

MONTSERRAT

STATUTORY RULES AND ORDERS

S.R.O 37 OF 2026

SAFETY OF NAVIGATION REGULATIONS 2026

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STATUTORY RULES AND ORDERS

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SAFETY OF NAVIGATION REGULATIONS 2026

THE SAFETY OF NAVIGATION REGULATIONS MADE BY THE GOVERNOR ACTING ON THE ADVICE OF CABINET UNDER SECTIONS 104, 114, 123 AND 141 TO 145 OF THE MERCHANT SHIPPING (REGISTRATION) ACT (CAP. 7.11).

PART 1- PRELIMINARY AND GENERAL MATTERS

1. Citation

These Regulations may be cited as the Safety of Navigation Regulations 2026.

2. Overview

These Regulations give effect to the provisions of Chapter V of the Safety Convention and the International Regulations which are given the force of law in Montserrat by virtue of section 122 of the Act; and to make associated provision.

3. Interpretation

- (1)** In these Regulations, unless the context otherwise requires—
- “**the Act**” means the Merchant Shipping (Registration) Act, (Cap. 7.11);
- “**Chapter V**” means Chapter V of the Safety Convention;
- “**Code**” means a Code issued under, and given mandatory effect by, the Safety Convention;
- “**foreign ship**” has the meaning given in section 2(1) of the Act;
- “**IMO**” means the International Maritime Organization;
- “**International Regulations**” means the Convention on the International Regulations for Preventing Collisions at Sea 1972, including Annexes I to IV, as amended;

“**Maritime Administration**” means the Maritime Administration established in accordance with 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;

“**Montserrat ship**” has the meaning given in section 2(1) of the Act;

“**Montserrat waters**” has the meaning given in section 2(1) of the Act;

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

“**State**” includes a territory.

- (2) A word or expression used in these Regulations which is defined in the Safety Convention or the International Regulations has the meaning given in the Safety Convention or the International Regulations, unless it is expressly otherwise provided.
- (3) Any provision in the Regulations, the Safety Convention or the International Regulations that requires that an approval, exemption, equivalent, direction, notice or similar matter shall be in writing, is satisfied where the text of the approval, exemption, equivalent, direction or notice is—
- (a) transmitted by electronic means,
 - (b) received in legible form, and
 - (c) capable of being used for subsequent reference.

4. **Dynamic references**

- (1) A reference in these Regulations to a provision of Chapter V, the International Regulations or to an Annex of the International Regulations is to be construed—
- (a) as a reference to the instrument as modified from time to time, and
 - (b) if the instrument is replaced, as a reference to the replacement.
- (2) For the purposes of subregulation (1)(a), Chapter V is modified if omissions, additions or other alterations to the text take effect in accordance with Article VIII of the Safety Convention.
- (3) A modification to, or replacement of Chapter V by virtue of subregulation (2) has effect at the time that such modification or replacement comes into force in accordance with Article VIII(b)(vii) or (c)(iii), as the case may be, of the Safety Convention.

- (4) For the purposes of subregulation (1), a provision of the International Regulations or Annex is—
 - (a) modified, if an omission, addition, or other alteration to the text, or
 - (b) replaced, if a replacement,takes effect in accordance with Article VI of the International Regulations.
- (5) A modification to or a replacement by virtue of subregulation (4) has effect at such time as the modification or replacement comes into force in accordance with Article VI(4) of the International Regulations.
- (6) The Maritime Administration shall as soon as reasonably practicable –
 - (a) notify the House of Assembly of any modification or replacement by virtue of subregulation (1), and
 - (b) publish details of the modification or replacement with an explanation of the effect in such manner as the Maritime Administration thinks fit.
- (7) 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.

5. General application

- (1) These Regulations apply to—
 - (a) a Montserrat ship (wherever it may be),
 - (b) a foreign ship while it is within Montserrat and Montserrat waters,
 - (c) a seaplane which is registered in Montserrat and is on or over waters (wherever they may be), and
 - (d) any other seaplane which is on or over Montserrat or Montserrat waters.
- (2) In this regulation “ship” includes—
 - (a) a fishing vessel, and
 - (b) a hovercraft.

6. Guidance

- (1) The Maritime Administration may publish guidance about the effect of these Regulations.
- (2) An owner and a master of a ship shall have regard to any guidance published under subregulation (1).

**PART 2- SAFETY OF NAVIGATION (SAFETY CONVENTION:
CHAPTER V)**

Implementation of Chapter V of the Safety Convention

7. Construction of references in the Safety Convention to Administrations etc, Flag States and Contracting Governments

In applying any provision of Chapter V of the Safety Convention in accordance with these Regulations, unless the context indicates otherwise—

(a) a reference to the “Administration of a State”, the “Administration” or to the “Flag State” is to be construed—

- (i) in relation to a Montserrat ship, as a reference to the Maritime Administration, and
- (ii) in relation to a foreign ship, as a reference to the maritime administration of the ship’s Flag State or, if none, the government of the Flag State, and

(b) a reference to a Contracting Government or a Party is to be construed as a reference to—

- (i) in relation to Montserrat or Montserrat waters, subject to regulation 8, the Government of Montserrat, and
- (ii) in relation to any other State or the waters of any other State, the Government of that State if it is a Party,

and references to a duty or requirements imposed on, or undertakings given by, an Administration, Flag State, Contracting Government or Party are to be read accordingly.

Navigational safety functions of the Montserrat Government

8. Conferral of functions on the Montserrat Government

(1) The functions conferred on the Montserrat Government by Chapter V shall be discharged in accordance with this regulation.

(2) The Maritime Administration shall perform the functions conferred on the Montserrat Government under the following Regulations in Chapter V—

- (a) Regulation V/4 (navigational warnings);
- (b) Regulation V/5 (meteorological service and warnings);
- (c) Regulation V/7 (search and rescue services), including cooperating with relevant passenger ships on the development and exercising of plans for cooperation with appropriate search and rescue services;

- (d) Regulation V/8 (lifesaving signals);
 - (e) Regulation V/10 (ships routing);
 - (f) Regulation V/11 (ship reporting systems);
 - (g) Regulation V/12 (vessel traffic services).
- (3) The Port Authority shall perform the functions conferred on the Montserrat Government under—
- (a) Regulation V/9 (hydrographic services);
 - (b) Regulation V/13 (establishment and operation of aids to navigation).

9. Discretionary functions of the Maritime Administration

Where a function is conferred by regulation 8, in exercising that function, the person or body concerned shall have regard to any provision of—

- (a) guidance issued or adopted in accordance with regulation 6;
- (b) a Code, and
- (c) IMO guidelines,

which is relevant to the function.

Navigational safety: ships

10. Application of Chapter V of the Safety Convention

- (1) Regulations 11 to 17 apply to all ships to which these Regulations apply on all voyages, except—
- (a) warships and naval auxiliaries,
 - (b) foreign ships owned or operated by a State and used, for the time being, only on Government non-commercial service, and
 - (c) ships operating solely in waters landward of the baseline for measuring Montserrat's territorial sea.
- (2) A rigidly connected composite unit of a pushing vessel and associated pushed vessel, when designed as a dedicated and integrated tug and barge combination, shall be regarded as a single ship for the purpose of this Part.

11. Requirements of Chapter V

- (1) Subject to subregulation (2), a ship to which this Part applies shall comply with the provisions of Chapter V which are applicable to the ship's type, size and date of construction.
- (2) The provisions of Chapter V specified in subregulation (3) do not apply to—

- (a) ships below 150 GT engaged on any voyage,
 - (b) ships below 500 GT not engaged on international voyages, and
 - (c) fishing vessels.
- (3)** The provisions of Chapter V are—
 - (a) regulation V/15 (principles relating to bridge design, design and arrangement of navigational systems and equipment and bridge procedures);
 - (b) regulation V/16 (maintenance of equipment);
 - (c) regulation V/17 (electromagnetic compatibility);
 - (d) regulation V/18 (approval, surveys, and performance standards of navigational systems and equipment and voyage data recorders);
 - (e) regulation V/19 (carriage requirements for shipborne navigational systems and equipment);
 - (f) regulation V/20 (voyage data recorders);
 - (g) regulation V/21 (International Codes of Signals and IAMSAR Manual);
 - (h) regulation V/22 (navigation bridge visibility);
 - (i) regulation V/23 (pilot transfer arrangements);
 - (j) regulation V/24 (use of heading and/or track control systems);
 - (k) regulation V/25 (operation of steering gear);
 - (l) regulation V/26 (steering gear testing and drills);
 - (m) regulation V/27 (nautical charts and nautical publications);
 - (n) regulation V/28 (records of navigational activities and daily reporting).
- (4)** In the case of a passenger ship to which these Regulations apply, for the purposes of regulation V/7(3) (developing a plan for search and rescue cooperation)—
 - (a) a plan for cooperation with appropriate search and rescue services shall be developed in collaboration with the Maritime Administration based on relevant IMO guidelines, and
 - (b) the plan shall include provision for periodic exercises to be undertaken in conjunction with the Maritime Administration to test its effectiveness.

12. Ships' manning

- (1) A ship shall not proceed to sea unless it is sufficiently and efficiently manned.
- (2) For the purposes of this regulation, a ship is sufficiently and efficiently manned if—
 - (a) in the case of—
 - (i) a Montserrat ship, the Maritime Administration has issued a valid safe manning document in respect of the ship;
 - (ii) a foreign ship, the Maritime Administration of the ship's flag State has issued a valid safe manning document in respect of the ship, and
 - (b) the manning of the ship is maintained at all times to at least the levels specified in that document.
- (3) A safe manning document shall be issued by the Maritime Administration if the Maritime Administration is satisfied, on the application of the ship's owner, that the number, grades and qualifications of the crew proposed in the application shall secure that the objectives and principles of minimum safe manning set out in Annex 1 to IMO Resolution A.1047(27) (Principles of Minimum Safe Manning) shall be met by the ship if it proceeds to sea.
- (4) The safe manning document shall be kept on board the ship at all times.
- (5) Where, after the Maritime Administration has issued a safe manning document, there is any change in circumstances which is pertinent to that document, the owner shall immediately inform the Maritime Administration of those changes.
- (6) Upon receipt of notification under subregulation (5), the Maritime Administration may review the document's continuing validity or approve amendments to the document.

13. Responsibility to maintain Chapter V equipment

- (1) Adequate arrangements shall be in place and all reasonable steps shall be taken to ensure that the performance of the systems and equipment required under Chapter V is maintained.
- (2) Notwithstanding subregulation (1), if a suitable arrangement is made by the master to take any inoperative equipment or unavailable information into account in planning and executing a safe voyage to a port where repairs can take place, malfunction of that equipment shall not be considered as making the ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available.

14. Operational limitations

- (1) This regulation applies to passenger ships engaged on international voyages.
- (2) A list of all limitations on the operation of a passenger ship, including exemptions, restrictions in operating areas, weather restrictions, sea state restrictions, restrictions in permissible loads, trim, speed and any other limitations, whether imposed by the Maritime Administration or established during the design or the building stages, shall be compiled before the passenger ship is put in service.
- (3) The list, together with any necessary explanations, shall be—
 - (a) documented in a form acceptable to the Maritime Administration, and
 - (b) kept on board readily available to the master.
- (4) The list shall be kept updated.
- (5) If the language used is not English or French, the list shall be provided in one of those two languages.

15. Masters' discretion

No person shall prevent or restrict the master of a ship from taking or executing any decision which, in the master's professional judgement, is necessary for safety of life at sea and protection of the marine environment.

16. Misuse of distress signals

The use of—

- (a) an international distress signal, except for the purpose of indicating that a person or persons are in distress, or
- (b) any signal which may be confused with an international distress signal,

is prohibited.

17. Exemptions and equivalents: Chapter V

- (1) The Maritime Administration may grant—
 - (a) general exemptions from the provisions of Regulations V/15, V/17, V/18, V/19 (except V/19.2.1.7), V/20, V/22, V/24, V/25, V/26, V/27, and V/28 of Chapter V to Montserrat ships without mechanical means of propulsion, and
 - (b) exemptions or equivalents of a partial or conditional nature to individual Montserrat ships when any such ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the

voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of Chapter V unreasonable or unnecessary, provided that the Maritime Administration has taken into account the effect such exemptions and equivalents may have upon the safety of all other ships,

- (c) exemptions to individual Montserrat ships from the application of the provisions of—
 - (i) Regulation V/19.2.4 of Chapter V, where the circumstances specified in Regulation V/19.2.4.4 of that Chapter apply,
 - (ii) Regulation V/19.2.10 of Chapter V, where the circumstances specified in Regulation V/19.2.11 of that Chapter apply, and
- (d) to individual Montserrat ships constructed before 1 July 2002, other than ro-ro passenger ships, exemptions from being fitted with a voyage data recorder where the circumstances specified in Regulation V/20.3 of Chapter V apply.
- (2) The Maritime Administration shall submit to the IMO, as soon as possible after 1 January in each year, a report summarizing all new exemptions and equivalents granted under this regulation during the previous calendar year and giving the reasons for granting such exemptions and equivalents.

PART 3- INTERNATIONAL REGULATIONS

18. Application of Part 3

This Part applies to all ships to which these Regulations apply.

19. Construction of references to vessels in the International Regulations

In applying any provision of the International Regulations in accordance with these Regulations, a reference to a vessel is to be construed as a reference to a ship.

20. Prevention of collisions

A ship shall comply with the provisions of Rules 1 to 36 and Annexes I to III of the International Regulations.

21. Signals of distress

- (1) The master of a ship shall not use a signal of distress unless it is a signal listed in Annex IV of the International Regulations.
- (2) The master of a ship shall not order any signal of distress to be used in relation to the ship unless satisfied that—

- (a) the ship is in serious and imminent danger, or that another ship or an aircraft or person is in serious and imminent danger and cannot send a signal, and
 - (b) the ship, aircraft or person in danger requires immediate assistance in addition to any assistance then available.
- (3) No person, other than the master, may use a signal of distress unless the master has authorised or ordered that person to use the signal.
- (4) The master of a ship which has sent a signal of distress by radio or other means shall cause that signal to be withdrawn by all appropriate means as soon as the master is satisfied that the relevant ship, aircraft or person is no longer in need of additional immediate assistance.

22. Exemptions etc from the International Regulations

- (1) The Maritime Administration may exempt a ship to which Rule 1(e) of the International Regulations applies (ship of special construction or purpose) from any of the provisions of the International Regulations with respect to—
 - (a) the number, position, range or arc of visibility of lights or shapes, and
 - (b) the disposition and characteristics of sound-signalling appliances,if the Maritime Administration is satisfied that it is unreasonable or impracticable for the ship to comply with those provisions.
- (2) Where the Maritime Administration grants an exemption in respect of a ship under subregulation (1), the ship shall comply with any other requirements that the Maritime Administration specifies (which may in particular refer to other enactments), as the closest possible compliance with the International Regulations with respect to that ship, in relation to—
 - (a) the number, position, range or arc of visibility of lights or shapes, and
 - (b) the disposition and characteristics of sound-signalling appliances.
- (3) The Maritime Administration may in writing exempt a ship to which subregulation (4) applies (individually or as a member of a class) from compliance with these Regulations to the extent specified in Rule 38(a) to (h) of the International Regulations.
- (4) A ship which may be exempted is a ship—
 - (a) to which Rule 38 of the International Regulations applies (ship constructed before the entry into force of the International Regulations), and

- (b) which complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960.

(5) An exemption granted under subregulation (1) —

- (a) shall be in writing, and
- (b) may, on the giving of reasonable notice, be altered or cancelled.

PART 4 - ENFORCEMENT

23. Offences and penalties

- (1) Any contravention of regulation 15 shall be an offence by the person who prevents or restricts the master from taking or executing any decision.
- (2) Any contravention of regulation 16 shall be an offence by the person who uses a distress signal in a prohibited manner.
- (3) Any contravention of regulation 20 or 22(2) is an offence by each of the following—
 - (a) the owner,
 - (b) the master, and
 - (c) any other person for the time being responsible for the conduct of the ship.
- (4) Any contravention of regulation 21(1), (2) or (4) is an offence by the master.
- (5) Any contravention of regulation 21(3) is an offence by the person using the signal of distress.
- (6) A person who commits an offence under this regulation is liable—
 - (a) on summary conviction to a fine not exceeding \$25,000, or
 - (b) on conviction on indictment to a fine not exceeding \$100,000, or to imprisonment for a term not exceeding two years, or both.

24. Defences

It is a defence for a person charged with an offence under these Regulations to show that the person took all reasonable precautions to avoid the commission of the offence.

25. Power to detain

- (1) Any ship in contravention of these Regulations which proceeds or attempts to proceed to sea may be detained.

- (2) Sections 134 and 135 of the Act (power to detain; enforcing detention of a ship) apply to a detention of a ship under this regulation as if a detention under these Regulations was a detention under the Act.

26. Arbitration

Section 136 of the Act (references of improvement, prohibition and detention notices to arbitration) applies in relation to a detention under regulation 25 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 ship detained under regulation 25.

27. Compensation for unjustified detention

- (1) If on a reference to an arbitrator under regulation 26 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 officer'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 ship as the arbitrator thinks fit.
- (2) Any compensation awarded under this regulation is payable by the Maritime Administration and is enforceable as a debt.

PART 5 - MISCELLANEOUS

28. 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