AN ACT to amend the Shipping Act.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:

1. (1) This Act may be cited as the Shipping (Amendment) Act 2007.

(2) Section 10 of this Act is taken to have come into force on the same day that the Shipping Act 2004 commenced.

2. Section 2 of the Shipping Act 2004 referred to in this Act as the principal Act, is amended by -

(a) deleting the definition of "Caribbean Community" and inserting the following definition -

"Caribbean Community" means the Caribbean Community including the CARICOM Single Market and Economy (CSME) created by the revised Treaty Establishing the Caribbean Community signed at Nassau the Bahamas on the 5th July 2001 and given the force of the law in Saint Vincent and the Grenadines by the Caribbean Community Act, 2005;"
(b) deleting the definition of "CARICOM State" and inserting the following definition -

"CARICOM State" means a member State of the Caribbean Community other than Saint Vincent and the Grenadines;

(c) inserting the following definitions in their appropriate positions -

"national" means a person who -

(a) is a citizen of a CARICOM State;

(b) has a connection with a CARICOM State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a State for the purposes of the laws of that State thereof relating to immigration; or

(c) is a company or other legal entity constituted in a CARICOM State in accordance with the laws of that State and which that State regards as belong to it, provided that such company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity within the Caribbean Community and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);

For purposes of this definition a company or other legal entity is -

(i) substantially owned if more than fifty percent of the equity interest of the company is beneficially owned by persons mentioned in paragraphs (a) or (b);
(ii) effectively controlled if the persons mentioned in paragraphs (a) and (b) have the power to name a majority of its directors or otherwise legally to direct its action;

3. Section 6(1) of the principal Act is amended by deleting paragraph (b) and inserting the following as paragraph (b) -

"(b) nationals of CARICOM States residing, in the case of individuals, or registered, in the case of corporations, in a member State of the Caribbean Community, where the ship is customarily engaged in international voyages;"

4. Section 8(1) of the principal Act is amended -
(a) in paragraph (c) by adding the word "or" after the semicolon;
(b) by inserting the following new paragraph immediately after paragraph (c) -
"(d) the age of the ship as prescribed by the registration regulations;"

5. Section 17 of the principal Act is amended in paragraph (b) by deleting the word "declaration" and inserting the word "applicant".

6. Section 212 of the principal Act is amended by deleting the paragraph numbering (c) appearing immediately before the existing provision.

7. Section 323 of the principal Act is amended by -
(a) deleting the word "provisions" where it first occurs and inserting the word "provision";
(b) deleting "319" and inserting "314".

8. Section 338 of the principal Act is amended -
(a) in subsection (1)(c) by deleting the words "sub-paragraph (ii)" and inserting the words "paragraph (b)";
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(b) in subsection (2)(c) by deleting the words “sub-
paragraph (ii)” and inserting the words “paragraph (b)”;

(c) by inserting after subsection (2) the following
subsections -

“(3) Notwithstanding the provisions of
subsections (1) and (2) the Minister may by
Order amend the limits of liability for ships
with a tonnage not exceeding 300 tons.

(4) An Order made by the Minister pursuant to
subsection (3) shall be subject to affirmative
resolution of the House of Assembly.

(5) Where the Minister makes an Order pursuant
to subsection (3) the Minister shall inform the
Organization of the limits of liability.”.

9. Section 393 of the principal Act is amended in subsection (4) by
replacing the full stop in paragraph (o) with a semicolon and inserting
immediately after paragraph (o) the following new paragraph -

“(p) any two persons recommended by the
Minister.”.

10. Section 400 of the principal Act is amended in subsection (1) by
replacing the full stop in paragraph (c) with a semicolon and inserting
immediately after paragraph (c) the following new paragraph -

“(d) providing what constitutes offences and penalties
attached to the offences -

(i) to a maximum of fifty thousand dollars;

(ii) to imprisonment for a term not exceeding two
years.”.

11. Section 402 of the principal Act is amended in subsection (1)(b)
by deleting the words “Defence Force” and inserting the words “Royal
Saint Vincent and the Grenadines Police Force including the Coast Guard”.
12. Section 408 of the principal Act is amended in subsection (3) by deleting the word “precedent” and inserting “precedence”.

Passed in the House of Assembly this 7th day of June, 2007.

NICOLE HERBERT
Clerk of the House of Assembly.


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