

**VIRGIN ISLANDS**  
**MERCHANT SHIPPING (SAFETY OF LIFE AT SEA)**  
**REGULATIONS, 2025**

**ARRANGEMENT OF REGULATIONS**

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**VIRGIN ISLANDS**  
**STATUTORY INSTRUMENT 2025 NO. 73**  
**MERCHANT SHIPPING ACT, 2001**  
**(NO. 13 OF 2001)**

**Merchant Shipping (Safety of Life at Sea) Regulations, 2025**

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

The Governor, in exercise of the powers conferred on him by sections 173A, 455, 459 and 460 of the Merchant Shipping Act, 2001, No. 13 of 2001, has made the following Regulations:

**PART I**  
**PRELIMINARY**

**Citation**

1. These Regulations may be cited as the Merchant Shipping (Safety of Life at Sea) Regulations, 2025.

**Overview**

2. These Regulations implement
- (a) the provisions of the Safety of Life at Sea Convention (“SOLAS Convention”), except for Chapter V and Chapter XI-2; and
  - (b) the Codes listed in the Schedule.

**Interpretation**

3. In these Regulations, unless the context otherwise requires,

“Act” means the Merchant Shipping Act, 2001;

“Administration” means, subject to regulation 7(a), in the case of the Virgin Islands, the Managing Director, and in the case of other jurisdictions, the relevant competent authorities with equivalent powers and responsibilities;

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

“BCH Code” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk as adopted by the Maritime Safety Committee of the IMO by Resolution MSC.4(48) on 17 June 1983;

“bulk carrier” has the meaning assigned to it by Regulation XII/1.1 ;

“cargo ship” has the meaning assigned to it by Regulation I/2(g);

“Cargo Ship Safety Certificate” means a Convention Certificate of that name issued under regulation 88(2)(c)(i)

“Cargo Ship Safety Construction Certificate” means a Convention Certificate of that name issued under regulation 88(2)(c)(i);

“Cargo Ship Safety Radio Certificate” means a Convention Certificate of that name issued under regulation 88(2)(b);

“chemical tanker” has the meaning assigned to it by Regulation VII/8.2;

“Code” means a Code issued under, and given mandatory effect, by the SOLAS Convention which is listed in the Schedule; and “Codes” means those Codes collectively;

“Convention Certificate” means a certificate listed in regulation 88 (2) issued in accordance with the provisions of the SOLAS Convention;

“Convention ship” means

- (a) a Virgin Islands ship engaged on international voyages wherever it may be; and
- (b) a non-Virgin Islands ship engaged on international voyages while it is within Virgin Islands waters;

“CSS Code” means the Code of Safe Practice for Cargo Stowage and Securing as adopted by the IMO by Resolution A.714(17) on 6 November 1991;

“Document of Compliance” means a document of that name issued under regulation 93 or 94(1), as the case may be;

“equipment” includes equipment, appliances, arrangements, fittings, apparatus or material;

“Exemption Certificate” means a certificate of that name issued under regulation 91 (1);

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

“flag State”, in relation to a ship means the State in which the ship is registered or, if unregistered, whose flag it is entitled to fly;

“gas carrier” has the meaning assigned to it by Regulation VII/11.2;

“GT” means “gross tonnage” which shall be construed in accordance with section 222(5) of the Act;

“guidance notice” means

- (a) a notice issued under regulation 12; and
- (b) any notice, guidance or an instruments adopted under that section;

“high speed craft” has the meaning assigned to it by Regulation X/1.3;

“IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk as adopted by the Maritime Safety Committee of the IMO by Resolution MSC.370(93) on 22 May 2014;

“III Code” means the IMO Instruments Implementation Code (III Code) adopted by the IMO by Resolution A.1070(2) on 4 December 2013;



“IMO” means the International Maritime Organisation;

“IMO guidelines” means Guidelines adopted by Resolution of the Maritime Safety Committee or Marine Environment Protection Committee of the IMO under the SOLAS Convention that provide Guidance on the provisions of the SOLAS Convention and the Codes;

“IMSBC Code” means the International Maritime Solid Bulk Cargoes Code as adopted by the Maritime Safety Committee of the IMO by Resolution MSC.268(85) on 4 December 2008;

“in bulk” means loaded directly into the cargo spaces of a ship without any intermediate form of containment;

“INF cargo” has the meaning assigned to it by Regulation VII/ 14.2;

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships as adopted by the Maritime Safety Committee of the IMO by Resolution MSC.88(71) on 27 May 1999;

“inspector” means an inspector appointed under subsection (5) or (6) of section 414 of the Act;

“Interim Document of Compliance” means a document of that name issued under regulation 94(3);

“Interim Safety Management Certificate” means a document of that name issued under regulation 94 (6);

“International Certificate of Fitness for the Carriage of Dangerous Chemicals” means a Convention Certificate of that name issued under regulation 88 (2)(g);

“International Certificate of Fitness for the Carriage of INF Cargo” means a Convention Certificate of that name issued under regulation 88(2)(i);

“International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk” means a Convention Certificate of that name issued under regulation 99(2)(h);

“International Grain Code” means the International Code for the Safe Carriage of Grain in Bulk as adopted by the Maritime Safety Committee of the IMO by Resolution MSC.23(59) on 23 May 1991;

“international voyage” means a voyage between

- (a) a port in the Virgin Islands and a port outside the Virgin Islands; or
- (b) a port in a Party (other than the Virgin Islands) and a port in any other State or territory (whether a Party or not) which is outside the Virgin Islands;

“ISM Code” means the International Safety Management Code as adopted by the IMO by Resolution A.741(18) on 4 November 1993;

“ISM document” means a Document of Compliance, an Interim Document of Compliance, a Safety Management Certificate or an Interim Safety Management Certificate;

“log book” means an official log book required to be kept in every Virgin Islands ship in accordance with section 131 of the Act;

“LSA Code” means the International Life-Saving Appliances Code as adopted by the Maritime Safety Committee of the IMO by Resolution MSC 48(66) on 4 June 1996;

“Managing Director” means the person appointed as the Managing Director of the Authority under section 14 of the Virgin Islands Shipping and Maritime Authority Act 2023;

“MCA” means the Maritime and Coastguard Agency, an Executive Agency of the United Kingdom’s Department of Transport;

“mile” means an international nautical mile of 1852 metres;

“Minister” shall have the meaning assigned to it by section 2(1) of the Act who has responsibility for the maritime affairs;

“non-Virgin Islands ship” means a ship which is not a Virgin Islands ship;

“Nuclear Cargo Ship Safety Certificate” means a Convention Certificate of that name issued under regulation 88(2)(f);

“Nuclear Passenger Ship Safety Certificate” means a Convention Certificate of that name issued under regulation 88(2)(e);

“nuclear ship” means a ship provided with a nuclear power plant;

“oil tanker” has the meaning assigned to it by Regulation II-1/2.22;

“owner” in relation to a ship, includes

- (a) the registered owner or, in the absence of registration, the person owning the ship;
- (b) any other person (such as the ship manager, agent or bareboat charterer) who has agreed in writing to assume responsibility for the operation of the ship, including (where applicable) all the duties imposed by the ISM Code;

“Party or Party State” means a State which is a Party to the SOLAS Convention or a territory to which the SOLAS Convention has been extended;

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

“Passenger Ship Safety Certificate” means a Convention Certificate of that name issued under regulation 88(2)(a);

“passenger ship” means a ship carrying more than 12 passengers;

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

“Polar Code” means the International Code for Ships Operating in Polar Waters as adopted by the Marine Environment Committee of the IMO by Resolution MEPC.264(68) on 15 May 2015;

“Polar Ship Certificate” means a Convention Certificate of that name issued under regulation 88(2)(d);

“prescribed fee” means the relevant fee prescribed by the Regulation for setting fees for surveyors and certificates etc;

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

“radio installations” means any radio equipment other than radio navigational equipment on board a ship or provided in relation to the ship's life-saving appliances;

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

“Regulation” means a Regulation of the SOLAS Convention;

“regulation” means a regulation of “these Regulations”;

“RO Code” means the Code for Recognised Organisations (RO Code) as adopted by the Marine Environment Protection Committee of the IMO by Resolution MEPC.237(65) on 17 May 2013;

“safety assessment” means a safety assessment of a nuclear ship prepared in accordance with regulation 60;

“Safety Management Certificate” means a document of that name issued under regulation 94(5);

“shipper” means a person who, whether as principal or agent for another, consigns for carriage by sea dangerous goods or marine pollutants;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, including its Protocols of 1978 and 1988;

“State” includes a territory; and

“TDC Code” means the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011 as adopted by the IMO by Resolution A.1048(27) on 30 November 2011;

“these Regulations” means the Regulations cited in regulation 1;

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

“Virgin Islands waters” has the meaning assigned to it by section 2(2)(a) of the Act;

(2) Words or expressions used in these Regulations relating to the SOLAS Convention or a Code have the same meanings as they have in the SOLAS Convention or the Code, unless it is expressly otherwise provided.

(3) If any provision in these Regulations or in the SOLAS Convention that requires that an approval, exemption, equivalent, direction, notice or similar matter shall be in writing, or a certificate be issued, the requirement is satisfied where the text of the approval, exemption, equivalent, direction or certificate is –

- (a) transmitted by electronic means;
- (b) received in legible form;
- (c) capable of being used for subsequent reference; and
- (d) in the case of certificates, complies with all requirements for electronic certificates established by the IMO.

(4) In these Regulations

- (a) a reference to a Chapter is a reference to a Chapter of the SOLAS Convention;
  - (b) a reference to a numbered Regulation in the format “Chapter number (in Roman numerals) or Regulation number (in Arabic numerals)” is, unless otherwise stated, a reference to the Regulation of that number in the Chapter of the SOLAS Convention; and
  - (c) a reference to a regulation is a reference to a regulation in these Regulations.
- (5) Any reference in these Regulations to
- (a) a Merchant Shipping Notice;
  - (b) Guidance; or
  - (c) IMO guidelines;

includes a reference to any document amending that publication which is considered by the Managing Director to be relevant from time to time.

#### **References to date of construction etc**

4. Any reference in these Regulations to the date of construction of a ship is to be construed in accordance with the meaning given to the date of construction of the ship in the relevant Chapter of the SOLAS Convention.

## **PART II**

### **IMPLEMENTATION OF THE SOLAS CONVENTION AND THE CODES**

#### **Implementation of the SOLAS Convention and effect of the Codes in the Virgin Islands**

5. Subject to the provisions of the Act, the SOLAS Convention and the Codes listed in the Schedule shall be implemented in the Virgin Islands in accordance with these Regulations.

#### **Ambulatory references**

6. (1) Any reference in these Regulations to a provision in the SOLAS Convention or a Code is to be construed as

- (a) a reference to the provision in the SOLAS Convention or the Codes as modified from time to time; and
- (b) if the Code is replaced by another Code, as a reference to the provision in that other Code.

(2) For the purposes of subregulation (1)(a), the SOLAS Convention is modified if omissions, additions or other alterations to the text take effect in accordance with Article VIII of the SOLAS Convention.

(3) A modification to, or replacement of the SOLAS Convention by virtue of subregulation (2) has effect at the time that such modification or replacement

comes into force in accordance with Article VIII(b)(vii) or (c)(iii), as the case may be, of the SOLAS Convention.

(4) For the purposes of subregulation (1)(a), a Code is modified if omissions, additions or other alterations to the text –

- (a) take effect in accordance with Article VIII of the SOLAS Convention; or
- (b) are adopted by a Resolution of the Marine Safety Committee or Marine Environment Protection Committee, as the case may be, of the IMO in accordance with the rules of procedure which apply to the Committee.

(5) The Minister shall as soon as reasonably practicable

- (a) notify the House of Assembly of any modification or replacement by virtue of this regulation; and
- (b) publish details of the modification or replacement with an explanation of their effect in such manner as the Minister thinks fit.

(6) No modification or replacement by virtue of subregulation (1) affects any right or liability arising before the date on which the modification or replacement has effect.

#### **Construction of references in the SOLAS Convention to Administrations etc, flag States and Contracting Governments**

7. In applying any provision of the SOLAS Convention or of any Code or other instrument made under the SOLAS Convention in accordance with these Regulations, unless the context indicates otherwise

- (a) a reference to the “Administration of a State”, the “Administration” or to the “flag State” is to be construed
  - (i) in relation to a Virgin Islands ship, as a reference to the Managing Director; and
  - (ii) in relation to a non-Virgin Islands ship, as a reference to the Administration of the ship’s flag State or, if none, the government of the flag State; and
- (b) a reference to a “Contracting Government” or a “Party” is to be construed as a reference to
  - (i) in relation to the Virgin Islands or Virgin Islands waters, the Minister; and
  - (ii) in relation to any other State or the waters of any other State, the Government of that State if it is a Party,

and references to a duty or requirements imposed on, or undertakings given by, an Administration, flag State, Contracting Government or Party are to be read accordingly.

### **Exercise of discretionary functions**

**8.** Where a function is conferred on any person by a provision of the SOLAS Convention, in exercising that function, the person shall have regard to any provision of

- (a) notices or guidance issued or adopted in accordance with regulation 12;
- (b) a Code; and
- (c) IMO guidelines,

which is relevant to the function.

### **Conflicts between these Regulations and the SOLAS Convention**

**9.** Where any conflict arises between these Regulations and the SOLAS Convention or the Codes, the provisions of the SOLAS Convention or the Codes, as the case may be, take precedence.

### **Verification of compliance**

**10.** The Government and the Managing Director shall facilitate the conduct of an audit by the IMO to verify the Government's compliance with and implementation of the SOLAS Convention.

## **PART III**

### **GENERAL APPLICATION AND GENERAL PROVISION**

#### **General application and equivalency**

**11.** (1) Subject to subregulations (2) to (5) and the specific application of the provisions in each Part, these Regulations apply to Convention ships.

(2) These Regulations do not apply to

- (a) warships;
- (b) high speed craft;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure vessels; and
- (f) fishing vessels.

(3) These Regulations, subject to subregulation (4), do not apply to ships which comply, and are certified in accordance, with-

- (a) the Merchant Shipping (Caribbean Small Commercial Vessels) Regulations, 2004, No. 7 of 2004;
- (b) the Merchant Shipping (Safety of Commercial Sailing and Motor Vessel) Regulations 2004, No. 6 of 2004; and
- (c) the Merchant Shipping (Caribbean Cargo Ships) Regulations 2004, No. 82 of 2004.

(4) Notwithstanding subregulation (3), a ship which

(a) complies with any of the Regulations mentioned in paragraph (a), (b) or (c) of that subregulation which apply to the ship; and

(b) is certified under those Regulations,

shall be deemed to have complied with these Regulations.

(5) Where these Regulations do not apply to a ship at the time of its departure, these Regulations shall not subsequently apply to the ship on account of any deviation from its intended voyage due to stress of weather or any other force majeure.

(6) Persons who are on board a ship by reason of force majeure or in consequence of the obligation on the master to carry shipwrecked persons shall not be taken into account for the purposes of ascertaining the application to a ship of any provision of the SOLAS Convention.

### **Power to issue and adopt guidance notices, etc.**

**12.** (1) The Managing Director may from time to time

(a) issue any guidance notice having mandatory effect in relation to these Regulations, the SOLAS Convention or a Code; and

(b) adopt any notices or similar instruments in relation to these Regulations, the SOLAS Convention or a Code, whether described as a Merchant Shipping Notice, a Maritime Directive or by any other description, which is issued by the MCA or such other Administration as the Managing Director considers appropriate to the Virgin Islands, subject to such modifications as are necessary to enable that notice's, guidance's or instrument's application to the Virgin Islands.

(2) Any person who exercises or performs a power or duty under these Regulations shall have regard to any Guidance notice, guidance or instruments issued or adopted under subregulation (1) which relates to the power or duty.

(3) Any notice or guidance issued or adopted under this regulation, or any modification to, or replacement of, that notice or guidance, shall be published on the Authority's website.

(4) Any notice, instrument or guidance issued or adopted under this regulation may be amended with such modifications as may be necessary, or may be revoked.

### **Approval of equipment by the Managing Director**

**13.** (1) This regulation applies where a provision of the SOLAS Convention refers to any equipment requiring the approval of the Administration.

(2) Where this regulation applies, any equipment placed on board –

(a) a Virgin Islands ship shall be of a type that has been approved by the Managing Director; and

(b) a non-Virgin Islands ship shall be of a type approved by the Administration of the ship's flag State.

(3) For the purpose of subregulation (2)(a), equipment will be approved if–

- (a) subject to subregulation (4), it is of a type which has been approved by the Managing Director and is included in a list of type approved equipment maintained by the Managing Director and published on the Authority’s website; or
- (b) it does not fall within a type approved under paragraph (a) but is, subject to subregulation (4), approved specifically by the Managing Director.

(4) Before approving

- (a) a type of equipment under subregulation (3)(a); or
- (b) an individual piece of equipment under subregulation (3)(b);

the Managing Director satisfied that the equipment complies with the provisions of the SOLAS Convention and any Code which are applicable to the equipment and the type, size and date of construction of the ship on which it is to be placed.

(5) When considering whether to grant approval, the Managing Director shall have regard to any relevant

- (a) IMO guidelines; and
- (b) guidance issued or adopted by the Managing Director.

(6) Any approval given under this regulation shall

- (a) be in writing;
- (b) specify the date on which it takes effect;
- (c) specify the date (if any) on which the approval expires; and
- (d) specify the terms (if any) on which it is granted.

(7) The Managing Director may on giving reasonable notice cancel or alter the terms of any approval.

(8) Equipment marked with an expiry date ceases to be approved for the purposes of these Regulations on the expiry date.

### **Authorisation of surveyors and recognised organisations**

**14.** (1) The Managing Director may authorise in relation to an individual case or to a class of cases

- (a) a nominated surveyor; or
- (b) subject to subregulations (3) and (4), an organisation, including a classification society, recognised by it (“a recognised organisation”),

to carry out the functions specified in subregulation (2).

(2) The functions are

- (a) a survey or part of a survey for the purposes of these Regulations;  
or
- (b) any other function conferred on the Managing Director.



(3) A recognised organisation shall only be authorised for the purposes of subregulation (1) if

- (a) the recognised organisation is on a list of approved recognised organisations maintained by the MCA;
- (b) the survey or function is one which the Administration is permitted to authorise a recognised organisation to carry out under any agreement between the Managing Director and the MCA;
- (c) there is in force between the Managing Director and the recognised organisation an agreement in writing setting out the terms of the authorisation and the conditions on which the authorisation is made and the authorisation complies with that agreement; and
- (d) the authorisation is in accordance with Regulation XI-1 and the RO Code.

(4) No surveyor or recognised organisation can be authorised under subregulation (1) unless

- (a) the surveyor or recognised organisation complies with the relevant provisions of the SOLAS Convention and the RO Code; and
- (b) when carrying out any survey or function which it is authorised to carry out, in so doing the surveyor or recognised organisation acts in accordance with the RO Code.

(5) Authorisation under subregulation (1) may be given conditionally or unconditionally and is subject to subregulations (6) and (7).

(6) Without prejudice to the generality of subregulation (5), conditions may impose limitations on any authorisation relating to

- (a) individual ships;
- (b) classes of ships; and
- (c) the extent of any survey to be carried out by that person.

(7) Notwithstanding any agreement or authorisation with a recognised organisation, the Managing Director may direct that a survey, or part of a survey, for the purpose of these Regulations is carried out by the Managing Director.

(8) Where the Managing Director has authorised a recognised organisation to carry out a survey under this regulation, a reference in these Regulations, in the SOLAS Convention or in any Code to the Managing Director in relation to the survey or function authorised under this regulation shall include a reference to the authorised recognised organisation.

(9) Where a recognised organisation carries out a survey or function on behalf of the Managing Director in accordance with an authorisation under this regulation, the recognised organisation shall have the same powers as the Managing Director in relation to that survey or function.

(10) A recognised organisation is not to be regarded as the servant or agent of the Virgin Islands Government or as enjoying any status, immunity or privilege of the Government and its property is not to be regarded as property of, or held on behalf of, the Government.

### **Exemptions - general**

- 15.** (1) Subject to subregulation (2), the Managing Director may exempt from
- (a) any of the provisions of these Regulations, a ship which is not normally engaged on international voyages but is, in exceptional circumstances, required to undertake a single international voyage ship; and
  - (b) any of the provisions of Chapters II-1, II-2, III and IV as applied by these Regulations, a ship which embodies features of a novel kind if the application of those provisions might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages.
- (2) The Managing Director may only grant an exemption-
- (a) under subregulation (1)(a) if satisfied that the ship complies with safety requirements that are in the opinion of the Managing Director adequate for the voyage which is to be undertaken by the ship; and
  - (b) under subregulation (1)(b), if satisfied that the ship complies with safety requirements that are in the opinion of the Managing Director adequate for the service for which the ship is intended and are such as to
    - (i) ensure the overall safety of the ship; and
    - (ii) are acceptable to the Parties to be visited by the ship.
- (3) Any exemption granted under these Regulations
- (a) shall be recorded in writing; and
  - (b) may on, reasonable notice being given by the Managing Director, as the case may be, be altered or cancelled.
- (4) No exemption may be granted under these Regulations in respect of a nuclear ship.
- (5) Where the Managing Director grants an exemption under subregulation (1)(b), he shall make arrangements for communicating the details of the exemption to the IMO.

### **Equivalents - general**

- 16.** (1) Subject to subregulation (2), any equipment may be fitted in a Virgin Islands ship as an alternative to equipment that complies with these Regulations, if
- (a) the owner or master of the ship has made an application to the Managing Director for permission to fit the equipment to the ship;
  - (b) a surveyor-
    - (i) is satisfied that the equipment is at least as effective as that required by these Regulations; and
    - (ii) has endorsed the application to the Managing Director to that effect;

(c) the equipment is fitted to the ship in accordance with any conditions or limitations set out in the approval and is used and operated in accordance with any such conditions or limitations; and

(d) the Managing Director has approved the alternative equipment.

(2) Where the Managing Director permits an equivalency, he shall make arrangements for communicating the details of that equivalency to the IMO.

## **PART IV**

### **CONSTRUCTION OF SHIPS: STRUCTURE, SUBDIVISION AND STABILITY, MACHINERY AND ELECTRICAL INSTALLATIONS (SOLAS CONVENTION: CHAPTER II-1)**

#### **Application of PART IV**

**17.** (1) This Part applies to Convention ships, subject to the provisions of Regulations II-1/1 (Application) and II-1/56 (Application: ships using low-flashpoint fuels).

(2) This Part does not apply to cargo ships of less than 500 GT.

#### **Requirements of Chapter II-1**

**18.** A ship to which this Part applies shall comply with the provisions of Chapter II-1 that are applicable to the ship's type, size and date of construction.

#### **Requirements of Chapter II-1: ships that undergo repairs**

**19.** Where a ship undergoes repair, alteration, modification or outfitting, the provisions of Regulation II-1/1.3 shall apply.

#### **Structural, mechanical and electrical requirements for ships**

**20.** (1) For the purposes of Regulations II-1/3-1 and II-1/3-10.3 (Structural, mechanical and electrical requirements for ships and goal-based ship construction standards for bulk carriers and oil tankers), the structural, mechanical and electrical requirements are the requirements specified in subregulation (2).

(2) The requirements referred to in subregulation (1) shall be the classification society rules of one of the recognised organisations listed below that are applicable to the ship's type, size and date of construction

- (a) Lloyd's Register;
- (b) Bureau Veritas Marine and Offshore SAS;
- (c) Det Norske Veritas GL AS;
- (d) American Bureau of Shipping;
- (e) RINA Services S.p.A; or
- (f) Nippon Kaiji Kyokai (ClassNK).

(3) The Minister may, by notice published in the Gazette, amend the list of recognised organisations (classification societies) in subregulation (2).

## **Log books**

**21.** For the purposes of Regulation II-1/22.13, II-1/22.14.1 and II-1/22.16 (Prevention and control of water ingress etc), the required information shall be recorded in the ship's log book.

## **Exemptions from Chapter II-1**

**22.** Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II-1 unreasonable or unnecessary, the Managing Director may, in accordance with Regulation II-1/1.4, exempt from those requirements individual Virgin Islands ships or classes of Virgin Islands ships which in the course of their voyage do not proceed more than 20 miles from the nearest land.

## **Alternative design and arrangements: Chapter II-1**

**23.** (1) Where the conditions in Regulation II-1/55 (Alternative design and arrangements) are met, the Managing Director may, in accordance with that Regulation, approve alternative designs and arrangements for machinery, electrical installations and low-flashpoint fuel storage and distribution systems to those required by this Part.

(2) A copy of the documentation, as approved by the Managing Director, indicating that the alternative design and arrangements comply with Regulation II-1/55 shall be carried on board the ship.

(3) Where any assumption or operational restriction that was stipulated in the alternative design and arrangements is changed, an engineering analysis shall be carried out under the changed condition and shall be approved by the Managing Director.

(4) Where, in accordance with

(a) subregulation (1); or

(b) Regulation II-1/4.2 (Subdivision and stability: general),

the Managing Director accepts alternative methodologies, the Managing Director shall make arrangements for communicating to the IMO particulars of those methodologies.

## **PART V**

### **CONSTRUCTION OF SHIPS: FIRE PROTECTION, FIRE DETECTION AND FIRE EXTINCTION (SOLAS CONVENTION CHAPTER II-2)**

## **Application of PART V**

**24.** (1) Subject to the provisions of Regulation II-2/1 (Application), this Part applies to Convention ships.

(2) This Part does not apply to cargo ships of less than 500 GT.

## **Requirements of Chapter II-2**

25. A ship to which this Part applies shall comply with the provisions of Chapter II-2 that are applicable to the ship's type, size and date of construction.

### **Requirements of Chapter II-2: ships that undergo repairs**

26. Where a ship undergoes repair, alteration, modification or outfitting the provisions of Regulation II-2/1.3 apply.

### **Fire control plans**

27. (1) A fire control plan required by Regulation II-2/15.2.4.1 (Fire control plans) in respect of a Virgin Islands ship shall be in English.

(2) A fire control plan carried on a foreign ship while in Virgin Islands waters shall be

- (a) in the working language of the ship's personnel; and
- (b) if that language is not English, a translation of the plan into English shall be available.

### **Exemptions from Chapter II-2**

28. Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II-2 unreasonable or unnecessary, the Managing Director may, in accordance with Regulation II-2/1.4, exempt from those requirements any individual Virgin Islands ships or classes of Virgin Islands ships which in the course of their voyage do not proceed more than 20 miles from the nearest land.

### **Alternative design and arrangements: Chapter II-2**

29. (1) Where the conditions in Regulation II-2/17 (Alternative design and arrangements) are met, the Managing Director may, in accordance with that Regulation, approve alternative designs and arrangements for fire safety to those required by this Part in accordance with that Regulation.

(2) A copy of the documentation, as approved by the Managing Director, indicating that the alternative design and arrangements comply with Regulation II-2/17 shall be carried on board the ship.

(3) Where the Managing Director approves alternative designs and arrangements for fire safety under subregulation (1), the Managing Director shall make arrangements for communicating to the IMO information concerning the approved alternative design and arrangements.

(4) Where any assumption or operational restriction that was stipulated in the alternative design and arrangements is changed, an engineering analysis shall be carried out under the changed condition and shall be approved by the Managing Director.

**PART VI**  
**LIFE-SAVING APPLIANCES AND ARRANGEMENTS (SOLAS**  
**CONVENTION: CHAPTER III)**

**Application of PART VI**

**30.** (1) Subject to the provisions of Regulation III/1 (Application), this Part applies to Convention ships.

(2) This Part, except for regulation 35, does not apply to cargo ships of less than 500 GT.

**Requirements of Chapter III**

**31.** A ship to which this Part applies shall comply with the provisions of Chapter III that are applicable to the ship's type, size and date of construction.

**Approval of life-saving appliances and arrangements**

**32.** (1) Where Chapter III provides that lifesaving appliance and arrangements shall be approved by the Managing Director, the Managing Director shall not approve life-saving appliances and arrangements for a ship unless the Managing Director ensures that such life-saving appliances and arrangements—

- (a) are tested in accordance with the relevant recommendations of the IMO to confirm that they comply with the requirements of Chapter III and the LSA Code; or
- (b) have successfully undergone, to the satisfaction of the Managing Director, tests which are substantially equivalent to those specified in such recommendations.

(2) In giving approval to life-saving appliances and arrangements under subregulation (1), the Managing Director may include any condition on the basis of which the approval will continue or will be withdrawn.

(3) The Managing Director shall require life-saving appliances to be subjected to such production tests as are necessary to ensure that the life-saving appliances are manufactured to the same standards as the approved prototype.

(4) Where the Managing Director approves new and novel inflatable life raft arrangements under this regulation, the Managing Director may allow for extended service intervals different from those required by Regulation III/20.8.1 provided the conditions prescribed in Regulation III/20.8.3 and III/20.8.4 are met.

(5) The Managing Director shall make arrangements for notifying the IMO of any permitted extension of life raft service intervals.

**Language of emergency instructions on passenger ships**

**33.** For the purposes of Regulation III/8.2, emergency instructions required to be provided in Virgin Islands passenger ships shall be in English.

**Recording of musters and drills**

**34.** (1) For the purposes of Regulation III/19.5, the following shall be recorded in the ship's log book

- (a) the date when musters are held;
- (b) details of abandon ship drills and fire drills, enclosed space entry and rescue drills, drills of other life-saving appliances; and
- (c) on board training.

(2) If a full muster, drill or training session is not held at the appointed time, an entry shall be made in the log-book stating the circumstances and the extent of the muster, drill or training session held.

### **Lifesaving requirements on cargo ships of 300GT but less than 500GT**

**35.** A cargo ship of between 300 GT and 499 GT shall comply with the requirements of the following provisions of Chapter III that are applicable to the ship's type and size

- (a) Regulation III/6.2.1 (two-way VHF radiotelephone apparatus); and
- (b) Regulation III/6.2.2 (search and rescue locating devices).

### **Exemption from information collection requirements for passenger ships**

**36.** The Managing Director may exempt a passenger ship from the requirements in III/27.3 to record the names and gender of all persons on board, distinguishing between adults, children and infants for search and rescue purposes, if the scheduled voyages of such ships render it impracticable for them to prepare such records.

### **Exemptions from Chapter III**

**37.** Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter III unreasonable or unnecessary, the Managing Director may, in accordance with Regulation III/2.1, exempt from those requirements individual Virgin Islands ships or classes of Virgin Islands ships which in the course of their voyage do not proceed more than 20 miles from the nearest land.

### **Alternative design and arrangements: Chapter III**

**38.** (1) Life-saving appliances and arrangements may deviate from the requirements of Chapter III, if the Managing Director is satisfied that –

- (a) the alternative design and arrangements meet the intent of the requirements concerned;
- (b) provide an equivalent level of safety; and
- (c) an engineering analysis, evaluation and approval of the design and arrangements has been carried out in accordance with Regulation III/38.

(2) A copy of the documentation, as approved by the Managing Director, indicating that the alternative design and arrangements comply with Regulation III/38 shall be carried on board the ship.

(3) Where an alternative design and arrangements have been approved in accordance with this regulation, the Managing Director shall make arrangements

for communicating to the IMO information concerning the approved alternative design and arrangements.

(4) Where any assumption or operational restriction that was stipulated in the alternative design and arrangements is changed, an engineering analysis shall be carried out under the changed condition and shall be approved by the Managing Director.

## **PART VII**

### **RADIOCOMMUNICATIONS (SOLAS CONVENTION: CHAPTER IV)**

#### **Application of PART VII**

**39.** (1) Subject to the provisions of Regulation IV/1, this Part applies to Convention ships.

(2) This Part does not apply to cargo ships of less than 300 GT.

(3) Nothing in this Part shall prevent the use by any ship, survival craft or person in distress, of any means at their disposal to attract attention, make known their position and obtain help.

#### **Radiocommunications: functional requirements**

**40.** A ship to which this Part applies, while at sea, shall be capable of complying with the functional requirements specified in Regulation IV/4.

#### **Requirements of Chapter IV**

**41.** (1) A ship to which this Part applies shall comply with the provisions of Chapter IV that are applicable to

- (a) the ship's type, size and date of construction; and
- (b) the sea area in which the ship operates.

#### **Duty to maintain radiocommunication equipment**

**42.** All reasonable steps shall be taken to maintain the radiocommunication equipment required by this Part in order to

- (a) provide the availability of the functional requirements specified in regulation 40; and
- (b) meet the recommended performance standards of such equipment.

#### **Effect of malfunction of radiocommunication equipment on seaworthiness**

**43.** If a ship is capable of performing all distress and safety functions, malfunction of the equipment for providing the general radiocommunications required by this Part shall not be considered as making a ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available.



### **Conferral of functions on the Virgin Islands Government**

**44.** (1) The duties imposed on the Government by Chapter IV shall be discharged in accordance with this regulation.

(2) The Minister shall perform the functions conferred on the Government under

- (a) Regulation IV/5 (Provision of radiocommunication services); and
- (b) Regulation IV/5-1 (Global maritime distress and safety system identities).

(3) For the purposes of this regulation, the Minister may delegate his duties to the Managing Director or to such other organisation, department or official as he thinks appropriate.

### **Exemptions from Chapter IV**

**45.** (1) The Managing Director may grant partial or conditional exemptions to individual ships from the requirements of Regulations IV/7 to IV/11 where

- (a) such ships comply with the functional requirements specified in Regulation IV/4; and
- (b) the Managing Director is satisfied that the exemption will not have an effect on the general efficiency of the service for the safety of all ships.

(2) An exemption may only be granted under subregulation (1)

- (a) if the conditions affecting safety in the waters in which the ship will operate are such as to render the full application of Regulations IV/7 to IV/11 unreasonable or unnecessary; or
- (b) in exceptional circumstances, for a single voyage outside the sea area or sea areas for which the ship is equipped.

(3) The Managing Director may exempt from the requirements of Regulations IV/7.1.1 and IV/7.1.2 ships constructed before 1 February 1997 engaged exclusively on voyages within

- (a) sea area A2;
- (b) sea areas A2 and A3; or
- (c) sea areas A2, A3 and A4,

provided such ships maintain, when practicable, a continuous listening watch on VHF channel 16 kept at the position from which the ship is normally navigated.

(4) The Managing Director shall make arrangements for the submission to the IMO, as soon as possible after the first of January in each year, of a report showing all exemptions granted under this regulation during the previous calendar year and giving the reasons for granting such exemptions.

(5) In this regulation, “sea areas A2, A3 and A4” have the meaning assigned in Regulation IV/2.1.

PART VIII  
CARRIAGE OF CARGOES AND DANGEROUS GOODS (SOLAS  
CONVENTION: CHAPTER VI)

**Application of PART VIII**

**46.** (1) This Part applies to the carriage of cargoes, except the cargoes specified in subregulation (2), which, owing to their particular hazards to ships or persons on board, may require special precautions in Convention Ships.

- (2) The cargoes referred to in subregulation (1) are
- (a) liquids in bulk;
  - (b) gases in bulk; and
  - (c) any of the cargoes to which PART IX applies.

**Exemption for cargo ships of less than 500 GT**

**47.** The Managing Director may exempt a cargo ship of less than 500 GT from any provision of this Part if satisfied that

- (a) the sheltered nature and conditions of voyage are such as to render the application of any specific requirements of this Part unreasonable or unnecessary; and
- (b) effective measures are in place to ensure the required safety on the ship.

**Cargo information**

**48.** (1) A shipper shall

- (a) comply with the requirements imposed on a shipper by Regulation VI/2; and
- (b) provide the master or the master's representative with the information on the cargo required under Regulation VI/2 sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect.

(2) The information required under subregulation (1)(b) shall be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.

(3) A container is prohibited from being loaded on to a ship if-

- (a) a shipping document submitted under subregulation (2) with regard to a packed container does not provide the verified gross mass; and
- (b) the master, the master's representative or the terminal representative have not obtained the verified gross mass of the packed container.

(4) In this regulation

“container” means an article of transport equipment

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either
  - (i) at least 14 sq. m. (150 sq. ft.); or
  - (ii) at least 7 sq. m. (75 sq. ft.) if it is fitted with top corner fittings; and

“terminal representative” means a person appointed by the terminal or other facility, where the ship is loading or unloading, who has responsibility for operations conducted by that terminal or other facility with regard to the particular ship.

### **Carriage of documentation**

**49.** (1) Appropriate documentation, relevant to the cargo and its stowage and securing, which should specify in particular the precautions necessary for the safe carriage of that cargo by sea, shall be carried on board a ship to which this Part applies, other than a ship engaged in the carriage of grain.

(2) The documentation referred to in subregulation (1) may consist of one or more of the following Codes of Safe Practice

- (a) the CSS Code;
- (b) the TDC Code; and
- (c) the IMSBC Code.

### **General requirements for the carriage of cargoes**

**50.** A ship shall, in addition to all other applicable requirements under these Regulations, comply with the provisions of Chapter VI that are applicable to the ship’s type and the nature of the cargo it carries.

### **Additional requirements for solid bulk cargoes**

**51.** (1) A ship which loads, unloads or carries a solid bulk cargo, other than grain, shall, in addition to all other applicable requirements under these Regulations, comply with the requirements of the provisions of –

- (a) Regulation VI/6 (Acceptability for shipment); and
- (b) Regulation VI/7 (Loading, unloading and stowage of solid bulk cargoes).

(2) For the purposes of Regulation VI/6 (Acceptability for shipment), prior to loading a solid bulk cargo, the master shall be in possession of stability information provided under Regulation 10 of Annex I to the International Convention on Load Lines (Information to be supplied to the master) containing

comprehensive information on the ship's stability and on the distribution of cargo and ballast for the standard loading conditions.

(3) In this regulation, "the International Convention on Load Lines" means the International Convention on Load Lines 1966, as modified by the 1988 Protocol and as amended by IMO resolutions A.972(24), A.1082(28) and A.1083(28).

(4) In this regulation

"grain" has the meaning assigned by Regulation VI/8.2; and

"solid bulk cargo" has the meaning assigned by Regulation VI/1-1.2.

### **Additional requirements for the carriage of grain.**

**52.** (1) No ship shall carry grain unless it complies with

- (a) all applicable requirements under these Regulations;
- (b) the requirements of the International Grain Code; and
- (c) holds a document of authorisation as required by that Code.

(2) A ship which does not hold such a document of authorisation shall not load grain until the Managing Director is satisfied that the ship will comply with the requirements of the International Grain Code in its proposed loaded condition.

## **PART IX**

### **CARRIAGE OF DANGEROUS GOODS (SOLAS CONVENTION: CHAPTER VII)**

#### **Carriage of dangerous goods in packaged form**

**53.** (1) This regulation applies to the carriage of dangerous goods in packaged form in Convention ships.

(2) This regulation does not apply to ships' stores and equipment.

(3) The carriage of dangerous goods in packaged form in a ship shall comply with the provisions of Part A of Chapter VII.

(4) The Managing Director shall issue detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form in accordance with Regulation VII/2.4.

(5) The instructions issued under subregulation (4) shall be published on the Authority's website.

(6) In this regulation

"dangerous goods" means the substances, materials and articles covered by the IMDG Code;

"packaged form" means the form of containment specified in the IMDG Code.

### **Carriage of dangerous goods in solid form in bulk**

**54.** (1) This regulation applies to the carriage of dangerous goods in solid form in bulk in Convention ships.

(2) The carriage of dangerous goods in solid form in bulk in a ship to which this regulation applies shall comply with the provisions of Part A-1 of Chapter VII.

(3) The Managing Director shall issue detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form in accordance with Regulation VII/7-1.3.

(4) The instructions issued under subregulation (3) shall be published on the Authority's website.

### **Construction and equipment of ships carrying dangerous liquid chemicals in bulk**

**55.** (1) This regulation applies to Convention ships which are chemical tankers.

(2) A chemical tanker constructed on or after 1 July 1986 shall, in addition to all other applicable requirements under these regulations, comply with the provisions of Part B of Chapter VII.

(3) A chemical tanker constructed before 1 July 1986 which undergoes repairs, alterations, modifications or outfitting of a major character shall, irrespective of its date of construction, in addition to all other applicable requirements under these regulations, comply with the provisions of Part B of Chapter VII.

(4) A ship, irrespective of the date of construction, which is converted to a chemical tanker shall be treated as a chemical tanker constructed on the date on which such conversion commenced.

### **Construction and equipment of ships carrying liquefied gases in bulk**

**56.** (1) This regulation applies to Convention ships which are gas carriers.

(2) A gas carrier constructed on or after 1 July 1986 shall, in addition to all other applicable requirements under these regulations, comply with the provisions of Part C of Chapter VII.

(3) A gas carrier constructed before 1 July 1986 which undergoes repairs, alterations, modifications or outfitting of a major character, shall, irrespective of its date of construction, in addition to all other applicable requirements under these regulations, comply with the provisions of Part C of Chapter VII.

(4) A ship, irrespective of the date of construction, which is converted to a gas carrier shall be treated as a gas carrier constructed on the date on which such conversion commenced.

### **Special requirements for the carriage of INF cargo on board ships**

**57.** (1) This regulation applies to Convention ships engaged in the carriage of INF cargo.

(2) This regulation does not apply to naval auxiliaries or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service.

(3) A ship engaged in the carriage of INF cargo shall, in addition to all other applicable requirements under these regulations, comply with the provisions of Part D of Chapter VII.

## **PART X**

### **NUCLEAR SHIPS (SOLAS CONVENTION: CHAPTER VIII)**

#### **Application of PART X**

**58.** This Part applies to Convention ships which are nuclear ships.

#### **Reactor installations**

**59.** The installation of a reactor on board a nuclear ship shall comply with the provisions of

- (a) Regulation VIII/4 (Approval of reactor installation); and
- (b) Regulation VIII/5 (Suitability of reactor installation for service on board ship).

#### **Safety assessment of nuclear ships**

**60.** (1) A safety assessment shall be

- (a) prepared to permit evaluation of the nuclear power plant and safety of the ship in accordance with Regulation VIII/7 (Safety assessment); and
- (b) submitted to the Managing Director for approval.

(2) A safety assessment approved in accordance with subregulation (1)

- (a) shall be regularly reviewed and kept up date; and
- (b) if amended, the amended assessment shall be notified to the Managing Director for approval.

(3) A safety assessment prepared under subregulation (1) shall be made available sufficiently in advance to a State which the ship intends to visit to enable the State to evaluate the safety of the ship.

#### **Operating manual for nuclear ships**

**61.** (1) An operating manual which complies with the requirements of Regulation VIII/8 (Operating manual) shall be prepared and submitted to the Managing Director for approval

(2) An operating manual approved in accordance with subregulation (1)

- (a) shall be regularly reviewed and kept up date; and
- (b) a copy of the manual shall be kept on board the ship.

## **Casualties involving nuclear ships**

**62.** (1) In the event of an accident involving a nuclear Virgin Islands ship which in the reasonable opinion of the master is likely to lead to an environmental hazard, the master shall immediately inform

- (a) the Managing Director; and
- (b) if outside Virgin Islands waters, the competent governmental authority of the State in whose waters the ship may be, or whose waters the ship will approach or enter.

(2) In the event of an accident involving a nuclear foreign ship which in the reasonable opinion of the master is likely to lead to an environmental hazard, the master shall immediately inform the Managing Director.

## **PART XI**

### **MANAGEMENT FOR THE SAFE OPERATION OF SHIPS (SOLAS CONVENTION: CHAPTER IX)**

#### **Application of PART XI**

**63.** (1) This Part applies to Convention ships.

(2) For the purpose of this Part, mobile offshore drilling units of 500GT or more are treated as Convention ships.

(3) This Part does not apply to ships owned or operated by a Party and used, for the time being, only in government non-commercial service.

(4) In this Part, “mobile offshore drilling units” has the meaning assigned by Regulation IX/1.7.

#### **Safety management requirements**

**64.** (1) An owner and master shall comply, and shall ensure that the ship complies, with the requirements of Chapter IX.

(2) No ship shall be operated unless in respect of the ship

- (a) a Document of Compliance or Interim Document of Compliance is issued in accordance with regulation 94(1) or 94(3), as the case may be; and
- (b) a Safety Management Certificate or Interim Safety Management Certificate is issued in accordance with section 94 (5) or 94(6), as the case may be.

## **PART XII**

### **SAFETY MEASURES FOR HIGH-SPEED CRAFT (SOLAS CONVENTION: CHAPTER X)**

#### **Application of PART XII**

**65.** (1) This Part applies to high speed craft constructed on or after 1 January 1996, as follows:

- (a) a passenger craft which does not proceed in the course of its voyage more than four hours at operational speed from a place of refuge when fully laden; and
  - (b) cargo craft of 500 gross tonnage and upwards which does not proceed in the course of its voyage more than eight hours at operational speed from a place of refuge when fully laden.
- (2) Any craft, irrespective of the date of construction, which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to the craft.
- (3) The craft referred to in subregulation (2), if constructed before 1 July 2002, shall, as a rule, comply with the requirements for a craft constructed on or after that date to at least the same extent as it did before undergoing such repairs, alteration, modifications or outfitting.
- (4) Repairs, alterations and modifications of a major character, and outfitting related thereto as referred to in subregulation (2), shall meet the requirements for a craft constructed on or after 1 July 2002 in so far as the Managing Director deems reasonable and practicable.

### **Requirements for high speed craft**

**66.** (1) Notwithstanding the provisions of Chapters I to IV and Regulations V/18, V/19 and V/20 of the SOLAS Convention

- (a) a high-speed craft constructed on or after 1 January 1996 but before 1 July 2002 which complies with the requirements of the High-Speed Craft Code, 1994 in its entirety and which has been surveyed and certified as provided in that Code shall be deemed to have complied with the requirements of chapters I to IV and regulations V/18, V/19 and V/20;
  - (b) for the purpose of this regulation, the requirements of the High-Speed Craft Code, 1994 shall be treated as mandatory;
  - (c) a high-speed craft constructed on or after 1 July 2002 which complies with the requirements of the High-Speed Craft Code, 2000 in its entirety and which has been surveyed and certified as provided in that Code shall be deemed to have complied with the requirements of chapters I to IV and regulations V/18, V/19 and V/20.
- (2) The certificates and permits issued under the High Speed Craft Code 2000 shall have the same force and the same recognition as the certificates issued under Chapter I of the SOLAS Convention.

## **PART XIII**

### **SPECIAL MEASURES TO ENHANCE MARITIME SAFETY (SOLAS CONVENTION: CHAPTER XI-1)**

#### **Ship identification number**

**67.** (1) This regulation applies to Convention ships which are



- (a) passenger ships of 100 GT or more; and
  - (b) cargo ships of 300 GT or more.
- (2) A ship shall be provided by the Managing Director with an identity number in accordance with Regulation XI-1/3.2.
- (3) An identity number provided under subregulation (2) shall be permanently marked in accordance with Regulation XI-1/3.4.

#### **Registered owner identification number**

**68.** The owner of a Virgin Islands Convention ship shall ensure that the ship has been provided with an identification number in accordance with Regulation XI-1/3-1.

#### **Continuous synopsis record**

- 69.** (1) This regulation applies to a Virgin Islands Convention ship.
- (2) The Managing Director shall issue to every ship a Continuous Synopsis Record which contains
- (a) an on-board record of the history of the ship with respect to the information recorded therein; and
  - (b) all other information required by Regulation XI-1/5.
- (3) The Continuous Synopsis Record issued to a ship shall be –
- (a) in English;
  - (b) in the format developed by the IMO; and
  - (c) maintained in accordance with the relevant IMO guidelines.
- (4) Any changes relating to entries referred to in Regulation XI-1/5.3.4 to XI-1/5.3.15 shall be recorded by the master in the Continuous Synopsis Record so as to provide updated and current information together with the history of the changes.
- (5) In the event of any changes relating to the entries in the Continuous Synopsis Record listed in Regulation XI-1/5.3.4 to XI-1/5.3.15, the Managing Director shall issue, as soon as is practically possible but not later than three months from the date of the change, to Virgin Islands ships either a revised and updated version of the Continuous Synopsis Record or appropriate amendments to the Continuous Synopsis Record.
- (6) In the event of any changes relating to the entries in the Continuous Synopsis Record listed in Regulation XI-1/5.3.4 to XI-1/5.3.15, the Managing Director shall, pending the issue of a revised and updated version of the Continuous Synopsis Record, authorise and require either the owner or the master of the ship to
- (a) amend the Continuous Synopsis Record to reflect the changes; and
  - (b) in such cases, after the Continuous Synopsis Record has been amended, without delay, inform the Managing Director accordingly.

(7) No previous entries in the Continuous Synopsis Record shall be modified, deleted or, in any way, erased or defaced.

(8) When a ship is

- (a) transferred to another flag State;
- (b) sold to another owner (or is taken over by another bareboat charterer); or
- (c) another owner assumes the responsibility for the operation of the ship,

the Continuous Synopsis Record shall be left on board.

(9) When a ship is to be transferred to the flag of another State, the owner shall notify the Managing Director of the name of the flag State to which the ship is to be transferred so as to enable the Managing Director to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under the Managing Director's jurisdiction.

(10) When a ship is transferred to a Party, the Managing Director shall transmit to the Managing Director of the new flag State, as soon as possible after the transfer takes place, a copy of the relevant Continuous Synopsis Record covering the period during which the ship was under their jurisdiction together with any Continuous Synopsis Records previously issued to the ship by other States.

(11) When a ship is transferred to the Virgin Islands, the Managing Director shall append the Continuous Synopsis Record to the Continuous Synopsis Record that the Administrations of the ship's previous flag States issued to the ship so as to provide the continuous history record of the ship.

(12) The Continuous Synopsis Record shall be kept on board the ship and shall be available for inspection at all times.

#### **Atmosphere testing instrument for enclosed spaces**

**70.** A Convention ship shall carry an appropriate portable atmosphere testing instrument or instruments which complies with the provisions of Regulation XI-1/7 (atmosphere testing instrument for enclosed spaces).

### **PART XIV**

#### **ADDITIONAL SAFETY MEASURES FOR BULK CARRIERS (SOLAS CONVENTION: CHAPTER XII)**

#### **Application of PART XIV**

**71.** (1) This Part applies to a Convention ship which is a bulk carrier.

(2) In this regulation "bulk carrier" has the meaning assigned to it by Regulation XII/1.1.

### **Additional requirements for bulk carriers**

**72.** A bulk carrier shall comply, in addition to all other relevant requirements of these Regulations, with the provisions of Chapter XII that are applicable to the bulk carrier's type, size and date of construction.

## **PART XV**

### **VERIFICATION OF COMPLIANCE (SOLAS CONVENTION: CHAPTER XIII)**

#### **Application of PART XV**

**73.** The Minister shall ensure that the provisions of the III Code are used in the execution of the Government's obligations and responsibilities contained in the SOLAS Convention.

#### **Verification of compliance**

**74.** The Minister shall facilitate the conduct of audits by the IMO or any other body under the III Code and implementation of a programme of actions to address the findings, based on the guidelines adopted by the IMO.

## **PART XVI**

### **SAFETY MEASURES FOR SHIPS OPERATING IN POLAR WATERS (SOLAS CONVENTION: CHAPTER XIV)**

#### **Application of PART XVI**

**75.** (1) Subject to subregulation (2), this Part applies to a Virgin Islands Convention ship operating in Polar waters.

(2) This Part does not apply to ships owned or operated by a Party and used, for the time being, only in government non-commercial service.

(3) In this regulation, "polar waters" has the meaning assigned by Regulation XIV/1.4.

#### **Requirements for ships operating in Polar waters**

**76.** A ship to which this Part applies shall comply with the requirements of Chapter XIV.

#### **Alternative design and arrangements: ships in Polar waters**

**77.** (1) Structural arrangements, machinery and electrical installations, fire safety design and arrangement measures and life-saving appliances and arrangements may deviate from the prescriptive requirements set out in Chapters 3, 6, 7 and 8 of the Polar Code, if the Managing Director is satisfied that alternative design and arrangements meet the intent of the goal and functional requirements concerned and provide an equivalent level of safety to the requirements in those Chapters.

(2) When alternative designs or arrangements deviate from the prescriptive requirements of chapters 3, 6, 7 and 8 of the Polar Code, an engineering analysis, evaluation and approval of the design and arrangements shall be carried out based on the relevant IMO guidelines.

(3) Any alternative designs or arrangement deviating from the prescriptive requirements shall be recorded in

- (a) the Polar Ship Certificate; and
- (b) the ship's Polar Water Operational Manual, as required by the Polar Code,

and the technical and operational measures and conditions for the allowed deviation shall be recorded.

## PART XVII

### SURVEY AND CERTIFICATION

#### *General*

#### **Application of PART XVII**

**78.** (1) Subject to the provisions of this Part, this Part applies to Convention ships.

(2) This Part does not apply to cargo ships of less than 300 GT.

#### *Surveys*

#### **Surveys of passenger ships**

**79.** A Virgin Islands passenger ship shall be subject to the surveys specified in Regulation I/7 (Surveys of passenger ships).

#### **Surveys of life saving appliances and other equipment of cargo ships**

**80.** A Virgin Islands cargo ship of 500 GT or more engaged on international voyages shall be subject to the surveys of its life-saving appliances and other equipment specified in Regulation I/8 (Surveys of life-saving appliances and other equipment of cargo ships).

#### **Surveys of radio installations of cargo ships**

**81.** A Virgin Islands cargo ship of 300 GT or more engaged on international voyages shall be subject to the surveys of its radio installations specified in Regulation I/9 (Surveys of radio installations of cargo ships).

#### **Surveys of structure, machinery and equipment of cargo ships**

**82.** In addition to the surveys required by regulations 79 and 80, a Virgin Islands cargo ship of 500 GT or more shall be subject to the surveys and inspections of its structure, machinery and equipment specified in Regulation I/10 (Surveys of structure, machinery and equipment of cargo ships).

### **Surveys of chemical tankers, gas carriers and ships engaged in the carriage of INF cargo**

**83.** In addition to the surveys required by regulations 79 to 82

- (a) a Virgin Islands chemical tanker shall be surveyed in accordance with Regulation VII/10 (Requirements for chemical tankers);
- (b) a Virgin Islands gas carrier shall be surveyed in accordance with Regulation VII/13 (Requirements for gas carriers); and
- (c) a Virgin Islands ship engaged in the carriage of INF cargo shall be surveyed in accordance with Regulation VII/16 (Requirements for ships carrying INF cargo).

### **Surveys of nuclear ships**

**84.** (1) A survey of a Virgin Islands nuclear ship shall include–

- (a) the applicable requirements of regulations 79, 80, 81, 82 and 83 except in so far as such surveys are limited by the presence of radiation; and
- (b) any special requirements of a safety assessment prepared in accordance with Regulation VIII/7 (Safety Assessment).

(2) Notwithstanding the provisions of regulations 79 and 81, a survey of a nuclear ship shall, in all cases, be carried out at least once in every 12 month period.

### **Enhanced surveys of bulk carriers and oil tankers**

**85.** In addition to the surveys required by regulations 79 to 81, Virgin Islands bulk carriers and oil tankers shall be subject to an enhanced programme of inspections and surveys in accordance with Regulations XI-1/2 (Enhanced surveys) and XI-1/2-1 (Harmonisation of survey periods of cargo ships not subject to the ESP Code).

### **Responsibilities after a survey**

**86.** (1) This regulation applies to–

- (a) Virgin Islands ships; and
- (b) non-Virgin Islands ships which have been surveyed pursuant to this Part.

(2) A ship and its equipment shall be maintained so as to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.

(3) After any survey of the ship required by this Part has been completed, no change shall be made to the ship's structural arrangements, machinery, equipment and other items covered by the survey without the approval of the Managing Director, except by direct replacement.

(4) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment–

- (a) the accident shall be reported at the earliest opportunity to the Managing Director, or a proper officer; and
- (b) if a Virgin Islands ship is in such a case in a port outside the Virgin Islands, the accident shall also be reported to the appropriate authorities of the State in which the port is situated.

(5) If a report is made under subregulation (4)(a), the Managing Director shall determine whether a survey is necessary, and if so, require one to be carried out.

(6) If the survey referred to in subregulation (5) shows that repairs are required, or if any important repairs or renewals are otherwise made to the ship or its equipment, a further survey shall be carried out on the completion of those repairs or renewals.

### **Procedure to be adopted when a ship is deficient**

**87.** (1) This regulation applies to

- (a) Virgin Islands ships; and
- (b) non- Virgin Islands ships which have been surveyed pursuant to this Part.

(2) Where a surveyor or recognised organisation determines that the condition of a ship

- (a) does not correspond substantially with the particulars on one or more of the certificates referred to in this Part;
- (b) or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board,

the surveyor or recognised organisation shall advise the owner or master of the corrective action which in the surveyor's or recognised organisation's opinion is required and shall notify the Managing Director of the advice.

(3) If such corrective action is not taken within such reasonable period as the surveyor or recognised organisation may specify, the surveyor shall notify the Managing Director who may suspend the validity of the particular certificate or certificates issued to the ship.

(4) The Managing Director shall give notice of any such suspension to the owner, to the surveyor and to the master.

### *Certification*

### **Issue of certificates etc. to Virgin Islands ships engaged on international voyages**

**88.** (1) Where a survey to meet the requirements set out in this Part has been completed in respect of a ship engaged in international voyages, if the Managing Director is satisfied that

- (a) the ship complies with the provisions of these Regulations, the Merchant Shipping (Safety of Navigation) Regulations, 2025, S.I. No... of 2025, the SOLAS Convention and the relevant Code that are applicable to the ship's type, size and date of construction; and

- (b) the prescribed fee has been paid by the owner of the ship to the Managing Director,

the Managing Director shall issue the appropriate certificates listed in subregulation (2).

(2) The appropriate certificates (“Convention Certificates”) referred to in subregulation (1) are

- (a) in the case of a passenger ship, a Passenger Ship Safety Certificate;
- (b) in the case of a cargo ship of between 300 GT and 499 GT, a Cargo Ship Safety Radio Certificate;
- (c) in the case of a cargo ship of 500 GT or more
  - (i) a Cargo Ship Safety Certificate or, as the case may be, a Cargo Ship Safety Construction Certificate; or
  - (ii) after an initial or renewal survey in accordance with regulations 79 to 82, a Cargo Ship Safety Certificate;
- (d) in the case of a ship which will operate in Polar waters, a Polar Ship Certificate;
- (e) in the case of a nuclear passenger ship, a Nuclear Passenger Ship Safety Certificate;
- (f) in the case of a nuclear cargo ship, a Nuclear Cargo Ship Safety Certificate;
- (g) in the case of a chemical tanker, an International Certificate of Fitness for the Carriage of Dangerous Chemicals;
- (h) in the case of a gas carrier, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; and
- (i) in the case of a ship engaged in the carriage of INF cargo, an International Certificate of Fitness for the Carriage of INF Cargo.

(3) Whenever a reference is made to a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate or Cargo Ship Safety Radio Certificate, the reference applies to a Cargo Ship Safety Certificate if it is used as an alternative to these certificates.

(4) A Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Certificate referred to in subregulations (2) and (3) shall be supplemented by a Record of Equipment.

(5) For the purposes of port State control established under Regulation 1/19, a certificate issued under this regulation shall be treated as a certificate issued under Regulation I/12 or I/13.

(6) In this regulation, “Record of Equipment” means a Record of Equipment drawn up in a form corresponding substantially to the model for a Record of Equipment applicable to the ship’s type contained in the Appendix to the SOLAS Convention.

## **Form and content of Convention Certificates**

**89.** (1) A Convention Certificate shall be in English.

(2) A Passenger Ship Safety Certificate, a Cargo Ship Safety Equipment Certificate, a Cargo Ship Safety Radio Certificate, a Cargo Ship Safety Certificate, a Nuclear Passenger Ship Safety Certificate and a Nuclear Cargo Ship Safety Certificate shall be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to the SOLAS Convention.

(3) A Polar Ship Certificate shall be drawn up in a form corresponding substantially to the model for the certificate contained in the Polar Code.

(4) A Nuclear Passenger Ship Safety Certificate and a Nuclear Cargo Ship Safety Certificate shall

(a) be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to the SOLAS Convention; and

(b) state that the ship, being a nuclear ship, complies with all the provisions of Chapter VIII and conforms to the safety assessment approved for the ship.

(5) An International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk shall be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to the BCH Code.

(6) An International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall be drawn up in a form corresponding substantially to the model for the certificate contained in Appendix 2 to the IGC Code.

(7) An International Certificate of Fitness for the Carriage of INF Cargo shall be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to the INF Code.

## **Duration and validity of Convention Certificates**

**90.** (1) Subject to subregulation (2), a Convention Certificate shall be issued from the date of the completion of the relevant survey and shall be issued for a period of validity as follows:

(a) a Passenger Ship Safety Certificate shall be issued for a period of validity not exceeding 12 months;

(b) a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radio Certificate or Cargo Ship Safety Certificate and Polar Ship Certificate shall be issued for a period of validity not exceeding five years; and

(c) a Nuclear Passenger Ship Safety Certificate and Nuclear Cargo Ship Safety Certificate shall be issued for a period of validity not exceeding 12 months.

(2) Notwithstanding the requirements of subregulation (1), where the circumstances described in Regulation I/14(b) to (h) (Duration and validity of certificates) apply, the period of validity of the relevant Convention certificate shall be determined in accordance with the provision of Regulation I/14(b) to (h) that applies.



(3) A Convention Certificate shall cease to be valid –

- (a) if its period of validity has been exceeded and the certificate has not been extended by the Managing Director in accordance with regulation 92 or otherwise in accordance with Chapter I;
- (b) if the relevant surveys and inspections have not been completed within the periods specified in this Part or otherwise in accordance with Chapter I by a Party, and the certificate has either not been extended in accordance with regulation 92 or otherwise in accordance with Chapter I, or the period of any such extension has expired;
- (c) upon transfer of the ship to another flag State; or
- (d) if the ship no longer substantially complies with the requirements of the certificate.

### **Issue and duration of Exemption Certificates**

**91.** (1) When an exemption is granted to a ship in accordance with the provisions of these Regulations, an Exemption Certificate shall be issued in addition to any certificate issued under regulation 88.

(2) The period of validity of an Exemption Certificate shall not be longer than the period of validity of the certificate to which it refers.

(3) An Exemption Certificate shall be subject to the same extension and other provisions as the certificate to which it refers.

### **Extension of certificates and other provisions**

**92.** (1) Where a Convention Certificate other than a Passenger Ship Safety Certificate has been issued for a period of validity of less than five years and the surveys required under regulations 79 to 84 have been satisfactorily completed, the Managing Director may extend the validity of that Certificate so that the certificate is valid for a maximum period of five years.

(2) Where a survey required under regulations 79 to 84 has been satisfactorily completed before the expiry of the relevant Convention Certificate but the new certificate cannot be issued or placed on board the ship before the expiry of the existing certificate, the Managing Director may endorse the existing certificate as valid for a period not exceeding 5 months from the expiry date.

(3) Where a survey required under regulations 79 to 84 has not been satisfactorily completed before the expiry of the relevant Convention Certificate and at the time of expiry the ship is not in a port in which it is to be surveyed, the Managing Director may, where it appears to it proper and reasonable to do so, extend the validity of the certificate solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(4) An extension of a period of validity under subregulation (1) or (2), and, except in special circumstances as determined by the Managing Director, an extension of a period of validity under subregulation (3), shall be disregarded for the purposes of determining the date of expiry of an existing Convention Certificate under regulation 90(2) or (3).

## **Documents of compliance – carriage of dangerous goods**

**93.** Where the Managing Director is satisfied that a ship, which carries dangerous goods and to which PART IX applies, complies with the requirements of that Part, the Managing Director shall issue a b with the special requirements for ships carrying dangerous goods.

## **Certification and verification for safety management system**

**94.** (1) Where the Managing Director is satisfied that a ship complies with the provisions of PART XI, the Managing Director shall issue a Document of Compliance for such period as the Managing Director considers fit, not exceeding five years.

(2) The Document of Compliance shall be

- (a) accepted as evidence that the owner is capable of complying with the requirements of the ISM Code;
- (b) valid only for the ship types explicitly indicated in the document; and
- (c) withdrawn if the annual verification required by paragraph 13.4 of the ISM Code is not requested or if there is evidence of major non-conformities with the ISM Code.

(3) The Managing Director may issue an Interim Document of Compliance, for a period not exceeding 12 months, to facilitate initial implementation of the ISM Code when

- (a) an owner is newly established; or
- (b) new ship types are to be added to an existing Document of Compliance,

following verification that the owner has a safety management system and demonstrates plans to implement a safety management system meeting the full requirements of the ISM Code within the period of validity of the Interim Document of Compliance.

(4) A copy of the Interim Document of Compliance shall be placed on board in order that the master of the ship, if so requested, may produce it for verification by the Managing Director.

(5) Where the Managing Director is satisfied that an owner and its shipboard management operates in accordance with the approved safety management system, the Managing Director shall issue a Safety Management Certificate to a ship, for a period not exceeding five years.

(6) The Managing Director may issue an Interim Safety Management Certificate, following the verifications set out in paragraph 14.4 of the ISM Code, for a period not exceeding 6 months

- (a) to new ships on delivery;
- (b) when an owner takes on responsibility for the operation of a ship which is new to the owner; or
- (c) when a ship changes its flag.

(7) Notwithstanding subregulation (6), the Managing Director may, in special cases, extend the validity of an Interim Safety Management Certificate for a further period not exceeding 6 months from the date of expiry.

(8) The Document of Compliance, the Interim Document of Compliance, the Safety Management Certificate and the Interim Safety Management Certificate shall be

- (a) in English; and
- (b) drawn up in the forms corresponding, as closely as possible, to the models given in the appendix to the ISM Code.

### **Issue and endorsement of Convention Certificates or ISM documents by another Party**

**95.** (1) The Managing Director may request a Party to survey a Virgin Islands ship and, if satisfied that the provisions of the SOLAS Convention are complied with, to issue or authorise the issue in respect of the ship of –

- (a) a Convention Certificate; or
- (b) an ISM document.

(2) A Convention Certificate or ISM document issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by the Managing Director.

### **Requests made by other Parties**

**96.** (1) The Managing Director may, at the request of another Party

- (a) survey a ship registered by that Party; or
- (b) verify whether such a ship complies with the provisions of Chapter IX and the ISM Code.

(2) If the Managing Director is satisfied that the provisions of the SOLAS Convention and any relevant Codes are complied with and that

- (a) a survey; or
- (b) a verification,

has been satisfactorily completed in accordance with these regulations, the Managing Director may issue to the ship one or more Convention Certificates or ISM documents, and, where appropriate, endorse such certificates and documents in accordance with the provisions of the SOLAS Convention.

(3) A Convention Certificate or ISM document issued in accordance with a request mentioned in subregulation (1) shall contain a statement that it has been so issued and shall have the same effect as if it was issued by that Party and not by the Managing Director.

(4) Where a memorandum, issued by or under the authority of the Party concerned, is attached to a valid Passenger Ship Safety Certificate in respect of a ship to which the SOLAS Convention applies, which modifies the certificate in respect of the persons that may be carried for a particular voyage, the certificate shall have effect for the purpose of the voyage as if it was modified in accordance with the memorandum.

### **Cancellation of Convention Certificates or ISM documents**

**97.** (1) The Managing Director may cancel a Convention Certificate or ISM document issued to a Virgin Islands ship where there is reason to believe that-

- (a) the Convention Certificate or ISM document was issued on false or erroneous information; or
- (b) since any survey required by these regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient.

(2) The Managing Director may require that a Convention Certificate or ISM document issued to a Virgin Islands ship which has expired or has been cancelled be surrendered.

(3) No person shall

- (a) intentionally alter a Convention Certificate or ISM document;
- (b) intentionally make a false Convention Certificate or ISM document;
- (c) in connection with any survey or verification required by this Part, knowingly or recklessly furnish false information;
- (d) with intent to deceive, use, lend, or allow to be used by another, a Convention Certificate or ISM document; or
- (e) fail to surrender a Convention Certificate or ISM document required to be surrendered under subregulation (2).

### **Availability of Convention Certificates or ISM documents**

**98.** A Convention Certificate or ISM document shall be

- (a) carried on board a ship in respect of which it has been issued; and
- (b) available on board for examination at all times.

### **Acceptance of Convention Certificates or ISM documents**

**99.** A Convention Certificate or ISM document issued by a Party other than the Virgin Islands shall be

- (a) accepted by the Managing Director for the purposes of these Regulations; and
- (b) shall be regarded by the Managing Director as having the same force as a Convention Certificate or ISM document issued under these regulations.

### **Prohibition on proceeding to sea without the appropriate documentation**

**100.** (1) A Virgin Islands ship engaged on international voyages shall not proceed to sea unless it has been surveyed and there is in force the following Convention certificates or ISM documents-

- (a) in the case of a passenger ship
  - (i) a Passenger Ship Safety Certificate;
  - (ii) a Safety Management Certificate;

- (iii) if the ship is operating in or is on a voyage part of which will take it into Polar waters, a Polar Safety Certificate; and
  - (iv) if the ship is a nuclear ship, a Nuclear Passenger Ship Safety Certificate;
- (b) in the case of a cargo ship of 300 GT or more, a Cargo Ship Safety Radio Certificate;
- (c) in the case of a cargo ship of 500 GT or more
  - (i) either
    - (aa) a Cargo Ship Safety Radio Certificate, a Cargo Ship Safety Equipment Certificate and a Cargo Ship Safety Construction Certificate; or
    - (bb) a Cargo Ship Safety Certificate;
  - (ii) a Safety Management Certificate;
  - (iii) if the ship is operating in or is on a voyage part of which will take it into Polar waters, a Polar Safety Certificate; and
  - (iv) if the ship is a nuclear ship, a Nuclear Cargo Ship Safety Certificate.

(2) A Virgin Islands ship engaged on international voyages shall not proceed to sea unless it is operated by a company which has been issued with a Document of Compliance or an Interim Document of Compliance.

(3) A non-Virgin Islands ship shall not proceed to sea from a port in the Virgin Islands unless

- (a) in the case of a foreign ship registered in a Party State, there is in force such Convention Certificates or ISM document that would be required under subregulations (1) and (2) if the ship were a Virgin Islands ship; or
- (b) in the case of a foreign ship registered in a State which is not a Party, the ship is in possession of documentation which shows that the ship has been surveyed for compliance with this Part as if it were a Virgin Islands ship.

(4) Regulation 91 applies to the Convention Certificates referred to in in subregulation (3) as if the ship were a Virgin Islands ship.

(5) If a Convention Certificate or ISM document is issued subject to conditions, or specifies sea areas in which the ship is certified or verified to operate

- (a) all such conditions shall be complied with; and
- (b) the ship shall only operate in the specified sea areas.

### **Limit on the number of passengers on passenger ships**

**101.** (1) The master and owner of a passenger ship shall not carry on board a greater number of passengers than that stated on the ship's Passenger Ship Safety Certificate.

(2) Subregulation (1) shall not apply if the Managing Director is satisfied that the number of passengers stated on the ship's Passenger Ship Safety

Certificate is exceeded for the purpose of evacuating persons in order to avoid a threat to the security of their lives.

### **Qualification of Passenger Ship Safety Certificates**

**102.** (1) If in the course of a particular voyage a passenger ship has on board a number of persons less than the total number stated in the Passenger Ship Safety Certificate and is in consequence, in accordance with the provisions of these regulations, free to carry a smaller number of lifeboats and other life-saving appliances than that stated in the certificate, an annex may be issued by the Managing Director.

- (2) The annex referred to in subregulation (1) shall
  - (a) state that in the circumstances there is no infringement of the provisions of these Regulations;
  - (b) be annexed to the Passenger Ship Safety Certificate together with the statement referred to in paragraph (a) above;
  - (c) be substituted for the Passenger Ship Safety Certificate in so far as the life-saving appliances are concerned; and
  - (d) be valid only for the particular voyage for which it has been issued.

## **PART XVIII ENFORCEMENT**

### **Inspection and control of ships**

- 103.** (1) An inspector may go on board and inspect
- (a) any ship to which these regulations apply; and
  - (b) the ship's equipment, any part of the ship, any equipment on board and any documentation carried in the ship,

for the purposes of ensuring compliance with these regulations, the SOLAS Convention and any Code.

(2) In the case of a foreign ship, the power referred to in subregulation (1) is, unless the conditions in subregulation (3) apply, limited to verifying that there are on board valid Convention Certificates and ISM documents which are applicable to the ship's type, size and date of construction required by these regulations, the SOLAS Convention or a Code.

(3) The conditions are that the inspector has reasonable grounds for believing that

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of a Convention certificate or an ISM document;
- (b) the condition of the ship and its equipment is not maintained to conform to the provisions of the SOLAS Convention to ensure that the ship in all respects is fit to proceed to sea without danger to the ship or persons on board;

- (c) following a survey required by the SOLAS Convention, changes have been made to the ship without the approval of the Administration of the ship's flag State; or
  - (d) the master or crew are not familiar with essential shipboard procedures relating to the safety of ships.
- (4) The powers referred to in subregulation (2) to go on board a ship may only be exercised if the ship in question is
- (a) in a port in the Virgin Islands; or
  - (b) at an offshore installation in Virgin Islands waters or controlled waters.
- (5) For the purposes of this regulation, an inspector has the powers of an inspector conferred by sections 417 and 418 of the Act as may be appropriate.
- (6) An inspection under subregulation (2) shall be carried out in accordance with IMO Resolution A.1185(30) on the Procedures for Port State Control, 2023.
- (7) Where a ship which is not a Virgin Islands ship is inspected for the purpose of this regulation, the inspector shall ensure that the report of that inspection is sent to
- (a) the consul or diplomatic representative of the ship's flag State or the appropriate maritime authorities of that State;
  - (b) the surveyor or recognised organisations responsible for the issue of a Convention Certificate or ISM document in respect of the ship; and
  - (c) any other Party, if that Party requested the inspection.
- (8) When carrying out an inspection under this regulation, an inspector shall take all reasonable steps to avoid a ship being unduly detained or delayed.
- (9) In addition to any inspection required by subregulation (1), the Managing Director shall subject a nuclear ship to special control before it enters a port in the Virgin Islands.
- (10) The special control required by subregulation (9) shall be directed towards verifying that
- (a) there is on board a valid Nuclear Passenger Ship Safety Certificate or Nuclear Cargo Ship Safety Certificate, as the case may be; and
  - (b) there are no unreasonable radiation or other hazards at sea or in port, to the crew, passengers or public or to the waterways or food or water resources.

## **Detention**

**104.** (1) A Virgin Islands ship which does not comply with these Regulations is liable to be detained.

(2) A non-Virgin Islands ship in Virgin Islands waters is liable to be detained if

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of a Convention Certificate or ISM document;
- (b) the condition of the ship or its equipment is not maintained to conform to the provisions of the SOLAS Convention to ensure that the ship in all respects is fit to proceed to sea without danger to the ship or persons on board; or
- (c) following a survey required by the SOLAS Convention, changes have been made to the ship without the approval of the Managing Director of the ship's flag State.

(3) Section 439 (enforcing detention of ship) shall have effect in relation to the ship, subject to the modification that for the words "this Act" wherever they appear, there were substituted "the Merchant Shipping (Safety of Life at Sea) Regulations, 2025, S.I. No. of 2025".

(4) Where a ship is liable to be detained under these Regulations, the person detaining the ship shall serve on the master or the owner a detention notice, which shall

- (a) state the grounds of the detention; and
- (b) require the terms of the notice to be complied with before the ship is released by any person mentioned in section 439(1) of the Act.

(5) Where a foreign ship is detained, the Managing Director shall immediately inform the consul or diplomatic representative of the ship's flag State or the appropriate maritime authorities of that State.

(6) Notwithstanding subregulation (1), an inspector may permit a ship which is liable to be detained to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard if to do so does not pose a risk to the ship or persons on board.

## **Arbitration**

**105.** (1) If an applicant is dissatisfied for any reason with –

- (a) the outcome of a survey carried out in respect of a Virgin Islands ship under PART XVII; or
- (b) a detention notice issued under regulation 104 (4),

Managing Director within 21 days of receiving the outcome of the survey or the detention notice for submission to an arbitrator.

(2) Arbitration under this section shall be dealt with in accordance with the Virgin Islands IAC Arbitration Rules and the language to be used in the arbitral proceedings shall be English.

(3) The place of arbitration shall be Road Town, Tortola, British Virgin Islands, unless the Parties agree otherwise.

(4) An arbitrator referred to in subregulation (1) shall be appointed by agreement between the parties.

(5) In default of agreement between the parties, the arbitrator shall be appointed by the Minister following a request by



- (a) a party, after giving written notice to the other party, or
  - (b) the parties jointly.
- (6) No person is to be an arbitrator under this regulation unless that person is
  - (a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency which is equivalent to such a certificate;
  - (b) a naval architect;
  - (c) a person qualified in terms of section 202 (2) (c) of the Act;
  - (d) a person with experience of shipping matters or activities in terms of section 202(2)(d) of the Act; or
  - (e) a Member of the Chartered Institute of Arbitrators.
- (7) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 417 (Powers of inspectors in relation to premises and ships) of the Act.
- (8) In the case of a dispute in relation to a survey, the arbitrator may –
  - (a) make any decision or reach any opinion that the surveyor had the power to make or reach; and
  - (b) issue or cancel any Convention Certificate or ISM document that could have been issued or cancelled under these Regulations.
- (9) In the case of a dispute in relation to a detention notice the arbitrator shall
  - (a) have regard in coming to a decision to any other matters not specified in the detention notice which appear to be relevant to whether or not the ship was in breach of a requirement of these regulations; and
  - (b) include in the decision a finding whether there was or was not a valid basis for the detention of the ship.
- (10) Unless alternative arrangements are agreed between the applicant and the Managing Director before the commencement of arbitration proceedings, the following rules of procedure shall apply
  - (a) both parties may argue their case in turn, may call witnesses and question other witnesses;
  - (b) lawyers need not be used to represent the parties and submissions may be made to the arbitrator in writing in lieu of attending the arbitration hearing;
  - (c) if both parties agree, the arbitrator may consult an expert, or call for an expert's report, upon any matter relevant to the dispute, or invite an expert to attend the hearing as an assessor;
  - (d) the arbitrator may visit the ship, or any establishment, in connection with the hearing if this is considered to be necessary; and
  - (e) the arbitrator's decision, and the reasons for the decision, shall be made in writing and binding on both parties.

(9) In this regulation

“applicant” means

- (a) a person who makes an application for a survey required by these Regulations; or
- (b) an owner or master of a ship in respect of which a detention notice is issued under regulation 104(4);

“the parties” means the applicant and the Managing Director or another person responsible for the survey or the issue of the detention notice, and “party” is to be construed accordingly.

### **Compensation for unjustified detention**

**106.** (1) If on a reference to an arbitrator under regulation 105 relating to a detention notice, the arbitrator decides that the owner has proved

- (a) that the matter complained of did not constitute a valid basis for the detaining officer’s opinion; and
- (b) that there were no reasonable grounds for the issue of the detention notice,

the arbitrator shall award the owner such compensation in respect of any loss suffered in consequence of the detention of the ship as the arbitrator thinks fit.

(2) Any compensation awarded under this regulation is payable by the Managing Director and is enforceable as a debt.

### **Offences and penalties**

**107.** (1) Any contravention of these Regulations, other than a regulation mentioned in subregulations (2) to (6), shall be an offence on the part of both –

- (a) the owner;
- (b) the master; or
- (c) both,

and punishable on summary conviction by a fine not exceeding \$25,000 or on conviction on indictment by a fine not exceeding \$100,000 or by imprisonment for a term not exceeding two years, or both.

(2) Any contravention of

- (a) regulation 48(1) or (3); or
- (b) regulation 62(1) or (2)

shall be an offence by the master and shall be punishable on summary conviction by a fine not exceeding \$40,000 or, on conviction on indictment, by a fine not exceeding \$100,000 or by imprisonment for a term not exceeding two years, or both.

(3) Any contravention of regulation 95(3) (a), (b), (c), (d) or (e) shall be an offence by the person who acts in the prohibited manner and shall be punishable on summary conviction by a fine not exceeding \$25,000 or, on conviction on

indictment, by a fine not exceeding \$100, 000 or by imprisonment for a term not exceeding two years, or both.

### **Defence**

**108.** (1) It shall be a defence for a person charged with an offence under these Regulations to prove that that person took all reasonable steps to ensure that the regulations were complied with.

(2) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or a requirement to do something so far as is reasonably practicable, it is for the person charged to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

### **Revocation, etc.**

**109.** (1) The Merchant Shipping (International Safety Management Code) Regulations 2020, No. 4 of 2020, are revoked.

(2) Any Document of Compliance or other certificate issued under the Regulations revoked by subregulation (1) shall continue to have effect until the day of its expiry.

## **PART XIX**

### **TRANSITIONAL PROVISIONS**

#### **Convention Certificates and documents etc issued prior to the entry into force of these Regulations**

**110.** Any Convention Certificate, ISM document or other document required by these Regulations which has been issued under any other enactment and is valid immediately before the day on which these Regulations come into force –

- (a) has effect on and after that date as if it were issued under these Regulations; and
- (b) subject to the provisions of these Regulations continues to be valid until the expiry of that certificate or document.

## **SCHEDULE**

[Regulations 3 and 5]

### **IMO Codes**

The Codes referred to in regulation 5 are

- (a) the BCH Code;
- (b) the Code of Practice for the Safe Loading and Unloading of Bulk Carriers as adopted by the IMO by resolution A.862(2) on 27 November 1997;
- (c) the CSS Code;
- (d) the Code of Practice for Packing of Cargo Transport Units as adopted by the Maritime Safety Committee of the IMO on 16 December 2014 (MSC.1/Circ.1497);
- (e) the Code of Safety for Dynamically Supported Craft as adopted by the IMO by resolution A.373(X) on 14 November 1977;
- (f) the Code for Existing Ships Carrying Liquefied Gases in Bulk as adopted by the IMO by resolution A.329(IX) on 12 November 1975;
- (g) the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 as adopted by the IMO by resolution A.1049(27) on 30 November 2011;
- (h) the International Code for Fire Safety Systems as adopted by the Maritime Safety Committee of the IMO by resolution MSC.98(73) on 5 December 2000;
- (i) the International Code for Application of Fire Test Procedures, 2010 as adopted by the Maritime Safety Committee of the IMO by resolution MSC.307(88) on 3 December 2010;
- (j) the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk as adopted by the IMO by resolution A.328(IX) on 12 November 1975;
- (k) the International Code of Safety for High-Speed Craft as adopted by the Maritime Safety Committee of the IMO by resolution MSC.36(63) on 20 May 1994;

- (l) the International Code of Safety for High-Speed Craft, 2000, as adopted by the Maritime Safety Committee of the IMO by resolution MSC.97(73) on 5 December 2000;
- (m) the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk as adopted by the Marine Environment Committee of the IMO by resolution MEPC.119(52) on 15 October 2004;
- (n) the IGC Code;
- (o) the International Code of Safety for Ships Using Gases or Other Low-Flashpoint Fuels as adopted by the Maritime Safety Committee of the IMO by resolution MSC.391(95) on 11 June 2015;
- (p) the IMO Instruments Implementation Code as adopted by the IMO by resolution A.1070(28) on 4 December 2013;
- (q) the International Maritime Dangerous Goods Code as adopted by the Maritime Safety Committee of the IMO by resolution MSC.122(75) on 24 May 2002;
- (r) the IMSBC Code;
- (s) the INF Code;
- (t) the International Grain Code;
- (u) the International Code on Intact Stability, 2008 as adopted by the Maritime Safety Committee of the IMO by resolution MSC.267(85 \.) on 4 December 2008;
- (v) the ISM Code;
- (w) the LSA Code;
- (x) the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1979 as adopted by the IMO by resolution A.414(X) on 15 November 1979;
- (y) the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989 as adopted by the IMO by resolution A.649(16) on 15 October 1989;
- (z) the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 as adopted by the IMO by resolution A.1023(26) on 2 December 2009;

- (aa) the Code on Noise Levels on Board Ships as adopted by the Maritime Safety Committee of the IMO by resolution MSC.337(91) on 30 November 2012;
- (bb) the Code for the Transport and Handling of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels as adopted by the IMO by resolution A.1122(30) on 6 December 2017;
- (cc) the Code of Safe Practice for the Carriage of Cargoes and Persons by Offshore Supply Vessels as adopted by the IMO by resolution A.863(20) on 27 November 1997;
- (dd) the Polar Code;
- (ee) the RO Code;
- (ff) the Code of Safety for Special Purpose Ships, 2008 as adopted by the IMO by resolution MSC.266(84) on 13 May 2008; and
- (gg) the TDC Code.

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

(Sgd.) Daniel Pruce,  
Governor.