

POLICY FOR THE REGULATION AND LICENSING OF SMALL BOATS
(PLEASURE CRAFT, FISHING VESSELS AND PERSONAL WATERCRAFT)
OPERATING IN THE WATERS OF TRINIDAD AND TOBAGO

1. INTRODUCTION

The Maritime Services Division (MSD) of the Ministry of Works and Transport 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 (T&T) meet the required safety standards and are surveyed and inspected.

The following Policy has been developed for the introduction and implementation of a licensing, inspection and regulatory regime for small boats. For context, the term “*small boat*” shall be the term used in this Policy to refer to those 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 the MSD enforces through the Act and its surveyors and inspectors.

The aim is to bring about a level of regulation in the operation of small boats in the waters of Trinidad and Tobago. The implementation of these measures are intended to promote and encourage greater maritime safety, facilitate marine safety training for persons using Trinidad and Tobago waters for both recreation and their livelihoods, minimize risks to the owners, operators and users of small boats and to create a database of vessels in order to assist the Government in its ongoing efforts towards maintaining both vessel safety and maritime security.

In this respect, this Policy is aligned to the National Development Strategy for Trinidad and Tobago, 2016-2030 (NDS), commonly referred to as Vision 2030, which incorporates the United Nations Sustainability Development Goals (SDGs). The Policy is also consistent with the Roadmap to Recovery Reports (R2R) and the Community Recovery Report (CRR) as the Maritime Sector has been identified for development as an integral element of the diversification agenda. In particular, the implementation of Policy and Regulations can potentially contribute to the following development themes of the NDS:

- **Theme II** – Delivering Good Governance and Service Excellence;
- **Theme III** – Improving Productivity through Quality Infrastructure and Transportation;
- **Theme IV** – Building Globally Competitive Businesses; and
- **Theme V** – Placing the Environment at the Centre of Social and Economic Development

2. 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.

The notorious ‘Red Bull Flugtag’ incident at Williams Bay, Chaguaramas on **July 4th, 2011** first brought these concerns to national attention and highlighted the lack of legislative and regulatory cover for small boats. Two persons drowned after an overcrowded pirogue, carrying more persons than the specifications of the vessel demanded, sank at Dhein’s Bay, Chaguaramas while on its way to the event.

On **August 12th, 2020** a Coast Guard vessel (Interceptor CG017) and a pirogue (Most Play 3) collided in an area of moderate traffic in Chaguaramas Bay. The collision resulted in injuries to persons on both sides and the sinking of the pirogue.

According to the MSD’s records, six (6) further maritime incidents within Trinidad and Tobago waters involving small vessels have been recorded for the period 2020 - 2024.

While the Shipping Act (Chapter 50:10) mandates the survey and inspection of ‘Convention vessels’ - vessels of 24 meters and over in accordance with the International Convention on Safety of Life at Sea (SOLAS 74/78) - section 40 of the Act also provides for the regulation of non-convention boats. The recent incidents underscore the urgent necessity for enhanced regulation of non-convention ships, including fishing vessels, pleasure craft, and personal watercraft.

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 licensing system and inspection regime governing both small boats as well as the operators and users of these vessels. In support, new subsidiary legislation under the Shipping Act shall be drafted governing the use of small boats and giving legislative effect to the proposed measures.

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

3. PROPOSAL

The MSD proposes a four (4) phased implementation system that is designed to regulate the operation of small boats in the waters of Trinidad and Tobago in the manner described below:

3.1 PHASE 1

Small boats registration licence for pleasure craft and fishing vessels below 24 metres in length

The MSD proposes the implementation of a small boat “registration licence” for pleasure and fishing vessels under 24 meters modelled on the system that is currently used by Transport Canada for the licensing of pleasure craft.

Under the proposed system, the following documents shall be required by MSD from each applicant desirous of a registration licence in respect of a pleasure craft or fishing vessel:

- (a) one form of identification;
- (b) birth certificate;
- (c) proof of ownership;
- (d) completed application form/s (provided by the Maritime Services Division);
- (e) proof of address; and
- (f) a current photograph of the vessel (stock images will not be accepted).

The image at (f) above must:

- be in colour;
- be current;
- be well-lit (no heavy shadows, no large wash-out areas);
- be a full side view of the vessel; and
- cannot be blocked by objects and must be clearly visible.

With regards to the registration of fishing vessels the following documents shall be required by MSD from the owner or owner's agent (who is required to produce written authority signed by the owner):

- (a) one form of identification;
- (b) birth certificate
- (c) builder's certificate (applies for new vessels only)
- (d) a bill of sale (sale agreement – where the vessel has been purchased). In the absence of a builder's certificate an affidavit will be accepted.
- (e) completed application form/s (provided by the Maritime Services Division);
- (f) proof of address;
- (g) articles of incorporation where appropriate; and
- (h) a current photograph of the fishing vessel. Stock images will not be accepted.

The image must:

- be in colour
- be current
- be well-lit (no heavy shadows, no large wash-out areas)
- be a full side view of the fishing vessel
- the vessel must be out of the water (on land) before the photo is taken
- the fishing vessel can't be blocked by objects and must be clearly visible

Options shall be provided in order to facilitate the application process:

- (a) applicants may complete and submit applications form and documents as detailed above via email.
- (b) applicants may also deliver completed forms in person at the MSD's offices.
- (c) the MSD will also visit fishing villages/fish landing sites to provide assistance to owners of fishing vessels who may have challenges with completing the electronic application.

The MSD recommends, for the initial implementation stage of the licensing system, that there be no cost to the owners of pleasure and fishing vessels in respect of the application for the licence.

Upon acceptance by the Director, Maritime Services, a provisional number will be issued pertaining to the vessel in order that it be marked on the vessel.

While Regulations are to be drafted under the Shipping Act in support of this Policy, the MSD also proposes a moratorium of six (6) months from the promulgation of such regulations, to facilitate the mandatory registration of pleasure and fishing vessels as referred to above. Following this period, it is recommended that such Regulations create an offence for the failure to register a small boat. Such offence should impose a fine of one thousand dollars, and/or imprisonment of six months, together with fine of one hundred dollars to be imposed for each day, or part thereof, the offence persists until the Regulations are complied with.

3.2 PHASE II

Personal Watercraft

The Policy shall also apply to the use of personal watercraft or PWCs. For the purposes of this Policy “personal watercraft” or “PWCs” shall refer to those small recreational watercrafts, 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.

Regulations to be drafted in pursuance of this Policy shall seek to ensure that persons are licensed to operate PWCs and show evidence of knowledge of the ‘rules of the road’ governing collisions at sea and shall be required to carry documentary proof of proficiency in the use of PWCs in order to seek the rental of such units or those purchased for personal use and not for rental. 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. It is envisioned that this exercise shall be completed within 6 months following Phase 1.

In this respect, MSD shall implement an Operator licensing system for the operators of PWCs.

The Maritime Services Division is currently in the process of designing, developing and implementing an online test platform for persons desirous of operating small boats, as detailed in Phase IV below.

Upon passage of the Regulations, it shall become mandatory, for persons 18 years and below at the date of promulgation, desirous of operating personal watercraft to utilize the

online test platform and achieve a passing grade of at least 80%. Only then, shall the Director, Maritime Services, issue a licence to operate a PWC. Persons above the age of 18 years at the time of passage of the regulations shall be exempt from the online examination and shall be issued the Permit upon satisfying the Director that the requirements under the application process have been met. Those persons are only required to apply for a licence and administratively view a video on the safety requirements for the operation of a vessel. It is anticipated that the online test platform shall be completed by March 2025.

3.3 PHASE III

3.3.1 The issue of a “Licence to operate” applicable to small boats

The MSD proposes that for small boats to operate in Trinidad and Tobago that such vessels be issued a “licence to operate”, such licences to be rolled out after the completion of a nationwide mandatory survey of all small boats operating in the waters of T&T. The MSD envisions that the mandatory survey process can be completed within 12 months following Phase II.

The surveying of vessels is incredibly important and beneficial. While regular safety checks and maintenance are key to the longevity of any boat, it is also an effective way to protect the occupants of the vessel from potential safety hazards and further ensures that all operational aspects of the boat, such as lifesaving appliances, firefighting and communications equipment, are functioning according to safety regulations.

The survey shall ensure that the vessel meets at least the minimum technical standards in accordance with current regulations and their underlying intentions. Additionally, it aims to verify that the daily operations are focused on safety, fostering a safety culture that enables operator(s) to navigate the ship safely and respond effectively in emergency situations.

Therefore, the MSD recommends:

- (a) that all fishing vessels below 24m in length shall be surveyed by the MSD through its staff.
- (b) that for fishing vessels, no fee shall be paid for the initial survey and the licence will be valid for a period of five (5) years from the date of promulgation of the Regulations after which a fee of TT\$100.00 shall be paid for a survey of the vessel; and
- (c) that owners of all other types of vessels under 24 meters in length under the Act shall have their vessels surveyed by an approved government surveyor and the licence will be valid for a period of five (5) years. The owners of such vessels shall also have the option to engage external Government Appointed Surveyors of their choosing.

3.3.2 Survey requirements for small boats

The MSD proposes that surveyors be appointed by the Minister under the Shipping Act who shall be charged with the responsibility of ensuring that small boats meet the required safety standards.

A typical survey comprises the following:

- (a) measurements of the vessel will be recorded.
- (b) the general structure of the vessel will be examined;
- (c) the hull of the vessel will be examined;
- (d) the vessel will be examined for evidence of damage caused by accident that may compromise the integrity of the vessel;
- (e) the area where the engine is situated will be inspected to ensure that it is properly secured to the vessel; and
- (f) for fishing vessels, the surveyor would ensure that the vessel is painted properly and that the markings on the vessel is clearly visible such as the name of the vessel on both bows and the registration number.

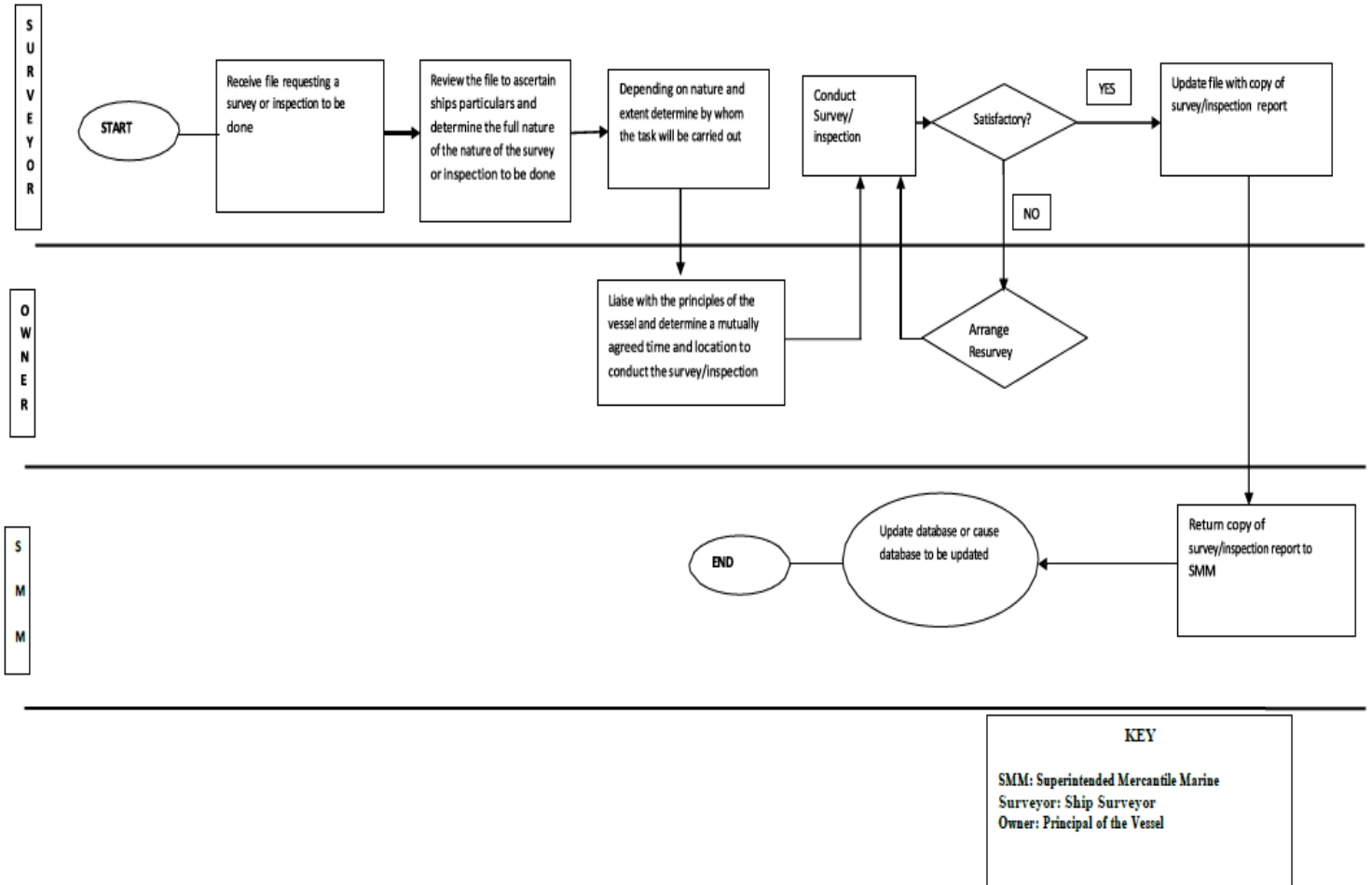
The surveyor, following the survey of the vessel, will determine the appropriate safety equipment required to be carried on board the vessel that may include the following:

- (a) lifejackets;
- (b) lifebuoys;
- (c) fire bucket and lanyard. Multi-purpose fire extinguisher;
- (d) one watertight can containing 6 approved self-igniting red flares and 3 handheld flares;
- (e) VHF radio – fixed or handheld (if the vessel operates more than 3 miles from land);
- (f) navigation lights and sound signals;
- (g) compass;
- (h) waterproof torch;
- (i) first aid kit;
- (j) bailer and/or bilge pump;
- (k) two oars with rowlocks or two paddles;
- (l) one global positioning system (GPS);
- (m) emergency packs; and
- (n) an anchor

The survey process for vessels is depicted in the process map provided below:

MARITIME SERVICES DIVISION, MOWT

PROCESS MAP - A CORE TASK OF SURVEY/INSPECTION OF A VESSEL



3.3.3 Proposed fees for the survey of fishing vessels

As a means of easing the burden associated with the cost that will usually be incurred by owners for the survey of their fishing vessel, it is proposed that the State bears the cost associated with the survey of **fishing vessels only** and that the Maritime Services Division through its surveyors, conduct all fishing vessels surveys at **no cost** to owners of those

fishing vessels for the initial survey and that the licence be valid for a period of five (5) years from the date of promulgation of the Regulations after which a fee of TT\$100.00 shall be paid for a survey of the vessel.

3.3.4 Proposed fees for the survey of pleasure craft

The MSD proposes that to enable the survey of pleasure craft, surveyors shall be compensated by providing a facility whereby they are allowed to claim a transportation allowance of TT\$2.35 per km (to the location and return) and a standardized regime of TT\$45.00 per meter and TT\$90.00 per meter for pleasure crafts that have two decks (double decks).

Where the surveyor is required to make return trips to survey a vessel as a result of deficiencies previously identified, a fee of between 20 to 30 percent of the original fee shall be charged after the fourth such visit. However, the transportation allowance of TT\$2.35 per km shall remain applicable for all visits.

By comparison, the survey of fishing pirogues in Grenada and St Vincent and the Grenadines will cost approximately US\$250.00 in order for the vessel to be placed on the register. Further, internationally, in the United States of America for example, the average cost of a survey will range between US\$25- \$40 per feet (e.g. A 20ft vessel will cost approx. US\$500-\$800). In Australia, it will typically range from AUD\$25-\$35 per feet (e.g. A 20ft vessel will cost approx. AUD\$500-\$700).

Therefore, when comparing the proposed rates to be charged for the survey of pleasure crafts in T&T, in general, it is still less than those rates charged in the Caribbean and Internationally.

3.3.5 Proposed fee for “Licence to Operate”

The MSD proposes a fee of TTD 50.00 for the issuance of the “licence to operate” in respect of a successfully surveyed small boat.

3.4. PHASE IV

3.4.1 The Grant and Issue of Small Boat Operator Licences

Persons desirous of operating small boats in Trinidad and Tobago waters shall be required to undertake an online test (multiple choice format) approved by MSD. Successful applicants shall be issued a Small Boat Operator Licence enabling the holder to operate small vessels subject to such terms and conditions as may be approved by the Director, Maritime Services. The process shall be administered as follows:

- (a) an examination booklet would be made available to prospective applicants;
- (b) MSD approved maritime training institutions shall provide training in preparation for the online test for those who so desire.
- (c) two types of small boat operator licences shall be made available by MSD as follows:
 - i. short-term licence applicable to persons desirous of operating (renting) jet-skis or requiring a one-time change in location of a small boat. This licence shall be valid for a period of two (2) weeks.
 - ii. A long-term licence applicable to the owners, operators and users of small boats who drive these vessels on a regular basis. This licence shall be valid for a period of five (5) years,
- (d) applicants must achieve a pass rate of at least 80% in order for the licence to be granted by the MSD.
- (e) the small boat operator licence shall be mandatory for persons aged 18 years and below from the date of promulgation of the regulations made under this Policy. Persons above aged 18 years are only required to apply for a licence and administratively view a video on the safety requirements for the operation of a vessel.

(f) MSD proposes that this will be at no cost to all users for the first 12 months from the date of promulgation of regulations. Thereafter an administrative cost of TTD 50.00 shall be instituted.

3.4.2 Age Restrictions

The Policy proposes certain restrictions to be implemented, eventually through regulations, in respect of the age groups for potential operator licence holders/small boat users, which further extends to the horsepower of such craft such persons shall be entitled to use. These restrictions are as follows:

NO.	AGE GROUP	REGULATION
1.	Under the age of 14 years	<p>Persons shall not be permitted to operate a small boat over 15 hp without direct supervision.</p> <p>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.</p>
NO.	AGE GROUP	REGULATION
2.	Between the ages of 14 and 17 years	<p>Persons in possession of a Small Boat Operator Licence shall 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.</p> <p>However, persons in possession of a Small Boat Operator Licence shall only be allowed to operate small boats with engines between 50 hp and 150 hp under “direct supervision”.</p>

3.	Over 17 years of age	<p>Persons desirous of operating small boats under 150 hp may undergo training in Boat Safety but do not require a Small Boat Operator Licence.</p> <p>However, for small boats over 150 hp, persons may undergo training in Boat Safety and shall be required to successfully undertake the examinations for the issue of a Small Boat Operator Licence.</p>
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Phase IV is estimated to be completed within 12 months following the completion of Phase III in order to allow for the promulgation of the Small Boat Regulations in accordance with the Policy and the enforcement of same.

3.4.3 Operation of PWCs

The regulations shall 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 shall further seek to empower the Director of Maritime Services to attach appropriate 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.

Operators of personal watercraft in Trinidad and Tobago waters shall 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 the MSD has identified below where no such restrictions will apply. For the purposes of this Policy, ‘idle speed’ means the minimum speed necessary for the personal watercraft to traverse breaking water.

3.4.4 Proposed Restricted Areas for PWC Operations

The **North Coast of Trinidad**, save and except for certain areas of Macqueripe Bay, Maracas bay, Las Cuevas Bay, Blanchisseuse, Grand Riviere and Toco.

The **North Coast of Tobago**, save and except for certain areas of Store Bay, Buccoo Bay, Pigeon Point, Mt. Irvine, Plymouth, Castara Bay, Parlatuvier and Charlotteville.

The Director shall reserve the right to exempt certain classes of persons from the above restrictions such as lifeguards or officers of marine law enforcement in the exercise of their lawful duties, or persons/participants in sanctioned aquatic competitive events. Such exemptions shall be determined on a case by case basis.

3.4.5 Offences and Sanctions

Regulations to be prepared in support of this Policy shall provide an appropriately severe offence and penalty regime for contraventions of small boat measures. These shall include the operation of small boats without a licence for the boat or an operator's permit operating in contravention of the terms and conditions attached to any licence or permit, and effecting significant alterations to a small vessel without properly informing the MSD. Other offences are being formulated.

The penalties for breaches of the law shall involve both the suspension and or revocation of licences or permits for time periods to be determined as well as the institution of summary offences.

4. COMMUNICATION STRATEGY

The MSD, in order to create awareness and to build stakeholder engagement, shall use the various forms of media at its disposal to sensitize stakeholders on the draft Policy and draft

Regulations. Further, the MSD shall 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 shall also be undertaken to engage stakeholders and provide assistance where needed. The above mentioned shall 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.

5. CONCLUSION

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, the Collision Regulations (COLREGS) and other relevant international best practice;
- c) the creation of a maritime database for small boats and the strengthening of MSD's institutional capacity, through which 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, as already approved by Cabinet;
- d) increased maritime governance and Governmental surveillance capacity for the purposes of national security and the securing of Trinidad and Tobago waters and coastal zones; and
- e) casual users of the sea shall learn the best practices for vessel operations (emergency procedures, navigation and equipment needed) and sea usage, resulting in greater appreciation of the marine environment.

