

**VIRGIN ISLANDS**  
**MERCHANT SHIPPING (SHIP TO SHIP TRANSFER)**  
**REGULATIONS, 2025**

**ARRANGEMENT OF REGULATIONS**

REGULATION

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**VIRGIN ISLANDS**  
**STATUTORY INSTRUMENT 2025 NO. 68**  
**MERCHANT SHIPPING ACT, 2001**  
**(NO. 13 OF 2001)**

**Merchant Shipping (Ship to Ship Transfer) Regulations, 2025**

[Gazetted 10<sup>th</sup> July, 2025]

The Governor, in exercise of the powers conferred by sections 174, 459 and 460 of the Merchant Shipping Act, 2001, No. 13 of 2001, makes the following Regulations:

**PART I**  
**PRELIMINARIES AND APPLICATION**

**Citation**

1. These Regulations may be cited as the Merchant Shipping (Ship to Ship Transfer) Regulations, 2025.

**Interpretation**

2. In these Regulations, unless the context otherwise requires

“Act” means the Merchant Shipping Act, 2001, No. 13 of 2001;

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

“bunkering operations” means the transfer between ships of a substance consisting wholly or mainly of oil for consumption by the engines of the ship receiving the substance;

“cargo transfer” means the transfer between two ships of a substance consisting wholly or mainly of oil which is transported by either or both of the ships for reward, in circumstances where the transfer operation between the ships is undertaken at sea, with either or both ships underway or with one ship mooring alongside another at anchor;

“Chapter 8” means Chapter 8 of Annex I of the Convention;

“Convention” means the International Convention for the Prevention of Pollution from Ships (MARPOL) adopted on 2 November 1973 at the International Maritime Organisation with the goal of preventing the pollution of the marine environment by ships from operational or accidental causes;

“consolidation operation” means a cargo transfer carried out

- (a) between two ships which normally carry out bunkering operations in the waters in which the operation takes place;
- (b) with the prior consent of the person that regulates those waters; and
- (c) for the purpose of rationalising the cargo capacity of the ship;

“crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, whether or not certain distillate fractions have been removed and to which certain distillate fractions may have been added;

“Flag State” means the State

- (a) which exercises regulatory authority over a ship which is registered in the State;
- (b) which confers its nationality upon the ship; and
- (c) whose flag the ship is entitled to fly;

“gross tonnage” of a ship means the gross tonnage of the ship as determined in accordance with either

- (a) in the case of a Virgin Islands ship, the Merchant Shipping (Tonnage) Regulations 1997, S.I. 1997 No. 151, as adopted by the Merchant Shipping (Adoption of United Kingdom Enactments) Order 2005, or any regulations that replace the Regulations; or
- (b) in the case of any other ship, the International Convention on the Tonnage Measurement of Ships, 1969 concluded at London on 23 June 1969;

“harbour” has the meaning assigned to it by section 2(1) of the British Virgin Islands Port Authority Act, 1990, No. 12 of 1990;

“lightening operation” means a cargo transfer carried out

- (a) with the prior consent of the harbour authority or other person who regulates or manages the waters in which the operation takes place;
- (b) in order to reduce the draught of the ship transferring the cargo to enable it to move to shallower waters;

“Managing Director” means the person appointed as Managing Director of the Authority under section 14 of the VISMA Act;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products but not other noxious liquid substances which, if discharged into the sea would be a major hazard to either marine resources or human health;

“Organisation” means the International Maritime Organisation;

“person in overall advisory control” or “POAC” means the person assigned and required to ensure that the cargo transfer, mooring and unmooring operations are conducted in accordance with the required STS Operations Plan;

“Port Authority” means the British Virgin Islands Port Authority established by section 3 of the British Virgin Islands Ports Authority Act, 1990, No. 12 of 1990;

“port operations” means a transfer of oil between oil tankers carried out in port, under the jurisdiction of a port or harbour authority, with one ship secured to a shore installation and one or more vessels mooring alongside;

“rescue boat” means a ship designed or used to rescue persons in distress and to marshal life rafts;

“ship” has the meaning assigned to it by section 2(1) of the Act;

“ship generated waste” means any kind of waste, other than cargo residues, including sewage, garbage, bilge water, waste including oil products and oil from the engine room or cargo tank and waste, which are generated during the operation of a ship and fall under the scope of the Convention;

“STS Operation Plan” means a ship-to-ship transfer operations plan which

- (a) is in the working language of the ship to which it relates; and
- (b) sets out how cargo transfer operations should be conducted, based on best practice guidelines identified by the International Maritime Organisation in the Manual on Oil Pollution, Section I-Prevention;

“Virgin Islands Fisheries Zone” means the areas of sea specified by the Proclamation dated 9 March, 1977 establishing a Fisheries Zone Contiguous to the Territorial Sea of the Virgin Islands (SRO No. 4/1977, Cap. 84, 1991 Revised Edition of the Laws of the Virgin Islands);

“Virgin Islands Ship” has the meaning assigned in section 2(1) of the Act;

“Virgin Islands waters” has the meaning assigned in section 2(2) of the Act; and

“VISMA Act” means the Virgin Islands Shipping and Maritime Authority Act, 2023, No. 23 of 2023.

### **Object of these Regulations**

**3.** The Object of these Regulations is to give effect to Chapter 8 in the law of the Virgin Islands.

### **Ambulatory reference**

**4.** Any reference in these Regulations to the Convention or an instrument made under , or which relates to the Convention, , is to be construed

- (a) as a reference to the Convention or instrument, as modified or amended from time to time; and
- (b) where the Convention or instrument, is replaced, as a reference to the replacement for the Convention or instrument.

PART II  
REQUIREMENTS FOR CARGO TRANSFERS

**Cargo transfers**

5. (1) Subject to paragraph (4), the owner or master of a ship, or any other person, shall not carry out a cargo transfer in Virgin Islands waters unless the ships carrying out the transfer

- (a) are within a harbour;
- (b) are outside a harbour and
  - (i) the owner or master has provided 72 hours' notice of the proposed transfer to the Managing Director;
  - (ii) the Managing Director has approved the location of the proposed transfer;
  - (iii) a permit has been obtained from the Managing Director for the specific transfer; and
  - (iv) in the case of a cargo transfer to or from a ship of 150 gross tonnage or above, the requirements in paragraph (3) are met.

(2) Subject to paragraph (5), the owner or master of a ship, or any other person, shall not carry out a cargo transfer in the Virgin Islands Fisheries Zone unless

- (a) the owner or master has provided 48 hours' notice of the proposed transfer to the Managing Director; and
- (b) in the case of a cargo transfer to or from a ship of 150 gross tonnage or above, the requirements in paragraph (4) are met.

(3) A Virgin Islands ship of 150 gross tonnage or above shall not carry out a cargo transfer outside the Virgin Islands Fisheries Zone unless the requirements in paragraph (4) are met.

(4) The requirements are that

- (a) an STS Operations Plan has been approved by
  - (i) in the case of a Virgin Islands ship, the Managing Director;
  - (ii) in the case of any other ship, the ship's Flag State;
- (b) a copy of the STS Operations Plan is carried on board the ship; and
- (c) the cargo transfer is carried out in accordance with the STS Operations Plan.

(5) This regulation does not apply to

- (a) bunker operations;
- (b) a lightening operation or consolidation operation;
- (c) oil transfer operations associated with fixed or floating platforms, drilling rigs, floating production, storage and offloading facilities or floating storage units or light houses;

- (d) a transfer of the remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed, excesses or spillages from loading or unloading, or ship-generated waste;
- (e) an cargo transfer STS Operations Plan necessary for the purpose of securing the safety of a ship, of saving life at sea or to combat pollution in order to minimise the damage from pollution; and
- (f) a cargo transfer where the oil transfer is to a warship, naval auxiliary ship or other ship belonging to the government of the Virgin Islands or another State and used, for the time being, only for non-commercial purposes.

(6) On the application of an owner or a master of ship for a permit the Managing Director, in consultation with the Minister with responsibility for the Environment and the Minister with responsibility for Fisheries, shall make a determination with respect to the issuing of the permit, and where the application is approved, the owner or a master of ship shall pay the fee specified in the Schedule for the grant of a permit.

(7) A permit shall be issued in such a manner as the Managing Director determines.

(8) A notification under this regulation shall contain such information as the Managing Director may by a Notice require.

(9) A person who contravenes paragraph (1), (2) or (3) commits an offence and is liable

- (a) on summary conviction, to a fine not exceeding \$40,000; or
- (b) on conviction on indictment, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 2 years or to both.

## **Exemptions**

6. The Managing Director, in consultation with the Minister(s) with responsibility for the Environment (and Fisheries), may in writing exempt any owner or master of a ship or any person from the requirement to obtain a permit for a cargo transfer under these Regulations.

## **Power to Review a STS Operations Plan**

7. (1) Where notification of a proposed cargo transfer is given to the Managing Director under regulation 7, the Managing Director may require the owner, master or POAC to send a copy of the STS Operations Plan, electronic or otherwise, for review before approving a permit or before it commences a cargo transfer operation.

(2) A person who refuses to submit an STS Operation Plan where required to do so by the for purposes of paragraph (1) commits an offence and is liable on summary conviction, to a fine not exceeding \$40,000.

(3) The Managing Director has the power to request such additional data or information as he considers appropriate with respect to an STS Operations Plan in order to make a determination under these Regulations.

(4) Any person who contravenes paragraph (3) in failing to provide requested data or information commits an offence and is liable on summary conviction, to a fine of \$5,000.

### **Notices and Cargo Transfers**

8. (1) The owner or master of a ship, a POAC or any other person involved in a cargo transfer shall comply with or have regard to, as the case may be, a notice or guidance issued by the Authority.

(2) An owner, master, POAC or other person involved in a cargo transfer who fails to comply with the provisions of a Notice issued under section 6(1) of the VISMA Act by the Authority commits an offence and is liable on summary conviction to a fine of \$5,000.

### **Retention of Records**

9. (1) A master shall ensure that the records for a cargo transfer are kept for a period of 3 years from the date of the completion of the cargo transfer.

(2) A master who contravenes paragraph (1) commits an offence and is liable on summary conviction, to a fine of \$5,000.

## **PART III**

## **ENFORCEMENT**

### **Power to Observe**

10. The Port Authority, in respect of a cargo transfer in a harbour, or the Managing Director, in respect of any other cargo transfer, may at any time that it or he considers appropriate or necessary in the circumstances authorise a surveyor, inspector or any other person to board a ship to

- (a) inspect an STS Operations Plan;
- (b) observe a cargo transfer to ensure compliance with STS Operation Plan or these Regulations.

### **Power to prohibit a Cargo Transfer**

11. (1) The Managing Director may prohibit a cargo transfer where

- (a) a permit has been issued for the cargo transfer; or
- (b) otherwise,

but circumstances have occurred which in the opinion of the Managing Director make it necessary to suspend or cancel the cargo transfer in order to prevent an oil spill, to protect life and to prevent the pollution of the environment.

(2) A person who undertakes a cargo transfer in contravention of a prohibition under paragraph (1) commits an offence and is liable

- (a) on summary conviction by a fine not exceeding forty thousand dollars; and

- (b) on conviction on indictment by imprisonment for a term not exceeding two years or a fine or both.

### **Falsification of Information**

**12.** Any owner of a ship, master of a ship, POAC or and other person who knowingly or recklessly provides false information to the Managing Director or the Port Authority, as the case may be, pursuant to any request for information for the purposes of these Regulations commits an offence and is liable on summary conviction to a fine of \$5,000.

### **General Defence**

**13.** Where a person is charged with an offence under these Regulations, it shall be a defence for the person so charged to prove to the satisfaction of the Court that the cargo transfer, operation or other action was to

- (a) secure the safety of any ship;
- (b) save life at sea; or
- (c) prevent pollution or in order to minimise the damage from pollution,

and was a reasonable step to take in the circumstances.



## SCHEDULE

[Regulation 5(6)]

### FEES

USD(\$)

1. Application for Permit for Cargo Transfer ... .. No fee
2. Grant of Permit ... .. \$ 100.00
3. Submission of the STS Operations Plan ... .. No fee
4. Authorisation of the STS Operations Plan ... .. \$100.00
5. Inspection fee ... .. \$75.00 per hour

Made by the Governor this 26<sup>th</sup> day of June, 2025.

(Sgd.) Daniel Puce,  
Governor.