

BELIZE:

REGISTRATION OF MERCHANT SHIPS
(DISCIPLINARY) REGULATIONS, 1999

S.I. NO. 56 OF 1999

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BELIZE:

STATUTORY INSTRUMENT

No. 56 of 1999

REGULATIONS made by the Attorney General in exercise of the powers conferred upon him by Section 24 of the Registration of Merchant Ships Act, Chapter 196C of the Laws of Belize, Revised Edition 1980-90, and all other powers thereunto him enabling.

(Gazetted 8th May, 1999.)

WHEREAS, the International Merchant Marine Registry of Belize (IMMARBE) is empowered under the provisions of the Registration of Merchant Ships Act to:-

CAP. 196C.

- (a) assess, collect, and supervise the collection of taxes, duties and other monetary obligations payable for services to vessels enrolled in IMMARBE;
- (b) ensure compliance with the requirements and procedures for the enrollment of vessels and subsequent related services;
- (c) ensure compliance and effective application of the provisions for safety of human life, prevention of collisions, load lines, prevention of marine pollution, training, licensing and safeguarding of seamen, sanitation and other regulations contained in those International Conventions and Agreements to which Belize is a party;
- (d) penalize violations or non-compliance with such provisions committed by any Belizean registered vessel wherever it may be;

CAP. 196C. **AND WHEREAS**, it is necessary to implement the foregoing and any other disciplinary powers vested in IMMARBE as specified in sections 24, 25 and 26 of the Act;

NOW, THEREFORE, IT IS HEREBY PROVIDED AS FOLLOWS:

Short title. 1. These Regulations may be cited as the

**REGISTRATION OF MERCHANT SHIPS
(DISCIPLINARY) REGULATIONS, 1999.**

Interpretation. 2. (1) In these Regulations,

CAP. 196C. "the Act" means the Registration of Merchant Ships Act.

(2) Words and expressions used in these Regulations shall have the meanings respectively assigned to them in the Act.

CAP. 196C.

Application of Regulations.

3. These Regulations shall apply to:

- (a) all vessels registered by IMMARBE;
- (b) all owners of vessels enrolled under the Belize flag, and all crew members sailing on board these vessels;
- (c) all inspectors authorized to perform safety inspections on behalf of IMMARBE;
- (d) all companies and recognized organizations authorized to act on behalf of IMMARBE and to any of their surveyors or representatives acting under such authorization; and
- (e) all those empowered to perform as Deputy Registrars or representatives of IMMARBE.

4. (1) IMMARBE, at its discretion, may refuse an application for registration of a vessel, by way of formal notice when, in its opinion, such application is contrary to the national or public interest. **General.**

(2) IMMARBE may order the detention at any port of the world of any Belizean vessel violating the regulations of marine safety and/or prevention of pollution of the marine environment.

(3) The penalties provided herein, when justified and applicable to a vessel, are and shall apply to the shipowner, the ship agent and the master, who shall be jointly liable for complying therewith.

5. In the exercise of its functions, IMMARBE may, under the hand of the Senior Deputy Registrar, by way of a detailed document of notification, impose the following penalties: **Penalties.**

- (a) written warning;
- (b) fine;
- (c) cancellation of status and/or document;
- (d) suspension or revocation of authority.

6. A written warning is applicable in cases of violation or non-compliance of any provisions of the Act or of any regulations made thereunder, or circular notes, or a violation of any of the requirements established by Conventions and/or Resolutions on Maritime Affairs, committed for the first time, provided the respective non-compliance or violation is not of a serious nature. **Written warning.**

7. (1) A fine not exceeding fifty thousand dollars (US\$50,000) shall be applicable in all cases where the violation or non-compliance is of a serious nature or, in the cases **Fines.**

referred to in regulation 6 above, the non-compliance or violation has occurred repeatedly even though not of a serious nature.

(2) A fine not exceeding fifty thousand dollars (US\$50,000) shall also be applicable in the cases of vessels engaged in illicit traffic of drugs or other illegal activities without prejudice to any other criminal proceedings which may be pending in any other jurisdiction.

(3) Vessels lacking navigation documents or holding expired navigation papers without a timely application for renewal, or employing officers and seaman lacking valid qualification certificates, may be fined up to five thousand United States dollars (US\$5,000). IMMARBE, for the purpose of applying such sanctions, may take into consideration the seriousness of the offence, as well as the existence of any extenuating circumstances.

**Cancellation
of registration
or documents.**

8. The registration of a vessel in IMMARBE, or the registration or recording of any document relating thereto, may be cancelled in any of the following cases:

- (a) if the vessel is registered in the Merchant Marine Registry of another country without the consent of IMMARBE;
- (b) in the event of expiration of the Patent of Navigation, for failure to timely renew it;
- (c) if the vessel is engaged in smuggling, piracy or any other illegal trade or activity;
- (d) if IMMARBE is in possession of an official document reporting the total loss of the vessel due to a casualty or confirmation that the vessel has been scrapped;

- (e) in the event of a violation of International Conventions ratified by Belize, or Resolutions issued by competent bodies of the United Nations, if cancellation of registration is therein contemplated;
- (f) in the event of repeated serious violations of any provisions of the Act or any regulations made thereunder or circular notes regarding seaworthiness, safety, sanitation, crew accommodation requirements, labour requirements, or prevention of marine pollution;
- (g) if the vessel is in the service of a nation at war with Belize; or
- (h) in the event of serious violations of bilateral or multilateral agreements to which Belize is a signatory or cooperating party; or
- (i) in any other case established by law.

9. Pursuant to the foregoing, cancellation of a vessel's registration or document relating thereto may be requested in writing by any person acting under his responsibility or that of his principals, by accompanying his request with evidence of the causes for such cancellation. IMMARBE shall investigate such request and if it is proved to the satisfaction of IMMARBE, it shall proceed with the necessary steps for the cancellation of the registration or the relevant documents.

Request for
cancellation of
registration.

10. Documents issued to seafarers by IMMARBE based on false or altered certificates or documents presented as evidence of qualification, shall be considered revoked and the vessel's owner together with the seafarer may be subject to the same penalties as provided in regulation 7 or 8, where applicable.

Seafarers
documents.

**Suspension or
revocation of
authority.**

11. In addition to the penalties prescribed in regulation 7 above, the authorization granted to inspectors for the performance or annual safety inspections may be suspended or revoked in case of repeated violations of the rules and procedures set up by IMMARBE for the conduct of such inspections.

**Notification of
penalties and
Motion of
review.**

12. (1) In cases where procedures to apply any of the penalties provided herein are completed, IMMARBE shall immediately issue the document of notification to the party concerned within thirty (30) days of such decision, who shall have thirty (30) working days from the date of such notification to file a petition for a hearing or motion of review before IMMARBE. In the case of penalties imposed on vessels, the notification shall be sent either to the registered agent, the shipowner, or the master of the vessel.

(2) Motion of review against any penalty or sanction imposed under these Regulations may be filed for the decision of IMMARBE either by the complainant or by the affected party who may file such motion either directly or through its duly authorized representative.

(3) Before the motion referred to in subregulation (2) above is entertained, the affected party shall pay in advance to IMMARBE fifty percent (50%) of the fine imposed, and after this requirement has been satisfied, IMMARBE shall suspend the execution of the remaining penalty or sanction until the review is completed by the Senior Deputy Registrar. Where the review is decided in favour of the affected party, the fine already paid, or such part of it as may be decided on review, will be refunded to the applicant.

Appeals.

13. Motion of appeal against any penalties or sanctions imposed under these Regulations, may be filed for the decision of the Registrar either by the complainant or by the affected party, who may file such motion either directly or through its duly authorised representative, within thirty (30) days

following the notification of the decision on the review. The motion shall be received by IMMARBE who will forward the appeal to the Registrar. In cases involving fines, the appellant shall pay in advance the full amount of the fine imposed, before the motion of appeal is forwarded to the Registrar, but it shall be reimbursed in full if the appeal is successful.

14. These regulations shall come into force on the 10th day of May, 1999.

Commencement.

15. The Registration of Merchant Ships (Disciplinary) Regulations, 1997 are hereby repealed but without prejudice to the validity of anything done thereunder.

Repeal of S.I. 118 of 1997.

MADE by the Attorney General this 30th day of April, 1999.

(DICKIE BRADLEY)
Attorney General