

DRAFT POLICY ON

Small Boats

PLEASURE CRAFT, FISHING VESSELS AND PERSONAL WATERCRAFT
OPERATING IN THE WATERS OF TRINIDAD AND TOBAGO



INTRODUCTION

The Maritime Services Division (MSD) of the Ministry of Works and Infrastructure is charged with the responsibility of ensuring the safety and security of shipping, the prevention of vessel source pollution and facilitating the growth of the national maritime sector through regulatory, administrative and developmental frameworks, in accordance with international maritime agreements under the International Maritime Organization (IMO) Conventions and the Shipping Act.

In furtherance of the above, the MSD is mandated to ensure that all vessels operating in the waters of Trinidad and Tobago meet the required safety standards, and are surveyed and inspected.

The draft Policy and draft Regulations are developed for the introduction and implementation of licensing and inspection systems for pleasure crafts, fishing vessels and personal watercrafts. The aim is to bring about a level of regulation in the operation of "small boats" in the jurisdictional waters of Trinidad and Tobago. The implementation of these measures can minimize risks to owners, operators and users including collisions by advocating for the safe operations of small boats including training on safety at sea.

MARINE INCIDENTS INVOLVING SMALL BOATS

The MSD has noted with concern the proliferation of incidents within the waters of Trinidad and Tobago (T&T) involving “small boats”. This is the term used for vessels under 24 metres in length, which fall outside the regulatory scope of the International Convention on Safety of Life at Sea (SOLAS 74/78), to which Trinidad and Tobago is party and enforces through the Act and its surveyors and inspectors. The notorious ‘Flugtag’ incident at Williams Bay, Chaguaramas in 2011 first brought these concerns to national attention, and highlighted the lack of legislative and regulatory cover for vessels of this nature.

A more recent incident occurred in Chaguaramas which involved a Coast Guard vessel (Interceptor CG017) and a pirogue (Most Play 3) on the 12th August 2020. The two vessels collided in an area of moderate traffic resulting in injuries to personnel on both sides and as a result, this accident caused the pirogue to sink. In addition, and notwithstanding the provision within the Shipping Act requiring that all vessels trading in the waters of Trinidad and Tobago require appropriate financial cover, neither party had insurance to cover the damages incurred.

As a result of this accident, an investigation was conducted and a report was generated in which the following recommendations were made -

- a) The MSD should review the education and training of small-scale fishermen on safety at sea and the collision regulations; and
- b) The MSD should institute a registration and inspection programme for small-scale fishing vessels to ensure that they are equipped with the necessary safety equipment which includes, but not limited to, radar reflector, sound signaling and navigation lights.

In this regard, in order to address and reduce the number of maritime accidents involving "small boats" the MSD proposes to introduce and implement a license system and inspection regime governing pleasure craft, fishing vessels and personal watercraft, as well as the operators and users of these vessels. In support, new subsidiary legislation under the Shipping Act has been drafted governing the use of small boats and giving legislative effect to the proposed measures.

The MSD will work closely with the Trinidad and Tobago Coast Guard (TTCG) and the Trinidad and Tobago Police Service, Coastal and Riverine Protection Unit and any other relevant stakeholders under this initiative in order to introduce and implement this license system and inspection regime.

PROPOSAL

These Regulations shall apply to small boats propelled by machinery and owned wholly by individuals or corporations ordinarily resident in Trinidad and Tobago. Small boats that are not propelled by machinery shall be licensed in accordance with these Regulations, and may be operated within the waters of Trinidad and Tobago by a person without a Small Boat Operator Licence as provided for under regulation 9.

The following will also apply:

- a) A "small boat" must be surveyed by MSD and the owner will be required to apply to MSD using the prescribed form. The Director of Maritime Services, if satisfied by the surveyor's report may, on payment of the prescribed fee issue a licence for a period of (5) five years, following which the boat shall re-surveyed or unless suspended or cancelled under the regulations.

b) A Small Boat Operator Licence will be granted by the Director of Maritime Services in accordance with Age and Horse Power Restrictions at d) below. A person desirous of obtaining a Small Boat Operator Licence will be required to apply to the MSD using the prescribed form accompanied by the requisite documents and payment of the prescribed fee. Further, if required the relevant training in accordance with the Schedule 1 of the Regulations can be received from MSD approved training institutions. This training will assist persons to attain a passing grade in a boating safety test issued by the Director of Maritime Services. A Small Boat Operator Licence will be valid for a period of (5) five years once issued to an applicant under the age of (60) sixty years and for a period of (1) one year once issued to an applicant sixty years of age and older.

c) The holder of a licence to operate a small boat issued in a foreign country will be allowed to operate in Trinidad and Tobago once it is determined by the Director that the licence meets the criteria established under these Regulations.

d) Age and Horse Power Restrictions:

A G E G R O U P	R E G U L A T I O N
Under the age of 14 years	Persons will not be permitted to operate a small boat over 15 hp without direct supervision. For the purpose of this policy, "direct supervision" refers to a person 17 years of age or older, being the holder of a Small Boat Operator Licence, who is at the time of its operation is in the boat and directly supervising the operator.
Between the ages of 14 and 17 years	Persons in possession of a Small Boat Operator Licence will be permitted to operate small boats with an engine of no more than 50 hp on their own with the consent of the owner of the small boat. However, persons in possession of a Small Boat Operator Licence will only be allowed to operate small boats with engines between 50 hp and 150 hp under "direct supervision".
Over 17 years of age	Persons desirous of operating small boats under 150 hp may undergo training in Boat Safety but do not require a Small Boat Operator Licence. However, for small boats over 150 hp, persons may undergo training in Boat Safety and will be required to successfully undertake the examinations for the issue of a Small Boat Operator Licence.

e) Persons holding either a Boatmaster licence or certification under any written law that is equivalent to or of higher qualification than that of a Small Boat Operator Licence will be exempt from examination by the Director under paragraph (3) and shall be issued with the licence upon application.

In this regard, it is also worth noting that the MSD will give consideration for a period of non-enforcement (its duration to be determined) to allow for compliance with the Shipping "Small Boat" Regulations when it's enacted.

PERSONAL WATERCRAFT

The regulations shall also apply to the use of 'personal watercraft' (PWCs) – the nomenclature used for a small recreational watercraft, usually under 5 metres in length, in which the operator is sitting, standing or kneeling on the vessel rather than being completely inside of it (as is the case with a standard boat). PWCs use inboard jet drives (engines that sit inside the watercraft and receive power from a jet pump) as their main propulsion system, similar to jet-powered boats. Popular brands such as 'Jet Ski' or 'Sea-Doo', are extensively used in the waters of Trinidad and Tobago without a proper regulatory structure governing their safe use.

The regulations seek to ensure that persons licensed to operate PWCs must not only show evidence of knowledge of the 'rules of the road' governing collisions at sea, but they shall be required to carry documentary proof of proficiency in the use of PWCs in order to seek the rental of such units. The regulations further seek to empower the Director of Maritime Services to attach conditions to the issue of licences to operate PWCs. Such conditions shall include limitations on the areas of operations, and rules of conduct governing PWC operations.

Persons using personal watercraft in the waters of Trinidad and Tobago will be required to operate such vessels at idle speed and at a distance of no greater than two hundred metres from the shoreline, save and except in those areas identified in Schedule 5 of the draft regulations where no such restrictions will apply. For the purposes of this Regulation, 'idle speed' means the minimum speed necessary for the personal watercraft to transverse breaking water.

CREATION OF A DATABASE

Due to the absence of a current regulatory regime for small boats, the MSD does not have an accurate figure on the number of "small boats" traversing the waters of Trinidad and Tobago (T&T), nor is there any information on their users. The implementation of a formal inspection regime, the training and examination process and the issuance of operator permits shall enable the MSD to establish a database on "small boats" that will be maintained and updated given that the surveying of those vessels will now become mandatory. The MSD shall be able to chart the progress of the new measures and make changes wherever and whenever necessary. This shall also assist the MSD in the implementation of its vessel traffic measures which form part of the Shipping Bill, presently before a Joint Select Committee of Parliament.

COMMUNICATION STRATEGY

The MSD, in order to create awareness and to build stakeholder engagement, will use the various forms of media at its disposal to sensitize stakeholders on the draft Policy and draft Regulations. Further, the MSD will hold stakeholder meetings with the view to inform and obtain feedback from attendees as it relates to the draft Policy and draft Regulations. Further, field visits will also be undertaken to engage stakeholders. The above mentioned will be done in accordance with the Division's objective to target a wide array of stakeholders with the view to producing a Policy and Regulation that are universally accepted.

TRAINING

As a further measure to mitigate the instance of maritime accidents and to prevent the loss of life involving “small boats”, the Regulations shall provide for the training of operators of small boats, to be provided by MSD approved training institutions. The Regulations further provide for an examination process in order that the Director of Maritime Services shall be satisfied that persons seeking to operate small boats have the basic level of competence to do so before operator permits are issued.

POTENTIAL BENEFITS

The potential benefits that may be derived from the implementation of this policy are as follows:

- a) A reduction in the number of maritime accidents and loss of life through the safe use of small boats in the waters of Trinidad and Tobago;
- b) Improved public knowledge of safe maritime practice as implemented through the SOLAS Convention and the Collision Regulations;
- c) The creation of a maritime database for small boats and the strengthening of the MSD’s institutional capacity; and
- d) Casual users of the sea will learn the best practices for vessel operations and sea usage, resulting in greater appreciation of the marine environment.