



Virgin Islands Shipping Registry

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British Virgin Islands

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Counting and Recording of Persons on Board Passenger Vessels

To:

Owners, Charterers, Managers, Operators, Masters, Officers & Crew Members of Passenger Ships operating to and from any port in the BVI, Harbour/Dock Masters, HM Customs, RVIPF-Marine Police Unit, Immigration Officials, and other interested persons.

Summary

1. Counting and recording of persons on board passenger vessels is requirement under the provisions of the Code of Safety for Small Commercial Vessels Operating in the Caribbean (SCV Code);
2. The SCV Code is given effect in the BVI through the Merchant Shipping (Caribbean Small Commercial Vessels Code) Regulations, 2004, made under the provisions of the Merchant Shipping Act, 2001;
3. Additionally, the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations, 1999 (U.K), has been adopted for the benefit of larger passenger vessels;
4. In accordance with the above legislation, passenger vessels operating on domestic and international voyages are required to count all person on board the vessel prior to departure from a port and record them in a report and deposit a copy of the report ashore with a nominated person;
5. In the unlikely event of a marine casualty, the report deposited ashore will be useful for search and rescue purposes and accounting for the persons on board.

Background

It is a requirement under SOLAS 74, Chapter III, Regulation 27 (Information on passengers) for passenger vessels to maintain ashore, the information on all persons on board, readily available for Search and Rescue purposes. This requirement is given force in the national legislation in the United Kingdom (U.K.) through the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999, which are adopted in the BVI through the Merchant Shipping (Adoption of United Kingdom Enactments) Order, 2005. The above SOLAS requirement is concerned with large passenger ships engaged in international voyages, and in the BVI these regulations are applied to foreign vessels calling in at BVI ports.

In the Caribbean, the requirement for maintaining ashore the information on passengers carried on board a small passenger vessel on a voyage is stipulated in the Code of Safety for Small Commercial Vessels Operating in the Caribbean (SCV Code). Regulation 5, Chapter VIII of the SCV Code is relevant in this regards.

The SCV Code is given effect in the BVI through the Merchant Shipping (Caribbean Small Commercial Vessels Code) Regulations, 2004, made under the provisions of the Merchant Shipping Act, 2001

The above requirement is applicable to a Virgin Islands passenger vessel where ever it may be and to other passenger vessels while they are within the British Virgin Islands waters.

Implementation

In accordance with above legislation, the owner of a passenger vessel shall ensure that, there is a system capable of counting and keeping an accurate record of all persons, that embark on or disembark from the vessel, including the names and gender, distinguishing between adults, children and infants, and prior to departing on a voyage. It is also requirement that the record of persons shall be deposited ashore in a well marked location or with a representative of the owner, and made readily available for Search and Rescue purposes and for accounting for passengers in an incident involving a casualty or disaster.

The system should be devised in such a way that a vessel's crew and passengers travelling on board are accounted for, and recorded prior to departure of the vessel from one BVI to another BVI port, or from a BVI port to a foreign port and visa versa.

The system, procedures and relevant documentation must be approved by the Virgin Islands Shipping Registry prior to its implementation by the ship owner. Taking in to consideration the implementation date given below, the owners of passenger vessels must take early action to develop the necessary systems and obtain the approval as early as practicable.

It is recommended that pending full implementation of an approved system, the ship owners should adopt interim measures to 'count and record' persons on board, to make the information available for search and rescue and emergency purposes.

In the case of vessels operating on international voyages to USVI ports, a more comprehensive Crew List and Passenger Manifest is mandatory in both BVI and USVI. For such vessels maintaining a copy of these documents ashore will fulfil the requirement of counting and recording of persons under regulation 5, Chapter VII of the SCV Code.

The date for the implementation of 'counting and recording of persons' requirement will be **1st February 2010.**

Enforcement Programme

The enforcement of the above requirement will be carried out under the provisions of Part XVI of the Merchant Shipping Act, 2001 by the Officers from the Virgin Islands Shipping Registry, HM Customs, RVIPF-Marine Police Unit or any Enforcement Officer appointed by the Director.

The enforcement process will involve boarding of each passenger vessel prior to its departure from a port by an Enforcement Officer and verifying that the vessel has a written account of all persons on board, and the information given therein corresponds to the names, gender and age group of persons on board at the time.

In circumstances where a vessel fails to provide the necessary information or provides false information she may be subject to enforcement action as provided in the above Act. The enforcement action may include issuance of a Prohibition Order, Detention of the vessel, and legal action against the owner of the vessel and the master by the Attorney General.

All parties are requested to be guided accordingly.

The Director
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