine and endorse, at appropriate intervals, records kept under subregulation (1).

25. Alcohol limits

- (1) This regulation applies to—
- (a) a master of a vessel,
 - (b) a seafarer on a vessel who is performing designated safety, prevention of pollution and security duties.
- (2) A person to whom this regulation applies commits an offence if the proportion of alcohol in their breath, blood or urine exceeds the prescribed limit.
- (3) For the purposes of this regulation, the prescribed limit is—
- (a) in the case of breath, 25 microgrammes of alcohol in 100 millilitres;
 - (b) in the case of blood, 50 microgrammes of alcohol in 100 millilitres;
 - (c) in the case of urine, 67 microgrammes of alcohol in 100 millilitres.

PART 5 - MANNING AND TRAINING

26. Manning

- (1)** The owner of a vessel shall apply for the approval by the Maritime Administration of the manning levels of the vessel by submitting the following information to the Maritime Administration—
 - (a)* the geographical limits within which the vessel is to be navigated;
 - (b)* the number of seafarers in addition to the master that the owner considers appropriate for the vessel to carry within the geographical limits notified;
 - (c)* whether the owner considers it appropriate that, when the vessel is being so navigated, a seafarer should be the holder of a licence of any grade under the Code.
- (2)** The Maritime Administration may—
 - (a)* approve the application submitted under subregulation (1),
 - (b)* approve the application subject to conditions, or
 - (c)* refuse to approve the application.
- (3)** An approval given under this regulation shall—
 - (a)* be in writing,
 - (b)* specify the date on which it takes effect, and
 - (c)* specify the conditions, if any, on which it is given.
- (4)** A vessel shall not proceed to sea or on a voyage unless—
 - (a)* the Maritime Administration has given approval under this regulation, and
 - (b)* the manning of the vessel is in accordance with—
 - (i)* the approval, and
 - (ii)* the vessel's SCV Safety Certificate.

27. Training in emergency procedures: passenger ships

The owner of a passenger vessel shall—

- (a)* establish procedures applying to the person having command of the vessel and any other person employed or engaged in any capacity on board a passenger vessel which shall state the actions to be taken during an emergency by the master and crew—
 - (i)* to assist passengers, and
 - (ii)* to deal with the emergency in general, and

- (b) ensure that each of those persons has received on board training in the procedures to be observed by that person in such an event.

28. Maritime Labour Convention equivalent standards

- (1) The regulation applies to all vessels except to—
 - (a) open boats, and
 - (b) domestic vessels in protected waters.
- (2) The owner of a vessel to which this regulation applies shall ensure that the standards specified in Part D of Chapter IX of the Code (Maritime Labour Convention 2006 equivalent standards as approved by the Administration) shall be met in respect of a seafarer employed or engaged on the vessel.
- (3) In this regulation, “**open boat**” and “**protected waters**” have the meanings given in Chapter I/2 of the Code.

PART 6 - SURVEY AND CERTIFICATION

29. Vessels to be surveyed

- (1) A vessel shall be surveyed in accordance with this regulation and Part B of Chapter 1 of the Code (inspections).
- (2) An initial or renewal survey of a vessel shall be undertaken in accordance with paragraph 7.2 of Chapter I of the Code.
- (3) A survey for the renewal of a SCV Safety Certificate shall be conducted up to two months prior to the expiry of the existing SCV Safety Certificate.
- (4) Where a renewal survey is conducted not more than 30 days before the date of expiry of the existing SCV Safety Certificate, the new certificate shall be dated from the expiry date.
- (5) An annual survey shall be undertaken in accordance with paragraph 7.3 of Chapter I of the Code.
- (6) An annual survey shall be conducted between the 10th and the 14th month of the anniversary date of the issuance of the existing SCV Safety Certificate
- (7) The Maritime Administration may, at any time where it is considered necessary, require a dry dock survey to be carried out on a vessel.
- (8) A survey under this regulation shall be undertaken by—
 - (a) the Maritime Administration, or
 - (b) a surveyor appointed under section 124(2) of the Act, or
 - (c) a surveyor organisation authorised under section 125(1) of the Act.

30. Small Commercial Vessel Safety Certificates

- (1) An application for an SCV Safety Certificate shall be—
 - (a) made in writing to the Maritime Administration by the owner of the vessel,
 - (b) accompanied by such information relating to the vessel as the Maritime Administration may require for the purpose of a survey under regulation 29, and
 - (c) accompanied by any fee that may be prescribed by the Maritime Administration.
- (2) An application in relation to a vessel that is being newly constructed or converted shall be submitted prior to the start of the construction or conversion.
- (3) Upon an application in accordance with subregulation (1), an SCV Safety Certificate shall be issued by the Maritime Administration if it is satisfied that a survey has been undertaken in accordance with these Regulations which confirms that the vessel complies with these Regulations.
- (4) Subject to regulations 32 and 33, an SCV Safety Certificate shall be issued for a period of validity not exceeding three years from the date of inspection, provided that the vessel successfully completes annual surveys within that period.
- (5) An SCV Certificate shall be in the form set out in Annex I to the Code.

31. Passenger ships on international voyages

- (1) This regulation applies to a Montserrat passenger vessel engaged on international voyages which—
 - (a) meets SCV exposed water requirements, and
 - (b) operates no more than 20 miles from a safe refuge.
- (2) This regulation only applies if the Maritime Administration notifies the IMO that the Code has been determined to be equivalent to the provisions of the Safety Convention.
- (3) If the Maritime Administration is satisfied that a vessel to which this regulation applies complies with—
 - (a) all relevant requirements of these Regulations and the Code, and
 - (b) the provisions of Chapter I/21(safety management system), I/22 (ship security system) and 1/23 (additional requirements) of the Code,

the Maritime Administration may issue a SOLAS Passenger Ship Safety Certificate in accordance with Chapter I/20 of the Code.

32. Suspension of safety certificates

- (1) In any case where a vessel does not comply with the requirements of these Regulations or the Code, the Maritime Administration may suspend the validity of the SCV Safety Certificate or the SOLAS Passenger Ship Safety Certificate.
- (2) Where the Maritime Administration suspends the validity of an SCV Safety Certificate or the SOLAS Passenger Ship Safety Certificate, the master shall immediately deliver up the certificate.
- (3) Where the Maritime Administration is satisfied that corrective action has been taken it shall restore the validity of the SCV Safety Certificate or the SOLAS Passenger Ship Safety Certificate and return the certificate to the master.

33. Cancellation of safety certificates

- (1) The Maritime Administration may cancel an SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate where there is reason to believe that—
 - (a) the SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate was issued on false or erroneous information, or
 - (b) since any survey required by these Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient.
- (2) The Maritime Administration may require that an SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate issued to a Montserrat ship which has expired or has been cancelled be surrendered.
- (3) No person shall—
 - (a) intentionally alter an SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate,
 - (b) intentionally make a false SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate,
 - (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information,
 - (d) with intent to deceive, use, lend, or allow to be used by another, an SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate, or
 - (e) fail to surrender an SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate required to be surrendered under subregulation (2) or regulation 32(2).

34. Equivalent standard (MLC 2006) Small Vessel Inspection Report

- (1) An application for a Small Vessel Inspection Report under Chapter IX/32 of the Code in respect of a vessel to which regulation 28 applies shall be—

 - (a) made in writing to the Maritime Administration by the owner of the vessel,
 - (b) accompanied by such information relating to the vessel and seafarers employed or engaged on the vessel as the Maritime Administration may require to be satisfied that the vessel complies with the provisions of regulation 28 and Part D of Chapter IX of the Code, and
 - (c) accompanied by any fee that may be prescribed by the Maritime Administration.
- (2) Upon an application in accordance with subregulation (1), a Small Vessel Inspection Report shall be issued by the Maritime Administration if it is satisfied that the vessel complies with regulation 28 and Part D of Chapter IX of the Code.
- (3) A Small Vessel Inspection Report shall be in the form set out in Annex 15A or 15B to the Code.

PART 7- ENFORCEMENT

35. Prohibition on proceeding to sea

- (1) A vessel to which these Regulations apply shall not proceed or attempt to proceed to sea or on a voyage unless—

 - (a) a SCV Safety Certificate or, if appropriate, a SOLAS Passenger Ship Safety Certificate, in relation to the vessel is currently in force,
 - (b) if applicable, a Small Vessel Inspection Report has been issued in respect of the vessel,
 - (c) the vessel complies with the requirements of these Regulations and the Code, including any requirements as to operation, manning and maintenance and is operated in accordance with any conditions as specified in the SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate, and
 - (d) the SCV Safety Certificate or SOLAS Passenger Ship Safety Certificate, as the case may be, and Small Vessel Inspection Report are displayed in a conspicuous place on board.
- (2) A passenger vessel shall not proceed or attempt to proceed to sea or on a voyage if the number of passengers exceed the total

number of passengers permitted to be carried on the ship by the Maritime Administration under regulation 9.

36. Inspection and control of vessels

- (1) An inspector may go on board and inspect—
 - (a) any vessel to which these Regulations apply, and
 - (b) the vessel's equipment, any part of the vessel, any equipment on board and any documentation carried in the vessel,for the purposes of ensuring compliance with these Regulations and the Code.
- (2) In the case of a foreign vessel, the power referred to in subregulation (1) is, unless the conditions in subregulation (3) apply, limited to verifying that there is on board a valid SCV Certificate required by these Regulations or the Code.
- (3) The conditions are that that the inspector has reasonable grounds for believing that—
 - (a) the condition of the vessel or its equipment does not correspond substantially with the particulars of a SCV Certificate or SOLAS Passenger Ship Safety Certificate, as the case may be,
 - (b) the condition of the vessel and its equipment is not maintained to conform to the provisions of the Code to ensure that the vessel in all respects is fit to proceed to sea without danger to the vessel or persons on board,
 - (c) following a survey required by the Code, changes have been made to the vessel without the approval of the Administration of the vessel's flag State, or
 - (d) the master or crew are not familiar with essential on-board procedures relating to the safety of the vessel.
- (4) The powers referred to in subregulation (1) to go on board a vessel may only be exercised if the ship in question is—
 - (a) in a port in Montserrat, or
 - (b) at an offshore installation in Montserrat waters.
- (5) For the purposes of this regulation, an inspector has the powers of an inspector conferred by sections 126 to 128 of the Act (powers of inspectors, etc.)
- (6) An inspection under this regulation shall be carried out in accordance with IMO resolution A.1119(30) on the Procedures for Port State Control.
- (7) Where a vessel which is not a Montserrat vessel is inspected for the purpose of this regulation, the inspector shall ensure that the report of that inspection is sent to—

- (a) the consul, diplomatic representative or Administration of the vessel's flag State, and
 - (b) the surveyor or other person responsible for the issue of a SCV Certificate or SOLAS Passenger Ship Safety Certificate, as the case may be, in respect of the vessel, and
 - (c) any other Party, if that Party requested the inspection.
- (8) When carrying out an inspection under this regulation, an inspector shall take all reasonable steps to avoid a vessel being unduly detained or delayed.

37. Detention

- (1) A Montserrat vessel which does not comply with these Regulations is liable to be detained.
- (2) A foreign vessel in Montserrat or Montserrat waters is liable to be detained if—
 - (a) the condition of the vessel or its equipment does not correspond substantially with the particulars of a SCV Certificate or SOLAS Passenger Ship Safety Certificate, as the case may be,
 - (b) the condition of the vessel or its equipment is not maintained to conform to the provisions of the Code to ensure that the vessel in all respects is fit to proceed to sea without danger to the vessel or persons on board, or
 - (c) following a survey required by the Code, changes have been made to the vessel without the approval of the Administration of the vessel's flag State.
- (3) Where a vessel is liable to be detained under these Regulations, the person detaining the vessel shall serve on the master a detention notice which shall—
 - (a) state the grounds of the detention, and
 - (b) require the terms of the notice to be complied with before the vessel is released by any person mentioned in section 134(5) of the Act (persons having power to detain) or the Maritime Administration.
- (4) Section 135 of the Act (enforcing detention of a ship) shall have effect in relation to the vessel, as if a detention under these Regulations was a detention under the Act.
- (5) Where a foreign vessel is detained, the Maritime Administration shall immediately inform the consul, diplomatic representative or Administration of the vessel's flag State.
- (6) Notwithstanding subregulation (1), an inspector may permit a vessel which is liable to be detained to proceed to sea for the

purpose of proceeding to the nearest appropriate repair yard if to do so does not pose a risk to the vessel or persons on board.

38. Arbitration

Section 136 of the Act (references of improvement, prohibition and detention notices to arbitration) applies in relation to a detention under regulation 37 as if references to a detention or detention notice in that section were references to a detention or detention notice issued in relation to a vessel detained under regulation 37.

39. Compensation for unjustified detention

- (1) If on a reference under regulation 38 to an arbitrator relating to a detention notice, the arbitrator decides that the owner has proved—

- (a) that the matter complained of did not constitute a valid basis for the detaining person's opinion, and
- (b) that there were no reasonable grounds for the issue of the detention notice,

the arbitrator may, subject to section 137(3) of the Act, award the owner such compensation in respect of any loss suffered in consequence of the detention of the vessel as the arbitrator thinks fit.

- (2) Any compensation awarded under this regulation is payable by the Maritime Administration and is enforceable as a debt.

40. Offences and penalties

- (1) Any contravention of regulation 8(1), 10(1), 11(1), 20(1), 26(4), 29 or 35 is an offence committed by each of—

- (a) the owner, and
- (b) the master.

- (2) Any contravention of regulation 27(2) is an offence committed by the owner.

- (3) Any contravention of regulation 23(2), 24(1) or (5), 32(2) or 33(2) is an offence committed by the master.

- (4) Any contravention of regulation 18(3) or (4), 25(2) or 33(3) is an offence committed by the person who acts in the prohibited manner.

- (5) A person who commits an offence under this regulation is liable—

- (a) on summary conviction to a fine not exceeding \$25,000;

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- (b) on conviction on indictment to a fine not exceeding \$100,000, or to imprisonment for a term not exceeding two years, or both.

41. Defence

- (1) It shall be a defence for a person charged with an offence under these Regulations to prove that he or she took all reasonable steps to ensure that the Regulations were complied with.
- (2) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or a requirement to do something so far as is reasonably practicable, it is for the person charged to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

PART 8 – SUPPLEMENTARY PROVISION

42. Saving provisions

A SCV Safety Certificate required by these Regulations which has been issued under any enactment and is valid immediately before the day on which these Regulations come into force—

- (a) has effect on and after that date as if it were issued under these Regulations, and
- (b) subject to the provisions of these Regulations, continues to be valid until its expiry.

43. Negative resolution

These Regulations are subject to negative resolution.

Made by the Governor acting on the advice of Cabinet this 3rd day of September, 2026.

(Sgd.) Alasdair Bain
Cabinet Secretary

Published by exhibition by the Cabinet Secretary at the Office of the Legislature, Farara Plaza, Brades, Montserrat, MSR1110, this 26th day of October, 2026.

(Sgd.) Alasdair Bain
Cabinet Secretary