



EXTRAORDINARY

OFFICIAL GAZETTE

THE BAHAMAS

PUBLISHED BY AUTHORITY

NASSAU

14th October, 2015

MERCHANT SHIPPING (WRECK REMOVAL CONVENTION) REGULATIONS, 2015

Arrangement of Regulations

Regulation

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**MERCHANT SHIPPING ACT
(CHAPTER 268)**

**MERCHANT SHIPPING (WRECK REMOVAL
CONVENTION) REGULATIONS, 2015**

The Minister, in exercise of the powers conferred by sections 255 and 289 of the Merchant Shipping Act, Ch. 268, makes the following regulations —

PART I - PRELIMINARY

1. Citation.

These regulations may be cited as the Merchant Shipping (Wreck Removal Convention) Regulations, 2015.

2. Interpretation.

(1) In these regulations —

“**accident**” means a collision of ships, a stranding, another incident of navigation or another event, whether on board a ship or not, which results in material damage to a ship or its cargo, or in an imminent threat of material damage to a ship or its cargo;

“**Act**” means the Merchant Shipping Act (*Ch. 268*);

“**authorised officer**” means a nautical inspector, port officer, receiver of wrecks or any other officer authorised by the Minister;

“**Bahamas’ Convention area**” means the territorial sea and exclusive economic zone of The Bahamas;

“**competent authority**” means —

(a) with respect to reporting, locating and marking, and removing wrecks, the Port Controller or a representative designated by the Port Controller; and

(b) with respect to compulsory insurance and certificates, the Director or a representative designated by the Director;

“**Director**” means the Director of The Bahamas Maritime Authority;

“exclusive economic zone” has the same meaning ascribed under section 8 of the Archipelagic Waters and Maritime Jurisdiction Act (*Ch. 282*);

“hazard” means any condition or threat that imposes a danger to navigation or may result in harmful consequences to the marine environment or damage to the coastline or related interests;

“IMO” means the International Maritime Organization adopted by the United Nations in Geneva on 17 March 1948;

“insurer” means —

- (a) a company which carries on insurance business; or
- (b) a provider who supplies financial security, in accordance with the Wrecks Convention;

“Minister” means the Minister responsible for Maritime Affairs;

“operator” means a person, manager, organization, or the bareboat charterer who has assumed responsibility for the operation of the ship from the owner;

“owner” means —

- (a) a person registered as the owner of the ship;
- (b) a person who owns the ship at the time of the accident, in the absence of registration;
- (c) a company, where a ship is owned by a State and operated by a company which in that State is registered as the operator of the ship;

“Port Controller” means the officer referred to under section 3 of the Port Authorities Act (*Ch. 269*);

“State of the ship's registry” means —

- (a) with regards to a registered ship, the State of registration of the ship; and
- (b) with regards to an unregistered ship, the State whose flag the ship is entitled to fly;

“territorial sea” has the same meaning ascribed under section 4 of the Archipelagic Waters and Maritime Jurisdiction Act (*Ch. 282*);

“Wrecks Convention” means the Nairobi International Convention on the Removal of Wrecks 2007 signed in Nairobi on 18 May 2007;

“Wrecks Convention State” means a State which is a party to the Wrecks Convention;

“wreck removal insurance” means a contract of insurance or other financial security satisfying the requirements of Article 12 of the Wrecks Convention;

“wreck removal insurance certificate” means a certificate attesting the insurance or other financial security of a ship to cover liability under the Wrecks Convention.

- (2) Unless otherwise defined in the Act or these regulations, or unless the context so requires, words and expressions used in these regulations shall have the same meaning ascribed to them in the Wrecks Convention.

3. Application.

- (1) Pursuant to section 255 of the Act and subject to the provisions of these regulations, the Wrecks Convention shall form part of the Laws of The Bahamas.
- (2) These regulations shall apply to —
 - (a) Bahamian ships engaged in commercial activities, except —
 - (i) warships or naval ships, or
 - (ii) any other ship as determined by the Director;
 - (b) foreign ships in The Bahamas’ Convention area, except naval or military ships.

PART II - REPORTING, LOCATING AND MARKING, AND REMOVING WRECKS

4. Wreck reports.

- (1) Where an accident results in a wreck in The Bahamas’ Convention area, the master or the operator of a ship involved in the accident shall immediately report the wreck to the competent authority.
- (2) A report referred to under paragraph (1) shall state the name and the principal place of business of the owner and relevant information necessary to determine whether the wreck poses a hazard, including —
 - (a) the precise location of the wreck;
 - (b) the type, size and construction of the wreck;
 - (c) the nature of the damage to, and the condition of, the wreck;
 - (d) depth of the water in the area;
 - (e) tidal range and currents in the area;