

British Guiana.

REGULATIONS FOR SECURING THE SAFETY OF VESSELS FOR THE REGULATION OF TRAFFIC IN THE HAR- BOURS FOR THE PREVENTION OF ACCIDENTS AND FOR THE MARKING OF LOAD LINES ON VESSELS.

1. These Regulations may be cited as the Harbours Regulations, Short title.
1939.

2.—(1) In these regulations unless the context otherwise requires :— Definition of terms.

“Collision Regulations” mean the Collision Regulations made the 13th day of October, 1910, by His Majesty in Council under section 418 of the Merchant Shipping Act, 1894, and published in the *Gazette* of the 18th January, 1911, at page 134 (Notice No. 15); 57 & 58 Vict. c. 60.

“Harbour Master” includes a Deputy Harbour Master;

“Vessel” includes any ship or boat, or any other description of vessel used in navigation except that Parts I and III of these Regulations shall not apply to vessels solely used for pleasure purposes and not carrying passengers or cargo for hire or reward.

(2) A regulation referred to by number means the regulation so numbered in these Regulations.

(3) The Interpretation Ordinance shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Ordinance, and as if these Regulations were an Ordinance. Cap. 5.

PART I.

SECURING THE SAFETY OF VESSELS.

Certificate of Seaworthiness.

Application for Certificate of Seaworthiness of vessel to navigate in a harbour.

3.—(1) If the owner, master or agent of a vessel desires to obtain a certificate of seaworthiness of the vessel to navigate in a harbour of the Colony, hereinafter called a certificate of seaworthiness, he shall make application in writing therefor to the Harbour Master, and pay to him a fee of one dollar.

(2) On such application and payment being made, the Harbour Master shall survey the vessel and its equipment.

Form No. 1.
First
Schedule.

(3) If, on such survey, the Harbour Master is of opinion that the vessel is fit to navigate in the harbour he shall issue a certificate of seaworthiness in the form specified in the First Schedule to these Regulations. The certificate shall bear the date on which the vessel was surveyed and shall remain in force for twelve months from such date.

Second
Schedule.

(4) The Harbour Master shall not issue a certificate of seaworthiness unless the vessel is furnished with the equipment specified in the Second Schedule to these Regulations.

(5)—(i) The certificate of seaworthiness shall contain the conditions subject to which it is issued, that is to say :—

- (a) The purposes for which the vessel is alone permitted to be used ;
- (b) The maximum number of persons that may be carried on the vessel at any one time ;
- (c) the minimum freeboard to which the vessel may be loaded ; and
- (d) the equipment which the vessel must carry.

Third
Schedule.

(ii) The maximum number of persons that may be carried on a vessel at any one time shall be determined by the Harbour Master in accordance with the rules contained in the Third Schedule to these Regulations.

Fifth
Schedule.

(iii) The minimum freeboard to which the vessel may be loaded shall be determined by the Harbour Master in accordance with the rules contained in the Fifth Schedule to these Regulations.

(6) Any owner or master of a vessel who fails to comply with or contravenes any of the conditions contained in a certificate of seaworthiness shall be liable to a penalty not exceeding one hundred dollars.

(7) If, on such survey, the Harbour Master is of the opinion that the vessel is unfit to navigate in the harbour, he shall within twenty-four hours after such survey, deliver to the master or owner

of the vessel a statement in writing in the form specified in the First Schedule to these Regulations, detailing the defects and deficiencies of the vessel and in what respects the vessel is unfit for navigation.

Form No. 2
First
Schedule.

(8) A certificate of seaworthiness shall at all times be kept on board the vessel to which it relates.

(9) Any owner or master contravening the provisions of paragraph (8) of regulation 3 shall be liable to a penalty not exceeding ten dollars.

4.—(1) The Harbour Master may, by notice in writing, require the owner or master of any vessel in respect whereof a certificate of seaworthiness is in force to produce such vessel to him at a time and place specified by him in writing for re-survey.

Examina-
tion of
vessel in
possession of
certificate of
seaworthi-
ness.

(2) If the Harbour Master at any time finds that a vessel is not furnished with the equipment specified in the Second Schedule to these Regulations, or if without reasonable cause the proof whereof shall lie on the owner or master, the vessel is not produced to the Harbour Master under paragraph (1) of this regulation the Harbour Master shall thereupon revoke the certificate of seaworthiness and issue a certificate of revocation to the owner or master of the vessel in the form specified in the First Schedule to these Regulations.

Revocation
of certificate
of sea-
worthiness.
Second
Schedule.

(3) The provisions of paragraph (7) of regulation 3 and paragraph (2) of regulation 4 shall apply if at any time the Harbour Master finds that the vessel is unfit to navigate in the harbour.

Form No. 3.
First
Schedule.

5. A certificate of seaworthiness shall be null and void:—

- (a) on the expiration of a period of twelve months from the date thereof; or
- (b) on its revocation by the Harbour Master under paragraph (2) or paragraph (3) of regulation 4.

When certi-
ficate of
seaworthi-
ness is null
and void.

6.—(1) No vessel shall enter, leave or navigate in the waters of any harbour unless a certificate of seaworthiness as regards that harbour is in force at the time in respect of such vessel.

Vessel not to
navigate in
harbours
without
certificate
of sea-
worthiness.
Exemptions.

(2) The provisions of this regulation shall not apply to:—

- (a) vessels belonging to His Majesty, or to the Government of any country outside the Colony;
- (b) vessels with a certificate of seaworthiness not more than twelve months old issued under regulation 2 of the Coast-
ing and Passenger Trade Regulations, 1896;
- (c) vessels holding a valid certificate of seaworthiness issued by a competent authority outside the Colony; and
- (d) vessels under ten tons burden solely used for fishing, and
vessels under five tons burden belonging to and used solely

by farmers and not carrying passengers or goods for hire or reward.

Penalty.

(3) If the owner or master of a vessel fails to comply with or contravenes the provisions of this regulation he shall be liable to a penalty not exceeding one hundred dollars.

Register of
Certificates
of sea-
worthiness.
Form No. 4.
First
Schedule.

7. The Harbour Master shall keep in the form specified in the First Schedule to these Regulations a register containing particulars as to the issue of certificates of seaworthiness and of their expiry or revocation and any other particulars which the Harbour Master may think fit to include.

Harbour Licence.

Obtaining a
Harbour
Licence.

8.—(1) Any person desirous of obtaining a licence to act as master of a vessel in a harbour, hereinafter referred to as a harbour licence, shall apply for same to the Harbour Master and pay a fee of 50 cents.

(2) The Harbour Master shall grant a licence to any applicant provided that :—

- (a) he is over 21 years of age ;
- (b) he is physically fit with good eye-sight and is not colour blind ;
- (c) he satisfies the Harbour Master as to his competency to perform the duties of master for the type of vessel for which a licence is desired ; and
- (d) a further payment of 50 cents is made on the issue of the licence.

Fourth
Schedule.

(3) The Harbour Master shall examine the applicant in the subjects specified in the Fourth Schedule to these Regulations in order to satisfy himself as to the competency of the applicant.

Form No. 5
First
Schedule.

(4) The harbour licence shall be in the form specified in the First Schedule to these Regulations and shall state to what type of vessel or vessels and to what harbour or harbours it is restricted.

Power to
re-examine
holder of
Harbour
Licence.

9. The Harbour Master may require the holder of a harbour licence to appear before him at a time and place specified by him in writing for the purpose of ascertaining whether or not the holder of the licence still fulfils conditions (b) and (c) of paragraph (2) of regulation 8.

Cancellation
of Har-
bour Licence.

10.—(1) The Harbour Master may suspend or cancel the harbour licence of any person :—

- (a) who is on account of physical or mental infirmity unable to perform his duties efficiently ;
- (b) who is guilty of drunkenness or neglect when engaged in the performance of his work as a master ;
- (c) who is guilty of a breach of contract with his employer

- or refuses or neglects, except for good cause, to perform the work he has contracted to carry out ;
- (d) who is guilty of any breach of these Regulations, or neglects to carry the lights prescribed by the Collision Regulations, or fails to obey the "Rule of the Road at Sea," or neglects to take any precaution which may be required by the ordinary practice of seamen or fails to comply with the provisions of regulation 9 ;
 - (e) who allows any vessel of which he is in charge to be overloaded or loaded in such a manner as to make the vessel unseaworthy ;
 - (f) who is guilty of reckless conduct whilst in charge of a vessel, thereby endangering the safety of the passengers or crew or other vessel ; or
 - (g) who conveys in his vessel a greater number of persons than it is authorised to carry under the certificate of seaworthiness.

(2) No harbour licence shall be cancelled, except after due enquiry made by the Harbour Master and unless the master concerned has had an opportunity of being present at the enquiry and making his defence.

(3) Any master whose harbour licence has been suspended or cancelled shall have the right of appealing to the Board against the suspension or cancellation, and the decision of the Board shall be final.

11.—(1) Every vessel, when navigating in a harbour, shall have a master, duly licensed under regulation 8 on board and in charge of such vessel.

Penalty for
not having
Harbour
Licence.

(2) Any owner who uses or permits to be used any vessel in a harbour without having a master, duly licensed under regulation 8 on board and in charge shall be liable to a penalty not exceeding one hundred dollars.

(3) Any person acting as master of any vessel while navigating in a harbour without being the holder of a valid harbour licence for the particular type of vessel of which he is acting as master shall be liable to a penalty not exceeding one hundred dollars.

(4) The provisions of this regulation shall not apply to :—

- (a) any person holding a certificate of competency for the particular type of vessel being navigated issued by any competent authority outside the Colony ;
- (b) any Officer of the Royal Navy ; or
- (c) any Naval Officer of any foreign power ;
- (d) fishing vessels under ten tons burden not propelled by machinery and vessels not propelled by machinery belonging to and used solely by farmers and not carrying passengers or goods for hire or reward.

Register of
Harbour
Licences.

12. The Harbour Master shall keep, in such form as he thinks fit, a register containing particulars of the persons to whom harbour licences have been issued, and of the suspension and cancellation of such licences.

PART II.

REGULATION OF TRAFFIC IN HARBOURS AND PREVENTION OF ACCIDENTS.

Rule of the
Road.

13.—(1) Every vessel navigating in the waters of any river within the limits of the harbour of Georgetown or the harbour of New Amsterdam shall, when proceeding across such river, keep out of the way of any other vessel which may be proceeding up or down the said river and shall, if the circumstances of the case admit, avoid crossing ahead of such other vessel.

(2) Subject to paragraph (1) of this regulation, every vessel navigating in any harbour shall obey the Rule of the Road at Sea and carry the lights prescribed by the Collision Regulations.

Penalty.

(3) Any master who fails to comply with or contravenes the provisions of this regulation shall be liable to a penalty not exceeding two hundred dollars.

Vessels dropping up or down a Harbour.

14.—(1) Every vessel dropping up or down a harbour with the tide and with her anchor on the bottom but not being held by such anchor, shall in addition to the lights prescribed by the Collision Regulations, for a vessel under way, carry the lights for a vessel not under command, namely two red lights in a vertical line, one over the other not less than six feet apart, and in the daytime the two black balls or shapes required by Article 4 of the Collision Regulations.

Penalty.

(2) The master of any vessel failing to carry the lights or shapes required by this regulation shall be liable to a penalty not exceeding one hundred dollars.

Special signal for foreign going steamships.

15. An ocean going vessel or steamship, when about to approach or about to leave any wharf, may in order to warn sailing vessels, punts and other vessels in the vicinity, sound four short blasts on her whistle or siren.

Certain vessels to keep out of the way of foreign going steamships.

16.—(1) Sailing vessels, punts and other vessels which, by reason of their lack of manœuvring ability, are liable to interfere with the docking or undocking of an ocean going vessel or steamship shall on hearing the warning signal prescribed by regulation 15 not leave their anchorage or berth, or if under way, immediately take all steps possible to vacate the vicinity in which the steamer is manœuvring.

Penalty.

(2) The master of a sailing vessel, punt or other vessel described in paragraph (1) of this regulation who manœuvres in such

manner as to impede the free movement of an ocean going steamship while it is docking or undocking or when it is in the vicinity of wharves, will render himself liable to the suspension or cancellation of his harbour licence under paragraph (1) of regulation 10 in addition to any penalty to which he may be liable under regulation 21 of the Harbours and Pilotage Regulations, 1924.

PART III.

MARKING LOAD LINES ON VESSELS.

17.—(1) The owner or master of every vessel in respect whereof a certificate of sea-worthiness has been issued under paragraph (3) of regulation 3 and the owner or master of every other vessel, except fishing vessels, not marked with an approved load line, shall brand load lines on both sides of the vessel in the position indicated by the Harbour Master showing the minimum freeboard to which the vessel may load. Branding
Load Lines.

(2) The position of the load lines shall be determined by the Harbour Master in accordance with the rules contained in the Fifth Schedule to these Regulations. Fifth
Schedule.

(3) Every such load line shall consist of :—

(a) In the case of vessels fitted with an efficient water-tight deck, to the satisfaction of the Harbour Master, of a straight line not less than 12 inches in length and 1 inch in width and shall be so placed that the central point of such line shall be exactly midway between the bow and stern of such vessel, on the water line, upon each side of such vessel in a horizontal direction ;

(b) In the case of vessels not fitted with an efficient water-tight deck two, or if such vessel is issued with a load line under the River Navigation Regulations, 1924, or any Regulations amending the same, three horizontal straight lines not less than 9 inches in length and 1 inch in width. These lines shall be so placed that they shall project, one forward and one or two aft, from a vertical line placed midway from the bow and stern of such vessel and of such a length as to connect the horizontal lines in a vertical plane. These horizontal lines shall be marked with letters not less than 4 inches high as follows :—

R—on top of the load line marking the River freeboard.

W—on top of the load line marking the rough weather freeboard.

S—on top of the load line marking the fine weather freeboard.

(4) Any master who loads his vessel in such a manner as to submerge the load line, or if marked with more than one load line the S load line at any time, or the W load Penalty.

line during the months of January, February or March, while in a harbour, shall be liable to a penalty not exceeding one hundred dollars, and in addition, to have his harbour licence suspended or cancelled under paragraph (1) of regulation 10.

(5) In paragraph (1) of this regulation an approved load line means a load line approved by a competent authority outside the Colony, or by a competent person, to the satisfaction of the Harbour Master in the Colony.

Marks to be painted on vessels.

18.—(1) The number of the certificate of seaworthiness issued under paragraph (3) of regulation 3 and the number of persons the vessel is licensed to carry shall be legibly printed in black letters or figures not less than 4 inches high on a white ground in a position where it can best be seen, on the stern of the vessel.

Penalty.

(2) The master or owner of any vessel who fails to comply with the provisions of this regulation shall be liable to a penalty not exceeding fifty dollars.

Markings to be kept freshly painted.

19.—(1) All markings of vessels required under these regulations shall be kept freshly painted and legible to the satisfaction of the Harbour Master.

Penalty.

(2) The master or owner of any vessel who fails to comply with the provisions of this regulation shall be liable to a penalty not exceeding fifty dollars.

PART IV.

GENERAL.

Recovery of penalties.

20. All penalties under these Regulations may be sued for and recovered under the Summary Jurisdiction Ordinances.

Made by the Transport and Harbours Board under the authority of paragraphs (e) and (j) of section 37 (2) of the Transport and Harbours Ordinance, 1931, (No. 30) this 30th day of November, 1938.

G. D. OWEN,
Chairman,
Transport and Harbours Board.

Approved by the Governor in Council under the authority of section 37 (2) of the Transport and Harbours Ordinance, 1931, (No. 30) this 18th day of April, 1939.

GEO. C. GREEN,
Clerk to the Executive Council.

FIRST SCHEDULE.

FORM NO. 1.

CERTIFICATE OF SEAWORTHINESS No.....

Reg. 3 (3).

Issued under and subject to the Harbours Regulations, 1939.

I hereby certify that I have this day inspected the vessel herein mentioned and pass her as seaworthy for use in the.....harbour subject to the conditions specified below:—

Name of vessel.....Description of vessel.....
 Length of vessel.....Breadth.....Sheer.....
 Purposes for which vessel is alone permitted to be used.....
 Maximum number of persons that may be carried on the vessel at any one time.....Minimum freeboard to which the vessel may be loaded.
 "S" freeboard..... "W" freeboard.....
 Equipment which vessel must carry:—

Date

Harbour Master.

Note :—This certificate is valid for twelve calendar months from the date thereof, and no longer.

FORM NO. 2.

STATEMENT OF UNSEAWORTHINESS.

Reg. 3 (7), 4
(3).

Issued under and subject to the Harbours Regulations, 1939.

To the.....of the.....Having on the..... day of.....19.....surveyed the above mentioned vessel I find that she is unseaworthy on account of defects and/or deficiencies mentioned below.

If this vessel is navigated in the.....harbour prior to a re-survey and to the issue of a certificate of seaworthiness under regulation 3 (3), you will be liable under Regulation 6 (3) to a penalty not exceeding one hundred dollars.

Dated

Harbour Master.

FORM No. 3.

CERTIFICATE OF REVOCATION.

Reg. 4 (2)
(3).

Issued under and subject to the Harbours Regulations, 1939.

To the.....of the.....
 I hereby revoke the certificate of seaworthiness No.....in consequence of the vessel being (*here state concisely reasons for revocation*).

Date

Harbour Master.

FORM No. 4.

Reg. 7 (4).

REGISTER OF VESSELS ISSUED WITH CERTIFICATES OF SEAWORTHINESS.

Issued under and subject to the Harbours Regulations, 1939.

Date of Certificate.	No. of Certificate.	Name of Vessel.	Description of Vessel.	Name of Owner.	Address of Owner.	Date of Revocation.	Remarks.

FORM No. 5.

Reg. 8 (4).

HARBOUR LICENCE.

Issued under and subject to the Harbours Regulations, 1939.

..... is hereby licensed to act as master of a in the harbour.

Date

Harbour Master.

No. of Licence.....

Description of holder of Licence.

Place of birth.....
 Date of birth.....
 Height.....
 Build.....
 Distinguishing Marks.....
 Race.....
 Signature.....

SECOND SCHEDULE.

Reg. 3 (4).

EQUIPMENT FOR VESSELS NAVIGATING IN A HARBOUR.

1. An anchor of a size suitable to the size of vessel with at least 10 fathoms chain cabin or if the vessel is over 20 tons burden then with at least 20 fathoms chain cable.

This rule shall not apply to vessels less than 25 feet in length.

2. The lights required by these Regulations.

3. Bilge pump or other suitable means of bailing out the vessel.

4. Engine, sails, oars or paddles, as appropriate, in good order and condition.

5. One lifebuoy, except in vessels less than 25 feet in length.

6. Sufficient approved buoyant apparatus either in the form of lifebelts, lifebuoys, tanks or rafts, sufficient in the aggregate to support in water 40 per cent. of the number of persons permitted to be carried.

7. One approved chemical fire extinguisher to be carried on all vessels propelled by machinery using oil fuel.

8. Any other equipment which, in the opinion of the Harbour Master, is necessary to ensure the safety of those persons permitted to be carried, depending on the type and construction of such vessel.

THIRD SCHEDULE.

Reg. 3(5) (ii).

The maximum number of persons which may be carried shall be determined by multiplying the length of the vessels in feet by the breadth in feet and dividing the product by eight, except in the case of vessels propelled by machinery when the area of the engine room in square feet shall be deducted from the product of the length multiplied by the breadth before dividing by the factor eight: Provided that in no case may the load line of the vessel be submerged.

FOURTH SCHEDULE.

Reg. 8 (3).

SUBJECTS FOR EXAMINATION FOR HARBOUR LICENCE AS MASTER.

(1) The Rule of the Road at Sea and special regulations for preventing collisions in the harbours.

(2) Lights required to be carried by different types of vessels.

(3) Prescribed areas for anchorage in the harbours.

(4) Duties of a master in the event of collision.

(5) Equipment to be carried by the type of vessel for which a licence is required.

(6) The use of distress signals.

(7) How to act in case of fire, sinking or man overboard.

(8) General seamanship as applicable to the type of vessel for which a licence is required.

(9) Any other questions relating to the management and control of vessels which the Harbour Master may ask.

FIFTH SCHEDULE.

Reg. 3 (5)
(iii), 17 (2).

RULES FOR DETERMINING FREEBOARD.

1. Vessels fitted with an efficient water-tight deck, covering the whole length of the vessel, in which any openings or hatches are provided with proper coamings and covers shall have the position of their load line as follows:—

(a) Steam vessels up to 80 feet in length, 8 inches freeboard.

(b) Sailing vessels up to 80 feet in length, 9 inches freeboard.

(c) For every increase in length of 5 feet, one inch additional freeboard in the case of sailing vessels, and half an inch in the case of steam vessels,

2. Vessels (including open punts and boats) not fitted with an efficient water-tight deck shall have their "S" freeboard determined as follows:—

(a) Length not exceeding 30 feet, 15 inches freeboard.

(b) For every increase in the length of the vessel of ten feet, one inch additional freeboard.

3. The position of the "W" load line shall be three inches lower than the "S" load line in all vessels not having an efficient water-tight deck.

4. The amount of freeboard allowed shall be increased by 1 inch for every inch and a half that the sheer of the vessel is less than a standard of 1 inch sheer for ever 5 feet in the length of the vessel, but no deduction shall be made for any excess in sheer except in the case of decked vessels (Rule 1) when 1 inch less freeboard may be allowed for every increase $1\frac{1}{2}$ inches in sheer up to a maximum allowance of $1\frac{1}{2}$ inches freeboard for 100 feet in the length of the vessel.

5. The amount of freeboard may be increased if in the opinion of the Harbour Master the build or trim of the vessel is such as to make the vessel less safe than a similar type of vessel of standard build and trim.

6. No deductions shall be made to the freeboard on account of superstructures, salinity of the water, round of beam, forecastle, bridge, poop or raised quarter deck, etc.