

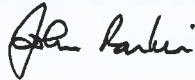
No. 24 of 2023

VIRGIN ISLANDS
MERCHANT SHIPPING (AMENDMENT) ACT, 2023
ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. General amendments
3. Section 2 amended
4. Section 414 amended
5. Section 447 amended
6. Section 449 amended
7. Schedule 4 amended

I ASSENT



Governor.

17 October, 2023



VIRGIN ISLANDS

No. 24 of 2023

AN ACT TO AMEND THE MERCHANT SHIPPING ACT 2001, NO. 13 OF 2001 AND TO PROVIDE FOR CONNECTED MATTERS.

[Gazetted _____, 2023]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and commencement

1. (1) This Act may be cited as the Merchant Shipping (Amendment) Act, 2023.

(2) This Act shall come into force on the same day as the Virgin Islands Shipping and Maritime Authority Act, 2023.

General amendment

2. The Merchant Shipping Act, 2001 (referred to in this Act as the “principal Act”) is amended by replacing the words “Virgin Islands Shipping Registry” with the words “the Authority” wherever they appear.

Section 2 amended

3. Section 2 of the principal Act is amended

(a) by inserting in the appropriate alphabetical order the following definition:

““Authority” means the Virgin Islands Shipping and Maritime Authority established by section 3 of the Virgin Islands Shipping and Maritime Authority Act 2023;”.

(b) by replacing the definition of “Registrar”, with the following:

““Registrar” means the Registrar of Shipping and Seafarers appointed under section 449 (1), or the person deemed to be the Registrar of Shipping under paragraph 3 of Schedule 2 of the Virgin Islands Shipping and Maritime Authority Act 2023;”.

Section 414 amended

4. Section 414 of the principal Act is amended
 - (a) in subsection (1), by replacing the words “The Governor shall” with the words “The Authority,”;
 - (b) in subsection (2), by replacing the words “The Director”, wherever they appear with the words “The Authority”;
 - (c) in subsection (5), by replacing the words “The Director may if he thinks fit” with the words “The Authority may, if it thinks fit”.

Section 447 amended

5. Section 447 of the principal Act is amended
 - (a) in subsection (1), by replacing the words “the general superintendence” with the word “oversight”;
 - (b) by repealing subsection (3).

Section 449 amended

6. Section 449 of the principal Act is amended by replacing the word “Governor” with the word “Authority” wherever it appears.

Schedule 4 amended

7. Schedule 4 is amended in paragraph 2 by inserting the following new subparagraph immediately after subparagraph (b):

“(ba) to act as the Virgin Islands Maritime Steering Committee for the purpose of ensuring implementation of the IMO conventions and ensuring overall compliance with the III Code.”.

Passed by the House of Assembly this 12th day of September, 2023.


Corine N. George-Massicote,
Speaker.


Phyllis Evans,
Clerk of the House of Assembly.

LEGAL REPORT

This Act amends the Merchant Shipping Act 2001, No. 13 of 2001 (referred to in this Act as “the principal Act”). The amendments are consequential upon the passage of the Virgin Islands Shipping and Maritime Authority Act, 2023.

Section 1 provides for the short title and commencement of the Act.

Section 2 makes a general amendment to the principal Act by replacing the words “Virgin Islands Shipping Registry” with the words “the Authority”.

Section 3 amends section 2 of the principal Act by defining the word “Authority”. It also replaces the definition of “Registrar” with a new definition which now includes a person deemed to be the Registrar of Shipping under the Virgin Islands Shipping and Maritime Authority Act 2023.

Section 4 amends section 414 by replacing references to the Governor and the Director, with references to the Authority.

Section 5 amends section 447 of the principal Act.

Section 6 amends section 449 of the principal Act by replacing the word “Governor” with the word “Authority” wherever it appears.

Section 7 amends Schedule 4 by inserting a new subparagraph which provide for the Board to act as the Virgin Islands Maritime Steering Committee for the purpose of implementing the IMO conventions and ensuring overall compliance with the III Code.

This Act was introduced in the House of Assembly on the 29th June, 2023, taken through its remaining stages and passed on the 12th September, 2023.

In my opinion, His Excellency the Governor may properly assent to this Act in the name and on behalf of His Majesty.



Dawn J. Smith
Attorney General
12th October, 2023