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**MERCHANT SHIPPING (SHIPOWNERS INSURANCE)
REGULATIONS, 2025**

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Merchant Shipping (Liability and Compensation) Act
(Act 2024–30)

**MERCHANT SHIPPING (SHIPOWNERS INSURANCE)
REGULATIONS, 2025**

The Minister, in exercise of the powers conferred on him by section 116 of the *Merchant Shipping (Liability and Compensation) Act*, makes the following Regulations:

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the *Merchant Shipping (Shipowners Insurance) Regulations, 2025*.

Definitions

2. In these Regulations,

“Act” means the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30);

“Administration” means the Ministry responsible for Shipping;

“competent authority” means an officer referred to in section 1221 of the Act;

“foreign ship” means a ship registered in a country other than a Barbados;

“insurance” means insurance with or without deductibles, and includes indemnity insurance of the type currently provided by members of the International

Group of P & I Clubs, other effective forms of insurance, proved self-insurance and financial security offering similar conditions of coverage;

“proper officer” has the same meaning as in the Act;

“ship” has the same meaning as in the Act; and

“shipowner” means the registered owner of a seagoing ship, or any other person, such as a bareboat charterer, who is responsible for the operation of the ship.

Purpose

3. The purpose of these Regulations is to provide for compliance by shipowners with compulsory insurance requirements in respect of their ships, and for other related matters.

Application

4. These regulations apply to seagoing ships of 300 GT or more, other than

- (a) warships;
- (b) auxiliary warships; or
- (c) government ships used for non-commercial purposes.

PART II

COMPULSORY INSURANCE REQUIREMENTS

Insurance for maritime claims

5.(1) A Barbados ship shall not proceed to sea, attempt to proceed to sea, or enter or leave a port in Barbados or elsewhere, unless there is in force in respect of the ship insurance coverage referred to in paragraph (3).

(2) No foreign ship shall be allowed in Barbados ports unless there is in force in respect of the ship insurance coverage referred to in paragraph (3).

(3) Insurance referred to in paragraphs (1) and (2) shall cover maritime claims subject to limitation under the provisions on limitation of liability for maritime claims under the *Merchant Shipping (Liability and Compensation) Act, 2024* (Act 2024-30), in an amount for each ship per incident equal to the maximum amount of the limitation of liability laid down in that Act.

Passenger-related insurance coverage

6. Insurance referred to in regulation 5 shall cover maritime claims in respect of loss resulting from delay in the carriage by sea of passengers or their luggage, but only where the delay is consequent upon

- (a) an incident involving a collision, stranding, explosion, fire or other cause affecting the physical condition of the ship that renders it incapable of safe navigation to the intended destination of the passengers and their luggage; or
- (b) any other incident involving a threat to the life, health or safety of passengers.

Insurance other than contracts of insurance

7. Where, to comply with regulation 5, a shipowner relies on insurance consisting of proved self-insurance or financial security offering similar conditions of coverage in respect of a ship,

- (a) the shipowner shall provide documentary evidence of the existence of that insurance to the Minister; and
- (b) that ship shall not enter or leave a port in Barbados unless the Minister has confirmed in writing that the arrangements for self-insurance or for the financial security are adequate.

Insurance certificates and documentation

8.(1) The existence of insurance referred to in regulation 5 shall be proved by a certificate issued by the insurance provider or, in relation to insurance referred to in regulation 7, written confirmation given by the Minister.

(2) The documentation referred to in paragraph (1) shall include the following information:

- (a) the name of the ship and its International Maritime Organization number and port of registry;
- (b) the shipowner's name and principal place of business;
- (c) the type and duration of the insurance;
- (d) the name and principal place of business of the provider of the insurance; and
- (e) where appropriate, the place of business where the insurance is established.

(3) If the language used in a certificate is not English, French or Spanish, the text shall include a translation into one of those languages.

(4) The documentation referred to in paragraph (1) shall be

- (a) carried on board the ship; and
- (b) produced on demand by the master to
 - (i) the Minister or a proper officer, where the ship is a Barbados ship;
or
 - (ii) the Minister, in the case of any other ship.

PART III

MISCELLANEOUS

Penalties

- 9.(1)** A shipowner commits an offence if
- (a) a ship belonging to the shipowner proceeds to sea, attempts to proceed to sea or enters or leaves a port in contravention of regulation 5; or
 - (b) a person attempts to navigate that ship into or out of a port in contravention of that regulation.
- (2) A shipowner who commits an offence under paragraph (1) is liable
- (a) on summary conviction, to a fine of \$20 000; or
 - (b) on conviction on indictment, to a fine of \$40 000.
- (3) A master who fails to comply with regulation 8(4) commits an offence and is liable on summary conviction to a fine of \$10 000.
- (4) A document required or authorized by virtue of a statutory provision to be served on a foreign company for the purpose of, or in connection with, the institution of proceedings for an offence for the contravention of regulation 5 against a company as shipowner is to be treated as served on the company if the document is served on the master of the ship.

Exclusion order

- 10.** Where a flag state has informed the Chief Marine Surveyor that it has issued an exclusion order in respect of a ship, the Minister shall refuse that ship entry to a port in Barbados until the shipowner produces to the Minister the documentation referred to in regulation 8(1).

Power to detain

11.(1) A ship may be detained if any person attempts to navigate it out of a port in contravention of regulation 5.

(2) Section 1221 of the Act applies in relation to ship detained under paragraph (1), subject to the modification that “this Act” is to be read as a reference to these Regulations.

(3) An officer detaining a ship shall serve on the master of the ship a detention notice that

- (a) states the reason for the detention; and
- (b) requires the ship to comply with the terms of the detention notice until it is released by a competent authority.

(4) Where a ship that is not a Barbados ship is detained, the Minister shall immediately notify, in writing,

- (a) the ship’s flag state administration;
- (b) if this is not possible, the consul of the state of the flag administration; or
- (c) in the consul’s absence, the nearest diplomatic representative of the state of the flag administration.

(5) A notice referred to in paragraph (4) shall set out all the circumstances of the decision to detain the ship.

(6) In the circumstances described in paragraph (4), the Minister shall also notify all surveyors or recognized organizations responsible for the issuance of classification certificates.

Arbitration

12.(1) Any question as to whether a matter specified in relation to a ship in a detention notice constituted a valid basis for the officer’s opinion shall, if the

master or shipowner so requires, by a notice given to the officer within 21 days from the service of the detention notice, be referred to a single arbitrator appointed by agreement between the parties.

(2) The giving of a notice by the master or shipowner under paragraph (1) does not suspend the operation of the detention notice.

(3) The arbitrator may have regard to any matter not specified in the detention notice that appears to the arbitrator to be relevant as to whether the ship was liable to be detained.

(4) Where the arbitrator decides, as respects a matter to which the reference relates, that the matter did not constitute a valid basis for the officer's opinion, the arbitrator shall

(a) cancel the detention notice; or

(b) affirm it with such modifications as the arbitrator thinks fit.

(5) In any other case, the arbitrator shall affirm the detention notice in its original form.

(6) The decision of the arbitrator shall include a finding whether there was a valid basis for the detention of the ship.

(7) To be qualified for appointment as an arbitrator under this regulation, a person shall be

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding a certificate equivalent to such a certificate;

(b) a naval architect;

(c) a person qualified to be appointed to a high judicial office in Barbados;
or

(d) a person with special experience of shipping matters or of activities carried on in ports.

Compensation for unjustified detention

13.(1) If, on a reference under regulation 12 relating to a detention notice, the arbitrator decides that the shipowner has proved

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

the arbitrator shall award the shipowner 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 Minister.

Made by the Minister this 23rd day of April, 2025.

G.P.I. GOODING-EDGHILL

Minister responsible for Shipping