	<b>MARITIME AUTHORITY OF JAMAICA</b>  <b>DETAILED PROVISIONS ON LOCAL TRADE OPERATION</b>	Circular No.	12-11-14	P
		Revision	00	
		Page (s)	1 of 4	

**TO:**

- (I) ALL SHIP AGENTS IN JAMAICA
- (II) MANAGERS AND OPERATORS OF FOREIGN FLAGGED SHIPS IN JAMAICA
- (III) MARINE POLICE
- (IV) PORT AUTHORITY OF JAMAICA
- (V) JAMAICA CUSTOM'S
- (VI) JAMAICA DEFENCE FORCE COAST GUARD
- (VII) JUDICIARY
- (VIII) NATIONAL ENVIRONMENTAL AND PLANNING AGENCY

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**Purpose:** This Circular is intended to provide insight into the provisions of the Shipping Act regarding Local Trade in Jamaican waters.

**Reference:** The Shipping Act 1998; Shipping (Local Trade) Regulations (2003)

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### **Trade in Jamaican Waters**

The conduct of trade in Jamaican waters by any vessel is governed by the Shipping Act, 1998 (hereinafter referred to as "The Act"). Under The Act (Section 15), all ships are prohibited from engaging in trade in or from Jamaican waters unless they are Jamaican Ships or hold a certificate of foreign registry or other document similar or equivalent to that required by The Act. The prohibition is subject to provisions of any regulation made under the section, any international agreement in force in relation to Jamaica and to the charter of the vessel (if chartered) or the person so engaging the vessel for local trade in Jamaican waters, being qualified under The Act to own a Jamaican ship; except under and in accordance with such conditions as the Minister may direct or prescribe.

The Shipping (Local Trade) Regulations, 2003 (hereinafter called "Local Trade Regulations"), which is prescribed in accordance with Section 15 of the Act, stipulates the condition under which a vessel may be engaged in Local Trade in Jamaican waters. It also prescribes the form of application and certification applicable.

### **What is Local Trade?**

"Local Trade", which under The Act means "Local Trade in Jamaican Waters", is the transport (locally) of passengers or goods or the carrying out of any other operation or activity locally, within Jamaican waters, for the purposes of trade, profit or reward. Simply put, it is the conduct of any activity in Jamaican waters for direct or indirect commercial gain. Local Trade activities are

	<b>MARITIME AUTHORITY OF JAMAICA</b>  <b>DETAILED PROVISIONS ON LOCAL TRADE OPERATION</b>	Circular No.	12-11-14	P
		Revision	00	
		Page (s)	2 of 4	

unlimited in range covering areas from, for example, dredging and cable-laying to the carriage of passengers and provision of live maritime exhibitions. It is however not interpreted to include the direct import or export of cargo; the picking-up of cargo at several points in Jamaica for discharge exclusively at a port outside of Jamaica or the discharge of cargo imported, at several ports in Jamaica.

### **Restriction on Trade and the Local Trade Regulations**


Local Trade is a privilege reserved for ships that are registered in Jamaica. Jamaican registered ships may therefore freely engage in Local Trade subject to any particular requirement of the industry/sector in which the service is to be provided (e.g., approval of the National Environment and Planning Authority to undertake dredging activities).

The Shipping (Local Trade) Regulations, 2003, assigns responsibility for a vessel's compliance with the Act jointly to the Owners and Agent in Jamaica, of that vessel. Paragraph 5 requires that the Owner or Agent submit an application prescribed in the First Schedule to the Registrar, along with documents, evidence of financial responsibility against risk of damage to third parties as well as any other information which may be required. Where the vessel is able to demonstrate compliance with requirements with respect to maritime safety and marine pollution prevention, where there is no Jamaican ship available to perform the same functions as those for which the foreign ship is seeking certification and where the fees applicable for the desired term of certification are paid, the vessel will then be certified for operation. Certification may be for periods of three, six, nine or twelve months at a time.

Vessels are required to be in full compliance with the provisions of the Shipping Act, before engaging in Local Trade activities.

### **Restrictions on Crew**

The Act also seeks to protect the interest of Jamaican Seafarers in regards to the crewing of vessels engaged in Local Trade. The Act allows for non-Jamaican Seafarers to be engaged only where no duly certificated, experienced and otherwise competent Jamaican Seafarer is available for employment onboard the vessel being engaged in Local Trade. In applying for Local Trade Certification therefore, Owners/Agents are required to demonstrate that due effort was made but without success, to identify Jamaican Seafarers for employment. This must be submitted in support of a formal request to the Director, for exemption for the requirement of Paragraph 7 (2) of the Regulations. Accordingly, permits for foreign vessels to be engaged in Local Trade (Local Trade Certification), should be granted only where Owners/Agents demonstrate the non-availability of Jamaican Seafarers for employment. The Registrar of Seafarers may be contacted for confirmation of the availability of Jamaican Seafarers for engagement in Local Trade.

	<b>MARITIME AUTHORITY OF JAMAICA</b>  <b>DETAILED PROVISIONS ON LOCAL TRADE OPERATION</b>	Circular No.	12-11-14	P
		Revision	00	
		Page (s)	3 of 4	

## Compliance

Vessels certified for Local Trade operations **must** at all times, display their Local Trade Certificate onboard and such Certificate **must** be valid on the date on which the vessel is engaging in Local Trade activities. The Maritime Authority will entrust the successful implementation of the Local Trade Regulations, to the voluntary compliance of Owners/Agents of vessels. Owners/Agents are however reminded that where a vessel is found in breach of the provisions in this regard, the Master or Owner (and Agent) will be liable

- (a) on conviction on indictment in a Circuit Court to a fine or in default of payment thereof, to imprisonment for a term not exceeding two years or to both fine and imprisonment, or
- (b) on conviction in a Resident Magistrate Court to a fine not exceeding one million dollars or in default of payment thereof, to imprisonment for a term not exceeding one year

Provision of false information regarding third party insurance also attracts a fine of up to one million dollars.

## Approval for Local Trade Operation


Vessels to be engaged in Local Trade must satisfy three primary requirements:

1. Fulfilment of the administrative criteria
2. Payment of applicable fee
3. Inspection

Upon fulfilment of the above requirements, the Local Trade Certificate will be issued. It is to be noted that Certification may not be granted for a period exceeding the expiry date of any supporting documentation.

### **Administrative Requirement:**

Administrative requirements speak to the provision of required documentation issued by the vessel's flag state, in support of an application for certification. It also speaks to the appointment of an Agent in Jamaica, who will be accountable for the vessel and associated charges, during the period of certification..

	<b>MARITIME AUTHORITY OF JAMAICA</b>  <b>DETAILED PROVISIONS ON LOCAL TRADE OPERATION</b>	Circular No.	12-11-14	P
		Revision	00	
		Page (s)	4 of 4	

### Fees

The vessel must demonstrate its full compliance with the requirements of its flag state and be inspected to establish that it is compliant with the stipulations of the Maritime Authority of Jamaica for safe operation. Accordingly, in addition to the applicable Local Trade Fees, the associated Inspection Fee will also be payable as follows:

- The first hour of Inspection will attract a fee of USD350
- Each hour after the first and any part thereof, will attract a fee of USD120
- Where the Certificate is required within up to three (3) days, a fee the equivalent of 50% of the applicable fee, will be payable to “expedite” the process.

The urgency, with which the vessel may be required for engagement, may demand that it be certified for operation before the final inspection fees are finalized. The Ship Agent (in Jamaica) will in such eventuality, be held liable for any outstanding sums deemed payable in relation to the vessel.

Where the vessel fulfils all administrative and technical requirements, the Certificate will be issued. It is to be noted that violations of the provisions for local trade, is an offence under the Shipping Act.

The website [www.jamaicaships.com](http://www.jamaicaships.com) may be visited to download the Application Form and details of the Fees. For further information, please feel free to contact the Registrar at [www.registrar@jamaicaships.com](mailto:www.registrar@jamaicaships.com).

Registrar of Ships  
November 21, 2012

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