



SAINT VINCENT AND THE GRENADINES

ACT NO. 31 OF 2007

I ASSENT

DR. FREDERICK BALLANTYNE  
Governor-General  
26th June, 2007

[L.S]

AN ACT to amend the Shipping Act.

[ 18th September, 2007 ]

**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:

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| <p>1. (1) This Act may be cited as the Shipping (Amendment) Act 2007.</p>  | <p>Short title and commencement</p>                |
| <p>(2) Section 10 of this Act is taken to have come into force on the same day that the Shipping Act 2004 commenced.</p>   | <p>No. 11 of 2004</p>                              |
| <p>2. Section 2 of the Shipping Act 2004 referred to in this Act as the principal Act, is amended by -</p>   | <p>Amendment of section 2 of the principal Act</p> |
| <p>(a) deleting the definition of "Caribbean Community" and inserting the following definition -</p>   | <p>No. 11 of 2004</p>                              |
| <p style="padding-left: 40px;">"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 5<sup>th</sup> July 2001 and given the force of the law in Saint Vincent and the Grenadines by the Caribbean Community Act, 2005;</p> | <p>No. 5 of 2005</p>                               |

- (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) - Amendment of section 6(1)(b) of the principal Act
- “(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 - Amendment of section 8 of the principal Act
- (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” Amendment of section 17 of the principal Act
6. Section 212 of the principal Act is amended by deleting the paragraph numbering (c) appearing immediately before the existing provision. Amendment of section 212 of the principal Act
7. Section 323 of the principal Act is amended by - Amendment of section 323 of the principal Act
- (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 - Amendment of section 338 of the principal Act
- (a) in subsection (1)(c) by deleting the words “sub-paragraph (ii)” and inserting the words “paragraph (b)”;

(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.”.

Amendment of section 393 of the principal Act

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.”.

Amendment of section 400 of the principal Act

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.”.

Amendment of section 402 of the principal Act

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".
- Amendment of  
section 408 of  
the principal Act

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

NICOLE HERBERT  
Clerk of the House of Assembly.

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Printed by the Government Printer at the Government Printing Office,  
Campden Park, St. Vincent and the Grenadines.

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2007

[ Price \$3.00 ]