**MONTSERRAT**

**STATUTORY RULES AND ORDERS**

**S.R.O. 39 OF 2026**

# MARINE ACCIDENT REPORTING AND INVESTIGATION REGULATIONS 2026

## ARRANGEMENT OF REGULATIONS


**PART 1 – PRELIMINARY ..... 3**

1. Citation ..... 3
2. Purpose ..... 3
3. Interpretation ..... 4
4. Electronic communication ..... 7
5. Meaning of "accident" etc ..... 7
6. Dynamic references ..... 8
7. Regulations without prejudice to power of Minister to order investigation ..... 8
8. Application ..... 8

**PART 2 - ACCIDENT REPORTING ..... 9**

9. Duty to report accidents and serious injuries ..... 9
10. Preservation of evidence ..... 10

**PART 3 - MARINE SAFETY INVESTIGATIONS ..... 12**

11. Action following notification of an accident ..... 12
12. Subsequent or reopened investigations ..... 14
13. Notification of commencement of investigation ..... 14
14. Notification to other States ..... 15
15. Objective of a marine safety investigation ..... 15
16. Appointment of investigators ..... 16
17. Conduct of a marine safety investigation ..... 17
18. Evidence of seafarers ..... 18
19. Co-operation with other States ..... 18
20. Completion of investigation and draft marine safety investigation report 20
21. Final marine safety investigation reports ..... 21
22. Publication of marine safety investigation reports ..... 22
23. Response to recommendations in a marine safety investigation report 23
24. Publication of reports other than marine safety investigations reports 23

25. General recommendations ..... 23
26. Prohibition on disclosure of information ..... 24
27. Extension of time ..... 26
28. Service of documents ..... 26
29. Offences and penalties ..... 26

**PART 4 - MISCELLANEOUS ..... 27**

30. Negative resolution ..... 27

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# MARINE ACCIDENT REPORTING AND INVESTIGATION REGULATIONS 2026

**THE MARINE ACCIDENT REPORTING AND INVESTIGATION REGULATIONS 2026 MADE BY THE GOVERNOR ACTING ON THE ADVICE OF CABINET UNDER SECTIONS 123, 138, 141 TO 145 OF THE MERCHANT SHIPPING (REGISTRATION) ACT (CAP. 7.11).**

## PART 1 – PRELIMINARY

### 1. Citation

These Regulations may be cited as the Marine Accident Reporting and Investigation Regulations 2026.

### 2. Purpose

The purpose of these Regulations is to give effect, in so far as they are extended to and given the force of law in Montserrat, to—

*(a)* Article 94(7) (duties of flag States: inquiries into marine casualties or incidents of navigation) of the United Nations Convention on the Law of the Sea of 10th December 1982,

*(b)* Article 23 (casualties) of the International Convention on Load Lines 1966 of 5th April 1966 as modified by the 1988 Protocol of 11 November 1988,

*(c)* Regulation 21 of Chapter 1 (casualties) and Regulation 6 of Chapter XI-1 (special measures to enhance maritime safety) of the International Convention for the Safety of Life at Sea 1974 of 1November 1974, as modified by the 1988 Protocol of 11 November 1988,

*(d)* Article 12 (casualties to ships) of the International Convention for the Prevention of Pollution from Ships 1973 of 12 November 1973, as modified by the 1978 Protocol of 17 February 1978 and the 1997 Protocol of 26 September 1997, and

*(e)* the Casualty Investigation Code, and to make associated provision.

**3. Interpretation**

**(1)** In these Regulations—

"**accident**" has the meaning given in regulation 5(1);

"**the Act**" means the Merchant Shipping (Registration) Act, (Cap 7.11);

"**Casualty Investigation Code**" means the means the Code of the International Standards and Recommended Practices for a Marine Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) adopted by the IMO by Resolution MSC.255(84) on 16th May 2008;

"**Chief Marine Accident Investigator**" means the person appointed by the Governor under section 138(1) of the Act as Chief Accident Marine Investigator;

"**draft report**" means a draft Marine Safety Investigation Report prepared in accordance with regulation 20;

"**final report**" means a Marine Safety Investigation Report prepared in accordance with regulation 21;

"**foreign ship**" has the meaning given in section 2(1) of the Act;

"**Harbour Master**" means the person appointed as Harbour Master under section 3B of the Act; and includes any person acting under the Harbour Master's express or implied authority;

"**IMO**" means the International Maritime Organization;

"**IMO guidelines on the fair treatment of seafarers**" means the Guidelines on fair treatment of seafarers in the event of a maritime accident adopted by the IMO by Resolution A.987(24);

"**incapacitation**" means a person's inability to undertake their full range of normal activities;

"**inspector**" means a person appointed as an inspector under section 124(1) of the Act;

"**investigator**" means a person appointed as an investigator by the Chief Marine Accident Investigator under section 138(1)(b) of the Act as an investigator of marine accidents; and in the context of the safety investigation of a particular accident includes any person appointed to investigate that accident under regulation 16;

"**marine casualty**" has the meaning given in regulation 5(3)*(a);*

"**marine incident**" has the meaning given in regulation 5(3)*(b)*;

"**marine safety investigation**" means an investigation or inquiry into an accident conducted under these Regulations with the objective of preventing future accidents;

"**marine safety investigation authority**" means an authority in a State, other than Montserrat, responsible for investigating accidents in accordance with the Casualty Investigation Code;

"**marine safety record**" means any of the following types of records, including those in electronic form, collected for a marine safety investigation—

*(a)* a statement taken for the purpose of a marine safety investigation,

*(b)* a communication between persons pertaining to the operation of a ship involved in an accident,

*(c)* medical or private information regarding persons involved in the marine casualty or marine incident,

*(d)* a record of the analysis of information or evidential material acquired in the course of a marine safety investigation, and

*(e)* information from a voyage data recorder;

"**Maritime Administration**" means the Maritime Administration established in accordance with section 3A(2) of the Act;

"**Minister**" means the Minister responsible for maritime affairs in Montserrat;

"**Port Manager**" has the meaning given in section 2(1) of the Act;

"**seafarer**" means any person who is employed or engaged or works in any capacity on board a ship;

"**senior surviving officer**" means the senior surviving officer in the deck department; and if there is no surviving officer in the deck department, then whoever is the senior surviving officer between—

*(a)* the senior surviving engineer officer, or

*(b)* the senior surviving electro-technical officer;

"**serious injury**" means an injury which is sustained by a person, resulting in—

*(a)* incapacitation, or

*(b)* the person being unable to function normally for more than 72 hours, commencing within

seven days from the date when the injury was suffered;

"**severe damage to the environment**" means damage to the environment which, as evaluated by the Montserrat Government or another State affected, or a Flag State, produces a major deleterious effect upon the environment;

"**ship's boat**" includes a liferaft, painting punt and any boat normally carried by a ship;

"**State**" includes a territory;

"**substantially interested State"** means a State—

*(a)* which is the flag State of a ship involved in an accident,

*(b)* which is the coastal State involved in an accident,

*(c)* whose environment was severely or significantly damaged by an accident (including the environment of its waters and territories recognised under international law),

*(d)* where the consequences of an accident caused, or threatened, serious harm to that State or to artificial islands, installations, or structures over which it is entitled to exercise jurisdiction,

*(e)* where, as a result of an accident, nationals of that State lost their lives or received serious injuries,

*(f)* that has important information at its disposal that the Chief Marine Accident Investigator considers useful to a marine safety investigation, or

*(g)* that for some other reason establishes an interest that is considered significant by the Chief Marine Accident Investigator;

"**very serious marine casualty**" has the meaning given in regulation 5(3)*(c)*;

"**voyage data recorder**" means the electronic or mechanical equipment which may be installed on a ship to record key navigational and control information.

**(2)** Where a ship is operated or managed by a person other than by the owner (whether on behalf of the owner or some other person, or on their own behalf, including a bareboat charterer), a reference in these Regulations to the owner includes a reference to that person.

**4. Electronic communication**

In these Regulations, a requirement that a notice shall be in writing is satisfied where the text of a notification is—

*(a)* transmitted by electronic means,

*(b)* received in legible form, and

*(c)* capable of being used for subsequent reference.

**5. Meaning of "accident" etc**

**(1)** For the purposes of these Regulations, "**accident**" means—

*(a)* a marine casualty,

*(b)* a marine incident, or

*(c)* a very serious marine casualty.

**(2)** An accident does not include a deliberate act or omission with the intention to cause harm to the safety of a ship, an individual or the environment.

**(3)** In this regulation—

*(a)* "**marine casualty**" means an event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship involving—

(i) the death of, or serious injury to, a person;
(ii) the loss of a person from a ship;
(iii) the loss, presumed loss or abandonment of a ship;
(iv) material damage to a ship;
(v) the stranding or disabling of a ship, or the involvement of a ship in a collision;
(vi) material damage to marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or any individual;
(vii) severe damage to the environment, or the potential for severe damage to the environment, brought about by damage to a ship or ships,

*(b)* "**marine incident**" means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a ship that endangered, or, if not corrected, would endanger—

(i) the safety of a ship, its crew or passengers or any other person, or
(ii) the environment,

*(c)* "**very serious marine casualty**" means a marine casualty involving—

(i) the total loss of a ship,
(ii) loss of life, or

(iii) severe damage to the environment, and

*(d)* "**material damage**", in relation to a marine casualty, means—

(i) damage that—

(A) significantly affects the structural integrity, performance or operational characteristics of marine infrastructure or a ship, and

(B) requires major repair or replacement of a major component or components, or

(ii) destruction of the marine infrastructure or ship.

**6. Dynamic references**

**(1)** Any reference in these Regulations to a specific provision in an international instrument 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)** In this regulation "international instrument" means an international convention or treaty or an instrument, including a code, made under such a convention or treaty.

**(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.

**7. Regulations without prejudice to power of Minister to order investigation**

The duties and powers conferred by these Regulations are without prejudice to the power of the Governor or Minister to cause an inquiry or formal investigation into a shipping casualty to be held under any other enactment.

**8. Application**

**(1)** Subject to subregulation (2), **t**hese Regulations apply to an accident involving or occurring on board—

*(a)* a Montserrat ship, wherever it may be;

*(b)* any other ship within Montserrat or Montserrat waters;

*(c)* any ship where, as a result of the accident—

(i) a Montserrat citizen lost his or her life or suffered serious injuries, or

(ii) in the opinion of the Chief Marine Accident Investigator the substantial interests of Montserrat are involved.

**(2)** These Regulations do not apply to an accident involving or occurring on board—

*(a)* a warship;

*(b)* a ship that is not propelled by mechanical means;

*(c)* a ship that is wooden and of traditional build which is not primarily propelled by mechanical means, including a dhow or junk which is made of wood and provided with sails;

*(d)* a fishing vessel of less than 15 metres length overall.

## PART 2 - ACCIDENT REPORTING

### 9. Duty to report accidents and serious injuries

**(1)** A person listed in subregulation (2) shall notify the Chief Marine Accident Investigator of the occurrence of an accident as soon as is practicable and by the quickest means available.

**(2)** The persons are—

*(a)* the master or, if the master has not survived, the senior surviving officer;

*(b)* the ship's owner, unless the master or senior surviving officer has reported the accident in accordance with paragraph *(a)*;

*(c)* in the case of an accident within or adjacent to the limits of any port or harbour in Montserrat, the Port Manager;

*(d)* the Harbour Master, in the case of an accident—

(i) in Montserrat or Montserrat waters, or

(ii) involving a Montserrat ship wherever it may be and the Harbour Master has been informed of the accident.

**(3)** A person making a notification in accordance with subregulation (1) shall, in so far as is practicable, include the information set out in subregulation (4).

**(4)** The information to be provided includes—

*(a)* the name of the ship and its flag State;

*(b)* the IMO ship identification number;

*(c)* the nature or type of the ship or ships involved;

*(d)* the date and time of the accident;

*(e)* the latitude and longitude or geographical position at which the accident occurred;

*(f)* the number of people killed or seriously injured;

*(g)* the consequences of the accident to individuals, property and the environment;

*(h)* the identification of any other ship involved.

**(5)** In addition to making a notification under the preceding subregulations, the persons specified in subregulation (2) shall, so far as is reasonably practicable, ensure that—

*(a)* the circumstances of every accident are examined, and

*(b)* a report giving the findings of such examination, stating any measures taken or proposed to be taken to prevent a recurrence, is provided to the Chief Marine Accident Investigator as soon as is practicable.

**(6)** Any person who provides—

*(a)* information in a notification under subregulation (1), or

*(b)* a report under subregulation (5),

shall ensure that the information provided is accurate to the best of their ability and knowledge.

**(7)** Unless the accident involves any of the events listed in subregulation (8), this regulation does not apply in relation to—

*(a)* a pleasure vessel,

*(b)* a recreational craft which is hired on a bareboat basis, or

*(c)* any other craft or boat, other than one carrying passengers, which is in commercial use in a harbour and is less than 8 metres overall in length.

**(8)** The events are—

*(a)* an explosion;

*(b)* a fire;

*(c)* a death;

*(d)* a serious injury;

*(e)* capsize of a power-driven craft or boat;

*(f)* severe damage to the environment.

**(9)** In subregulation (7), "**hired on a bareboat basis**" means hired without a professional master, skipper or crew.

**10. Preservation of evidence**

**(1)** This regulation applies to an accident which shall be reported to the Chief Marine Accident Investigator under regulation 9**.**

**(2)** Following an accident, the persons mentioned in subregulation (3) shall, so far as is practicable, ensure that the documents or records listed in subregulation (4) relating to the ship or the accident are kept, and that no alteration is made to any recordings or entries in them.

**(3)** The persons referred to in subregulation (2) are—

*(a)* the master of the ship or, if the master has not survived, the senior surviving officer;

*(b)* the ship's owner, unless the master or senior surviving officer has taken the action in question;

*(c)* the Harbour Master;

*(d)* the Port Manager.

**(4)** The documents or records are—

*(a)* charts;

*(b)* log books;

*(c)* recorded information relating to the period preceding, during and after an accident, including information from a voyage data recorder and video recorders;

*(d)* all other documents or records which might reasonably be considered relevant to the accident.

**(5)** Following an accident, the persons mentioned in subregulation (3) shall also ensure that—

*(a)* all information from a voyage data recorder or recording system relating to the circumstances of an accident is saved and preserved, in particular by taking steps, where necessary, to prevent such information from being overwritten, and

*(b)* any other equipment which might reasonably be considered relevant to the investigation of the accident is so far as practicable left undisturbed.

**(6)** The duties under subregulation (1) or (5) continue until—

*(a)* written notification is received from the Chief Marine Accident Investigator that no marine safety investigation is to take place or that the investigation has been completed,

*(b)* 30 days have passed since the Chief Marine Accident Investigator received the report referred to in regulation 9(1) and no written notice has been given by the Chief Marine Accident Investigator that it has been decided to investigate the matter, or

*(c)* the Chief Marine Accident Investigator or an investigator gives written notification that they are no longer required.

**(7)** The Chief Marine Accident Investigator or an investigator may, pending investigation, prohibit persons from gaining access to, or interfering with, any ship, ship's boat or other equipment involved in an accident.

**(8)** Following an accident, the Chief Marine Accident Investigator may, if it is considered reasonably necessary for the collection or preservation of evidence in connection with any marine safety investigation, require the master or, if the master has not survived, the senior surviving officer and the ship's owner to ensure that a ship is accessible to an investigator engaged in the investigation of the accident, until the process of collecting or preserving evidence has been completed to the Chief Marine Accident Investigator's satisfaction.

**(9)** The Chief Marine Accident Investigator shall not require a ship to remain in Montserrat waters in accordance with subregulation (8) any longer than is necessary for the collection or preservation, as the case may be, of the evidence and shall take all reasonable steps to ensure that such evidence is collected or preserved expeditiously.

**(10)** No requirement under subregulation (8) is to be imposed unless the Chief Marine Accident Investigator has reasonable grounds for believing that if the ship leaves Montserrat waters access to—

*(a)* the ship,

*(b)* any member of the crew, or

*(c)* any evidence on board relating to the investigation,

may subsequently be denied to an investigator conducting a marine safety investigation.

## PART 3 - MARINE SAFETY INVESTIGATIONS

### 11. Action following notification of an accident

**(1)** Where the Chief Marine Accident Investigator has received a notification under regulation 9(1) or (2) or a report under regulation 9(4), the Chief Marine Accident Investigator—

*(a)* shall arrange that a marine safety investigation is carried out in relation to—

(i) an accident that is a very serious marine casualty,

(ii) an accident other than a very serious marine casualty if the Chief Marine Accident Investigator is satisfied that a marine safety investigation may provide information that can be used to prevent accidents in the future, and

*(b)* may arrange that a marine safety investigation is carried out in relation to any other accident.

**(2)** The Chief Marine Accident Investigator may request such information as the Chief Marine Accident Investigator considers necessary concerning the accident and any remedial action taken as a result from—

*(a)* the master or, if the master has not survived, the senior surviving officer,

*(b)* the ship's owner,

*(c)* the Harbour Master,

*(d)* the Port Manager, or

*(e)* any other person that the Chief Marine Accident Investigator has reasonable grounds to believe holds relevant information.

**(3)** In making a decision under subregulation (1)*(b*, the Chief Marine Accident Investigator shall take into account—

*(a)* the seriousness of the accident,

*(b)* the type of vessel and or cargo involved, and

*(c)* the potential for the findings of a marine safety investigation to lead to the prevention of future accidents.

**(4)** The Chief Marine Accident Investigator may decide not to carry out a marine safety investigation if satisfied that—

*(a)* any loss of life resulted solely from suicide or natural causes, or

*(b)* any serious injury resulted solely from attempted suicide,

and in such circumstances the Chief Marine Accident Investigator may discontinue any marine safety investigation which has already been commenced.

**(5)** The Chief Marine Accident Investigator shall arrange for a marine safety investigation to be commenced as promptly as is practicable after an accident occurs, and in any event no later than two months after the accident is notified to the Chief Marine Accident Investigator.

**(6)** For the purposes of making a decision under this regulation, the powers in section 128 of the Act (powers of inspectors, etc.) apply.

**(7)** Any person who is requested to provide information under subregulation **(**2) shall—

*(a)* comply with the request unless providing the information would be contrary to any enactment or rule of law, and

*(b)* ensure that the information provided is accurate to the best of their ability and knowledge.

**12. Subsequent or reopened investigations**

**(1)** Notwithstanding a decision not to arrange a marine safety investigation, the Chief Marine Accident Investigator may at any subsequent time commence a marine safety investigation if satisfied that there is a good reason in the interests of future safety to do so.

**(2)** The Chief Marine Accident Investigator may re-open a marine safety investigation if, following its completion, new evidence is discovered which in the Chief Marine Accident Investigator's opinion could have a material effect on any safety recommendations made.

**(3)** Any marine safety investigation may be re-opened either in whole or as to any part of it and a re-opened investigation is subject to the provisions of these Regulations.

**13. Notification of commencement of investigation**

**(1)** Where a marine safety investigation is to be carried out, the Chief Marine Accident Investigator shall notify the persons listed in subregulation (2) of the commencement of the investigation and provide those persons with the information listed in subregulation (3).

**(2)** The persons are—

*(a)* the master of the ship or ships involved in the accident or, if the master has not survived, the senior surviving officer;

*(b)* the owner of the ship or ships involved;

*(c)* the Harbour Master;

*(d)* the Port Manager, if not the Harbour Master.

**(3)** The information includes—

*(a)* details of the marine casualty or marine incident under investigation;

*(b)* the time and place at which the marine safety investigation will commence;

*(c)* the name and contact details of the investigator or investigators appointed under regulation 16;

*(d)* the relevant details of the legislation under which the marine safety investigation is being conducted;

*(e)* the rights and obligations of the persons subject to the marine safety investigation;

*(f)* the rights and obligations of those carrying out the marine safety investigation.

**(4)** The Chief Marine Accident Investigator shall give public notice of the commencement of a marine safety investigation

as soon as is reasonably practical and in such manner as is seen fit.

**(5)** A public notice given under subregulation (4) may invite any persons who so desire to present relevant evidence to an investigator in such a manner and within such a time as is specified in the notice.

**14. Notification to other States**

**(1)** If the Chief Marine Accident Investigator is notified that a Montserrat ship has been involved in an accident on the high seas or in an exclusive economic zone of a State other than Montserrat, the Chief Marine Accident Investigator shall inform the marine safety investigation authority of any substantially interested State as soon as is reasonably practicable.

**(2)** If the Chief Marine Accident Investigator is notified that a foreign ship has been involved in an accident in Montserrat or Montserrat waters, the Chief Marine Accident Investigator shall inform the marine safety investigation authority of any substantially interested State as soon as is reasonably practicable.

**(3)** A notification under subregulations (1) or (2) shall, so far as is practicable, include—

*(a)* the information set out in regulation 13(3), and

*(b)* the name and contact details of the Chief Marine Accident Investigator and any investigator appointed to investigate the accident.

**15. Objective of a marine safety investigation**

**(1)** The sole objective of a marine safety investigation is the prevention of future accidents through the ascertainment of its causes and circumstances.

**(2)** The purpose of a marine safety investigation is not to determine liability nor, except so far as is necessary to achieve its objective, to apportion blame.

**(3)** A marine safety investigation shall be carried out taking into account the principles of investigation set out in Chapter 16 of the Casualty Investigation Code.

**(4)** A marine safety investigation shall include but is not limited to—

*(a)* the collection and analysis of evidence,

*(b)* the identification of causal factors, and

*(c)* where appropriate, the making of safety recommendations.

**16. Appointment of investigators**

**(1)** Where a marine safety investigation is to be carried out, the Chief Marine Accident Investigator shall appoint one or more persons from those listed in subregulation (2) to carry out the investigation.

**(2)** The persons are—

*(a)* the Chief Marine Accident Investigator;

*(b)* an investigator;

*(c)* the UK Chief Inspector of Marine Accidents;

*(d)* a UK inspector of marine accidents;

*(e)* a person with special qualifications or experience in the investigation of accidents.

**(3)** In exercising the power to appoint a person to investigate a particular accident, the Chief Marine Accident Investigator shall—

*(a)* take account of Chapters 15.2 and 15.3 and 16.1 of the Casualty Investigation Code, and

*(b)* be satisfied that a person appointed (including him or herself) is—

(i) suitably qualified and knowledgeable in matters relating to the accident which is subject to the investigation,
(ii) impartial and objective, and
(iii) capable of acting without direction or interference from any person who may be affected by the outcome of the marine safety investigation.

**(4)** The Chief Marine Accident Investigator shall not appoint a person as an investigator if that person has or has had any previous connection with any person or ship which may be involved in the investigation where that connection creates a potential or actual conflict of interest.

**(5)** A person appointed as an investigator shall agree in writing to act in accordance with the Casualty Investigation Code.

**(6)** In this regulation—

"**UK Chief Inspector of Marine Accidents**" means the United Kingdom Chief Inspector of Marine Accidents, and any Deputy Chief Inspector, appointed by the United Kingdom Secretary of State under section 267(1) of the United Kingdom Merchant Shipping Act 1995;

"**UK inspector of marine accidents**" means a United Kingdom inspector of marine accidents appointed

by the United Kingdom Secretary of State under that section.

**17. Conduct of a marine safety investigation**

**(1)** A marine safety investigation is to be carried out at such times and places and in such manner as appear to the Chief Marine Accident Investigator most conducive to achieving the objective set out in regulation 15.

**(2)** A marine safety investigation may extend to cover, but need not be limited to—

*(a)* all events and circumstances preceding the accident together with subsequent events and circumstances,

*(b)* issues involving salvage and pollution connected with the accident, and

*(c)* the conduct of search and rescue operations,

if in the opinion of the Chief Marine Accident Investigator they are relevant to the circumstances of the accident or to future safety.

**(3)** The Chief Marine Accident Investigator may decide to discontinue a marine safety investigation, other than in relation to a very serious marine casualty, at any time and shall publish the reasons for the decision.

**(4)** An investigator assigned to carry out a marine safety investigation has the powers contained in section 128 (powers of inspectors, etc.) of the Act.

**(5)** Any document, record or information mentioned in regulation 10, properly required by an investigator to be produced for the purposes of a marine safety investigation (whether on board the ship involved or otherwise) may be retained by the investigator until the marine safety investigation is completed.

**(6)** An investigator may record a witness interview of any person who is assisting a marine safety investigation in any manner that the investigator considers reasonable.

**(7)** Any person, not being a professional legal adviser acting solely on behalf of a person required to attend at a witness interview before an investigator, who—

*(a)* has been allowed by an investigator to be present, or

*(b)* has been nominated to be present by a person required to attend,

may at any time be excluded from being present by the investigator, with the agreement of the Chief Marine Accident Investigator, if the conditions in subregulation (8) are met.

**(8)** The conditions are that—

*(a)* both the investigator and Chief Marine Accident Investigator have substantial reason to believe that the person's presence would hamper the investigation with the result that the objective in regulation 15 is likely to be hindered and future safety endangered, and

*(b)* the Chief Marine Accident Investigator is satisfied, having regard to all the circumstances, that it is proper to exclude that person.

**(9)** Where a person nominated to be present has been excluded in accordance with subregulation (7), the person required to attend may be entitled to nominate another person to be present at the witness interview in place of the excluded person and subregulation (7) applies to that other person.

**(10)** A person required to attend before an investigator shall be allowed the reasonable expenses of attending, payable by the Maritime Administration.

**18. Evidence of seafarers**

**(1)** An investigator conducting a marine safety investigation into an accident shall take into account the provisions of the IMO guidelines on the fair treatment of seafarers.

**(2)** Where an investigator requires a seafarer to provide evidence, the evidence shall be taken at the earliest practical opportunity.

**(3)** After a seafarer has provided evidence to an investigator, the seafarer shall be allowed to return to their ship or be repatriated at the earliest possible opportunity.

**(4)** A seafarer from whom evidence is sought—

*(a)* shall be informed of the nature and basis of the marine safety investigation, and

*(b)* shall be informed of, and allowed access to legal advice, regarding—

(i) any potential risk that they may incriminate themselves in any proceedings subsequent to the marine safety investigation,

(ii) any right not to self-incriminate or to remain silent, and

(iii) the protections afforded to the seafarer to prevent the evidence being used against them if they provide the evidence to the marine safety investigation.

**19. Co-operation with other States**

**(1)** Where a marine safety investigation authority of a substantially interested State has been notified of an accident under regulation 14**,** the Chief Marine Accident Investigator shall, so far as practicable, seek to carry out the investigation

in cooperation with that authority or other relevant agencies of that State.

**(2)** A marine safety investigation authority of a substantially interested State shall be allowed to participate in a marine safety investigation carried out under these Regulations to the extent determined by agreement between that authority and the Chief Marine Accident Investigator or, in default of agreement, in such manner as the Chief Marine Accident Investigator thinks fit.

**(3)** Where a marine safety investigation authority of a substantially interested State wishes to participate in a marine safety investigation, the Chief Marine Accident Investigator and that authority shall agree in the shortest possible time—

*(a)* which of them is to lead the marine safety investigation, and

*(b)* the procedures to be adopted for the purposes of such an investigation.

**(4)** For the purposes of this regulation a marine safety investigation authority of a substantially interested State—

*(a)* has the powers and duties of an investigator under these Regulations in relation to witnesses and evidence involved in a marine safety investigation, and

*(b)* where Montserrat is the lead investigating State, any representations that the marine safety investigation authority may make to the Chief Marine Accident Investigator shall be taken into consideration for the purposes of the marine safety investigation.

**(5)** Where a substantially interested State has been allowed to participate in a marine safety investigation and no agreement in accordance with Chapter 7 of the Casualty Investigation Code has been reached, the Chief Marine Accident Investigator and the other substantially interested States shall—

*(a)* arrange for the conduct of parallel marine safety investigations, and

*(b)* exchange evidence and information with each other for the purposes, as far as possible, of reaching shared conclusions.

**(6)** The Chief Marine Accident Investigator may delegate the whole or any part of a marine safety investigation to a substantially interested State by mutual agreement with that State.

**(7)** Where a marine safety investigation authority of a substantially interested State is conducting a marine safety investigation into an accident—

*(a)* involving a Montserrat ship, or

*(b)* a foreign ship whilst in Montserrat or Montserrat waters,

the Chief Marine Accident Investigator and an investigator shall cooperate with the authority so far as practicable.

**(8)** If the Chief Marine Accident Investigator is satisfied that it is in the interests of Montserrat to do so, the Chief Marine Accident Investigator may comply with a request from another State to assist in a marine safety investigation—

*(a)* in which a Montserrat ship is not involved, and

*(b)* which relates to an accident occurring outside Montserrat waters.

**(9)** The costs of any assistance provided by the Chief Marine Accident Investigator under subregulation (8) shall first be agreed in writing between the Chief Marine Accident Investigator and the requesting State.

**20. Completion of investigation and draft marine safety investigation report**

**(1)** The Chief Marine Accident Investigator shall make every effort to ensure that a marine safety investigation is completed in the shortest possible time, but in any event within 12 months of the date the accident was notified to the Chief Marine Accident Investigator.

**(2)** Upon completion of a marine safety investigation, the Chief Marine Accident Investigator shall prepare, or arrange for the preparation by the appointed investigators of, a draft marine safety investigation report ("**draft report**").

**(3)** A draft report shall contain—

*(a)* a summary outlining the basic facts of the accident and stating whether any deaths, injuries or pollution occurred as a result,

*(b)* the identity of the flag State, owners, operators, and the company, if any, as identified in the safety management certificate, and the classification society,

*(c)* where relevant, the details of the dimensions and engines of any ship involved, together with a description of the crew, work routine and other matters, such as time served on the ship,

*(d)* a narrative detailing the circumstances of the accident,

*(e)* analysis and comment on the causal factors including any mechanical, human and organisational factors,

*(f)* a discussion of the marine safety investigation's findings, including the identification of safety issues, and the marine safety investigation's conclusions, and

*(g)* where appropriate, recommendations with a view to preventing future marine casualties and marine incidents addressed to those persons who, in the opinion of the investigators, are most fitted to implement them.

**(4)** If the Chief Marine Accident Investigator is satisfied that a marine safety investigation will not have the potential to lead to the prevention of future accidents then, except in the case of an investigation conducted into a very serious marine casualty, a simplified report may be published in such manner as the Chief Marine Accident Investigator thinks fit.

**(5)** The Chief Marine Accident Investigator shall serve a copy of the draft report on—

*(a)* the Harbour Master,

*(b)* any person who could be adversely affected by the draft report,

*(c)* if that person is deceased, such person or persons as appear to the Chief Marine Accident Investigator at the time it is proposed to serve notice in accordance with this subregulation, best able to represent the interests and reputation of the deceased in the matter, and

*(d)* the marine safety investigation authority of a substantially interested State if it requests a copy and has agreed in writing to comply with the provisions of Chapter 13 of the Casualty Investigation Code.

**(6)** The draft report shall be accompanied by a notice informing the person or State upon whom the draft report is served of their right to make representations relating to the facts or analysis contained in the draft report to the Chief Marine Accident Investigator.

**(7)** The representations referred to in subregulation (6) shall be in writing and shall be served on the Chief Marine Accident Investigator within 30 days of service of the draft report or within such further period as may be allowed under regulation 26**.**

**(8)** Where an inquest is to be held following an accident which has been subject to a marine safety investigation, a draft report may be made available to the coroner by the Chief Marine Accident Investigator.

**21. Final marine safety investigation reports**

**(1)** If no representations are received by the Chief Marine Accident Investigator within the period in regulation 20(7)**,** the Chief Marine Accident Investigator shall prepare, or arrange for the preparation by the appointed investigators of, a final marine safety investigation report ("**final report"**).

**(2)** If any representations are made in response to service of a draft report, the Chief Marine Accident Investigator shall—

*(a)* consider the representations and whether any amendments are required to the draft report,

*(b)* where the acceptance or rejection of representations made by a substantially interested State has a direct impact on the interests of that State, inform the substantially interested State of the manner in which the representations are to be addressed, and

*(c)* prepare a final report.

**(3)** The final report shall contain the matters listed in regulation 20(3).

**22. Publication of marine safety investigation reports**

**(1)** The Chief Marine Accident Investigator shall submit the final report to—

*(a)* the Minister,

*(b)* the Governor,

*(c)* the Harbour Master,

*(d)* if different, the Port Manager,

*(e)* any other person who has been served with a notice in accordance with regulation 20(5),

*(f)* any person to whom recommendations have been addressed in the final report,

*(g)* in a case to which subregulation (3) applies, the IMO, and

*(h)* any other person the Chief Marine Accident Investigator considers may find the report useful or of interest.

**(2)** The final report shall otherwise be made available to the public in such manner as the Chief Marine Accident Investigator considers appropriate.

**(3)** The cases are where the marine safety investigation relates to—

*(a)* a very serious marine casualty, or

*(b)* an accident other than a very serious marine casualty, where the Chief Marine Accident Investigator is of the opinion that the final report contains information which may prevent or lessen the seriousness of accidents in the future.

**23. Response to recommendations in a marine safety investigation report**

**(1)** This regulation applies where a recommendation in a final report is addressed to a particular person.

**(2)** A person to whom a recommendation is addressed shall—

*(a)* as soon as is reasonably practical, take that recommendation into consideration,

*(b)* within 30 days following receipt of the recommendation, send to the Chief Marine Accident Investigator—

(i) details of the measures, if any, that they have taken or propose to take to implement recommendations, and the timetable for securing that implementation, or

(ii) an explanation as to why the recommendation is not to be the subject of measures to be taken to implement it, and

*(c)* give notice to the Chief Marine Accident Investigator if at any time any information provided in accordance with paragraph (*b*)(i) concerning the measures they propose to take or the timetable for securing their implementation is rendered inaccurate by any change of circumstances.

**24. Publication of reports other than marine safety investigations reports**

**(1)** The Chief Marine Accident Investigator may from time to time publish collective short reports of accidents which have not been the subject of a report published under regulation 22.

**(2)** The Chief Marine Accident Investigator may submit a report to the Minister and Governor on any matter arising from the Chief Marine Accident Investigator's analysis of marine accident investigations.

**25. General recommendations**

**(1)** The Chief Marine Accident Investigator may at any time make recommendations as to how future accidents may be prevented.

**(2)** The actions recommended shall be addressed to those persons who, in the opinion of the Chief Marine Accident Investigator, are most fitted to implement them.

**(3)** Recommendations shall be made publicly available if the Chief Marine Accident Investigator considers that to do so is in the interests of safety or preventing pollution.

**(4)** A person to whom a recommendation is addressed shall—

*(a)* as soon as is reasonably practical, take that recommendation into consideration,

*(b)* within 30 days following receipt of the recommendation, send to the Chief Marine Accident Investigator—

(i) details of the measures, if any, that they have taken or propose to take to implement recommendations, and the timetable for securing that implementation, or

(ii) an explanation as to why the recommendation is not to be the subject of measures to be taken to implement it, and

*(c)* give notice to the Chief Marine Accident Investigator if at any time any information provided to the Chief Marine Accident Investigator in accordance with subregulation (4)(*b*)(i) concerning the measures they propose to take or the timetable for securing their implementation is rendered inaccurate by any change of circumstances.

**(5)** Subject to subregulations (6) and (7), the Chief Marine Accident Investigator shall, annually or at such other intervals as the Chief Marine Accident Investigator thinks fit, make information publicly available in respect of the matters, including any explanation, mentioned in subregulations (4)*(b)* and *(c)* and regulation 23(2)*(b)* and *(c)* and shall inform the Minister and Governor of those matters.

**(6)** The Chief Marine Accident Investigator shall not publish information under subregulation (5) unless notification has been sent to all persons mentioned in the information and the Chief Marine Accident Investigator has considered any representations relating to the information which may have been made in accordance with subregulation (7) by or on behalf of any person so notified, and amended the information in such manner as the Chief Marine Accident Investigator thinks fit.

**(7)** Any representations made in accordance with subregulation (6) shall be in writing and shall be served on the Chief Marine Accident Investigator within 30 days of receipt of the notification referred to in that subregulation or within such further period as may be allowed under regulation 27.

**26. Prohibition on disclosure of information**

**(1)** Unless a court orders otherwise, no person may use or disclose for any purpose other than a marine safety investigation—

*(a)* the names, addresses or other details of any person who has given evidence to an investigator,

*(b)* a marine safety record, or

*(c)* a draft report.

**(2)** A person who has given a declaration or statement to an investigator in the course of a marine safety investigation may

make available a copy of their statement or declaration to another person as they see fit.

**(3)** Any independent technical analysis commissioned by the Chief Marine Accident Investigator and opinions expressed in such analysis may be made publicly available if the Chief Marine Accident Investigator considers it appropriate to do so.

**(4)** Subject to subregulation (5), no court order may be made under subregulation (1) unless the court is satisfied, having regard to the views of the Chief Marine Accident Investigator, that the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to—

*(a)* the marine safety investigation into the accident to which the document or record relates,

*(b)* any future accident marine safety investigation undertaken in Montserrat, or

*(c)* relations between Montserrat and any other State, or international organisation.

**(5)** The provisions of this regulation are without prejudice to any enactment or rule of law which authorises or requires the withholding of any document or record or part of the document or record on the ground that disclosure of it would be injurious or contrary to the public interest.

**(6)** Except in the circumstances listed in subregulation (8), a person shall not disclose, or permit to be disclosed, any information—

*(a*) which has been furnished to them in accordance with regulation 20, or

*(b)* which has otherwise been furnished to them by or on behalf of the Chief Marine Accident Investigator or an investigator in advance of the publication of a report and whose confidentiality is protected by subregulation (1)**.**

**(7)** The circumstances are that the disclosure is—

*(a)* ordered by a court;

*(b)* made to the person's advisers where disclosure is necessary in order to enable the person to make representations to the Chief Marine Accident Investigator under regulation 20.

**(8)** Where disclosure is made to an adviser in accordance with subregulation (8)*(b)*, the adviser shall not disclose the information or permit it to be disclosed.

**(9)** A marine safety record obtained in pursuance of the exercise of an investigator's powers under these Regulations is inadmissible in any judicial proceedings whose purpose or one of whose purposes is to attribute or apportion liability or blame

unless a court, having regard to the factors mentioned in subregulation (4), determines otherwise.

**(10)** For the purposes of these Regulations, where any investigator is required to attend judicial proceedings, the investigator cannot be required to provide—

*(a)* opinion evidence or analysis of information provided to them, or

*(b)* to provide information obtained in accordance with an investigator's powers under these Regulations,

where the purpose or one of the purposes of those proceedings is to attribute or apportion liability or blame unless a Court, having regard to all the factors mentioned in subregulation (4), determines otherwise.

**(11)** In this regulation "**judicial proceedings**" includes any civil or criminal proceedings before any court, or person having by law the power to hear, receive and examine evidence on oath.

**27. Extension of time**

**(1)** The Chief Marine Accident Investigator may extend any period prescribed in these Regulations if there are good reasons to do so having regard to the requirements in regulation 20(1) for a report of a marine safety investigation to be made available in the shortest time possible.

**(2)** The powers under this regulation may be exercised notwithstanding that the prescribed period has expired.

**28. Service of documents**

Any notice or other document required or authorised by any provision of these Regulations to be served on or given to any person may be served or given—

*(a)* by delivering it to that person,

*(b)* by leaving it at their usual or last-known residence or place of business, whether in Montserrat or elsewhere,

*(c)* by sending it to them by post at that address, or

*(d)* by sending it to them by facsimile, or other means which produces a document containing a text of the communication, or by electronic mail in which event the document is regarded as having been served when it is sent.

**29. Offences and penalties**

**(1)** A person who—

*(a)* being a person mentioned in regulation 9(2), fails without reasonable cause to report an accident as required by regulation 9(1), or

*(b)* being a person mentioned in regulation 9(2), fails without reasonable cause to provide information as required by regulation 9(3***),*** or

*(c)* falsely claims to have any additional information or new evidence pertaining to any accident,

commits an offence and is liable on summary conviction to a fine not exceeding $25,000.

**(2)** A person who fails without reasonable cause to comply with any requirement, duty or prohibition in regulation 10(2), (3), (7) or (8), commits an offence and is liable on summary conviction to a fine not exceeding $10,000.

**(3)** A person who without reasonable cause discloses or permits to be disclosed any information in contravention of regulation 26(1), (7) or (9) commits an offence and is liable on summary conviction to a fine not exceeding $5,000.

## PART 4 - MISCELLANEOUS

### 30. 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**