



BELIZE

**HARBOURS AND MERCHANT SHIPPING ACT
CHAPTER 234**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

This edition contains a consolidation of amendments made to the law by Act No. 11 of 2007.

CHAPTER 234

HARBOURS AND MERCHANT SHIPPING

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CHAPTER 234

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22 of 1987.
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11 of 2007.
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[29th June, 1920]

PART I

Preliminary

Short title. 1. This Act may be cited as the Harbours and Merchant Shipping Act.

Interpretation. 2. In this Act, unless the context otherwise requires,

“buoys and beacons” includes all other marks and signs used for that purpose;

“harbour” means a harbour named in or appointed under this Act and includes the approaches or channels of ingress and the foreshore of any harbour;

“Harbour Master” means any person lawfully performing the duties of such officer, or acting under the orders of the Harbour Master;

“home-trade vessel” includes every vessel employed in trading between any port or place in Belize, and ports or places along the line of coast from Belize north and west to the port of Campêche, and south and east to San Juan de Nicaragua, including the Bay Islands;

“IMMARBE” means the International Merchant Marine Registry of Belize established under section 3 of the Registration of Merchant Ships Act, Cap. 236;

“internal waters” means any areas of water that are on the landward side of the baseline of the territorial sea;

“lighthouses” includes floating and other lights exhibited for the guidance of ships;

“Minister” means the Minister for the time being responsible for Ports;

“owner” means, 11 of 2007.

(a) the person in whose name the vessel is registered;

(b) in the case of a vessel which is not registered, the person in charge of or in actual possession or control of the vessel in Belize;

(c) in the case of a vessel which is the subject of a hire-purchase agreement, the person in possession or control of the vessel under the agreement,

“passenger” means a person other than the master and crew, but shall not include distressed seamen; 11 of 2007.

“Port Authority” means the Belize Port Authority established under the Belize Port Authority Act, Cap. 233;

“seaman” includes every person except masters and pilots, employed or engaged in any capacity on board any ship;

“ship” means and includes every description of vessel, boat or other craft used in navigation, including all vessels particularly referred to in Part III;

“territorial sea” or “territorial waters” has the same meaning as assigned to it in the Maritime Areas Act, Cap. 11; 11 of 2009.

3. The Minister may by order from time to time appoint harbours for the purpose of this Act and declare the limits and boundaries thereof. Appointment of harbours. 40 of 1963.

Limits of the harbor of Belize City. 11 of 2007.

4. Until otherwise ordered under section 3 of this Act, the limits and boundaries of the harbour of Belize City are declared as starting at the City Swing Bridge on the north bank of the Haulover Creek, thence down stream to Fort George Light, thence northwards along the coast to the Belize River Mouth, thence easterly to Mapp's Caye, thence along the western coast of the Drowned Cayes to the southern point of Water Caye, thence south-easterly to Goff's Caye; thence south-westerly to English Caye; thence south-westerly to the northern point of Middle Long Caye, thence due west to the coast, thence northerly along the coast back to the Belize City Swing Bridge.

PART II

Provisions for General Management of Harbours

Harbour Master.

5.-(1) The person appointed to the post of Ports Commissioner under the Belize Port Authority Act, Cap. 233 shall perform the duties which immediately before such appointment were being performed by the Harbour Master under this Act.

17 of 1978.

(2) Pending the appointment of the Ports Commissioner the persons holding the post of Harbour Master and Assistant Harbour Master shall continue to act as such.

Powers of Minister. 11 of 2007.

6.-(1) The Minister shall have the general superintendence, management and control of the harbour of Belize City and the other harbours of Belize and of all the lighthouse stations, lighthouses, shorelights, buoys, beacons and other works and apparatus for the warning and guidance of ships within Belize or the territorial waters thereof and may do all or any of the following things,

- (a) make regulations for,
 - (i) the control, improvement, preservation and inspection of lighthouse stations, lighthouses, shorelights, buoys and beacons;

- (ii) the control, improvement, preservation and maintenance of all or any of the ports, harbours, roadsteads, rivers, canals, lagoons or public wharves of Belize, and for the maintenance of good order therein;
- (iii) requiring the exhibition of such lights, signs and signals as may be considered necessary and regulating the steps to be taken for avoiding collisions by ships navigating within Belize;
- (iv) imposing penalties for breaches thereof not exceeding five thousand dollars which may be recovered on summary conviction;
- (v) carrying out generally the provisions of this Act;

14 of 1966.

- (b) make, and when made, alter, vary or suspend, scales of dues to be paid by persons using any public or private wharf for landing goods, or otherwise, or any building on any such wharf;
- (c) define public wharves and the limits thereof;
- (d) exempt from payment of the whole or any part of any light, port or harbour dues or charges, the steamer or steamers of any person or company who enters into a contract with the Government;
- (e) exempt from payment of the whole or any part of any light, port or harbour dues or charges, the transports or store ships of any friendly foreign Government or Governments;
- (f) lease any portion of any public wharf to any person or company, and make regulations for prescribing the terms and conditions of such lease including the

exemption in whole or in part of any tonnage dues that would otherwise be payable by the person or company so leasing a portion of a public wharf.

(2) Any regulations made under subsection (1) (f) of this section, shall be subject to negative resolution.

Exemptions.

7. Ships of war, ships used as transports, or store ships in the service of the Government of Belize, ships arriving in distress and neither landing cargo for sale or consumption, nor taking on board any additional cargo, ships carrying mails under contract with the Government, and ships arriving at any port in Belize merely for the purpose of communicating or receiving orders, and not landing nor taking on board any cargo, shall be exempt from the payment of light dues.

Minister to make regulations. 40 of 1963.

8.-(1) The Minister may from time to time make regulations,

- (a) for the fixing and levying of light dues;
- (b) for the fixing and levying of port, harbour, tonnage or other dues in respect of ships of various classes;
- (c) for the payment of all such dues or any of them.

(2) All such regulations shall be submitted for approval to the National Assembly which may by resolution rescind, add to, alter or amend them, and upon such approval shall be published in two successive issues of the *Gazette* and thereafter shall have the force and effect of law.

PART III

Coastal, River Service and Foreign Vessels

9. In this Part, unless the context otherwise requires,

“coastal and river service” means passenger trade between all places in Belize whether by sea or on any river or inland water and includes the

Interpretation in Part III

coastal and river service between Belize and the coasts of the Republics of Mexico, Guatemala, Honduras and Nicaragua;

“passenger” means any person carried in a vessel other than the master and crew, but shall not include distressed seamen;

“vessel” includes a ship, boat or dory in whatever way propelled or any other description of vessel used in the coastal and river service or in conveying passengers from such vessel to land or *vice versa*.

10. Nothing in this Part shall be held in any way to interfere with the operation of the provisions of the Imperial Merchant Shipping Act, 1894, Cap.60 or of any Act or Acts amending it as may have the force of law in Belize.

Act not to interfere with certain Imperial Acts.

11. This Part shall apply only to vessels owned, operated or managed by persons residing in Belize, except so far as its provisions apply to foreign vessels.

Vessels to which Act applies.

12.-(1) The Harbour Master may on application and after examination by such person or persons as the Harbour Master may from time to time appoint, in this Act referred to as the examiner, grant to vessels listed in subsection (3) of this section, “Sea-worthiness Certificate” in the form of the First Schedule, and any such certificate shall be liable to be revoked at any time for good cause by the Harbour Master.

Grant of sea-worthiness certificates. 11 of 2007.

(2) Any certificate granted under subsection (1) of this section, shall remain in force until 31st December in the year wherein it is granted and shall state the maximum number of passengers which such vessel is authorised to carry, the load draught and such other particulars as the Harbour Master may require and prescribe.

(3) The following vessels must be registered and licensed by the Harbour Master,

- (a) Vessels engaged in the coastal and river services;
- (b) Tugboats;

- (c) Barges;
- (d) Sailing vessels;
- (e) Jet ski;
- (f) Scientific research vessels;
- (g) Casino boats;
- (h) Party boats;
- (i) Private pleasure boats;
- (j) Dredges;
- (k) All vessels for hire;
- (l) All power driven vessels.

(4) This section shall not apply to paddle dories or other similar crafts.

13. Before granting any certificate under section 12 of this Act, the Harbour Master shall require that every vessel so engaged in the coastal and river service shall be supplied with a sufficient number of boats (if any) and life-saving apparatus and shall conform to all the conditions and requirements which the Harbour Master may prescribe by regulations.

14.-(1) If any vessel is loaded so as to be submerged below the load draught stated in the sea-worthiness certificate, the vessel shall be deemed an unfit vessel within the meaning of section 25 of this Act and the vessel shall not proceed on a voyage for risk of possible exposure to danger to human life.

(2) Any master proceeding or about to proceed on a voyage with a vessel submerged below the draught level stated in the sea-worthiness certificate in violation of subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not more than five thousand dollars.

Requirements as to boats and life-saving apparatus.

Penalty for over-loading.
11 of 2007.

15. Repealed

11 of 2007.

16.-(1) No vessel required to be registered and licenced under section 12 of this Act shall proceed to sea or on a river voyage or shall take on passengers or cargo without possessing a sea-worthiness certificate from the Harbour Master in accordance with the provision of the section 12 of this Act.

Penalty for going to sea without being in possession of sea-worthiness certificate.
11 of 2007.

(2) The owner or master of any such vessel who sends or permits such vessel to proceed to sea or on a river voyage in contravention of subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine of one thousand dollars.

17. Repealed

11 of 2007.

18.-(1) The Minister shall have power to make regulations to provide for,

Power to Minister to make regulations.
40 of 1963.
11 of 2007.

- (a) the examination of masters, mates and engineers of vessels, the conduct of the examinations, and the qualification of the applicants and the granting of certificates of competency;
- (b) the examination, survey, inspection and measuring of vessels, and the manner of determining and marking of draught freeboard and load lines thereof and the issue of "Sea-going Certificates" in respect thereto;
- (c) the general equipment of vessels and provision to be made for the number of the crew, including a mate or mates, and for the safety of passengers, having regard to the nature of the passage, the number of passengers to be carried, the season of the year, and the safety of the vessel;
- (d) the lights to be carried,

Provided that all such regulations as to lights shall apply only to vessels not required to carry a light by the sea regulations made under the Merchant Shipping Act, 1894, c.60;

1894,c.60.

- (e) the means to be adopted for the identification of vessels;
- (f) the means to be adopted for the prevention of the overloading of vessels;
- (g) keeping order on such vessels;
- (h) dividing the vessels into classes to which the regulations or any of them are to apply, and providing for the exemption of classes of vessels from the regulations or any of them and for the inspection and registration of vessels and for the issue of certificates therefor;
- (i) the imposition of fees with respect to examinations for, and the issue of certificates of competency, and with respect to the examination, survey, and inspection of vessels, and the issue of "Sea-going Certificates" in connection therewith, and for the inspection and testing of life-saving apparatus;
- (j) the safety of navigation within Belize;
- (k) The construction, manufacture, and design of vessels.

(2) Regulations made under this Act may provide that a contravention or breach thereof shall be punishable on summary conviction by such fine not exceeding five thousand dollars or by such term of imprisonment not exceeding two years as may be specified in the regulations or by both such fine and imprisonment.

(3) All regulations made under this Act shall be subject to negative resolution.

19. The Harbour Master shall deliver to every person who has passed the prescribed examination satisfactorily, or has otherwise satisfied the Harbour Master of his or her competency to act as master, mate or engineer, and has given satisfactory evidence of his or her sobriety, experience, ability and general good conduct, a certificate, hereinafter called a "Certificate of Competency", in the form contained in the

Certificates of competency to masters, mates and engineers of coastal and river service vessels. Second Schedule. 40 of 1963. 11 of 2007.

Second Schedule, to the effect that he is competent to act as master, mate or engineer of a vessel engaged in the coastal and river service.

20.—(1) If the Harbour Master is satisfied that the master of a vessel has had long and special experience in navigating a vessel to any particular ports or places, he or she may grant him or her a special certificate of service in such form and with such particulars as he or she may appoint authorising him or her to take command of a vessel to such particular ports or places notwithstanding that he or she may be unable to obtain a certificate of competency under this Act.

Power to grant special certificates of service for certain ports. 40 of 1963. 11 of 2007.

(2) If such master takes his or her vessel to any other ports or places than those to which his or her certificate authorises him or her, he or she shall be liable to have such certificate cancelled and to a fine not exceeding one thousand dollars.

21.—(1) No person shall permit a vessel to proceed on a voyage unless the master, the mate and the engineer of the vessel, if any of those persons be required, possesses a valid certificate of competency or a special certificate of service.

No vessel to go to sea unless officers have prescribed certificates. 11 of 2007.

(2) A person who proceed on a voyage, or attempts to proceed on a voyage without possessing a certificate as required by subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(3) The owner of a vessel who permits a master, or a mate or an engineer to proceed on a voyage without assuring him or herself that the person possesses the certificate referred to in subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of one thousand dollars for each offence committed.

(4) The onus of proof will be on the owner of a vessel to show that a master, a mate or an engineer proceeding on a voyage possesses a valid certificate as required by subsection (1) of this section.

(5) For the purposes of subsection (4) of this section, where the vessel is not registered or the owner of the vessel cannot be ascertained, the

person in charge of the vessel at the material time shall be deemed to be the owner.

(6) Where a dispute arises as to who is in control of a vessel, every person present shall be deemed to be in control of the vessel until the contrary is proved.

22.—(1) Every certificate issued by the Harbour Master shall be signed and shall be made in duplicate and one copy of such certificate shall be delivered to the person entitled to the certificate and the other shall be kept and recorded by the Harbour Master.

(2) All cancellations, suspensions, alterations or other proceedings in anywise affecting any certificate made or taken by the Harbour Master in pursuance of the powers herein contained shall be entered in the record of certificates and a copy purporting to be certified by the clerk of any entry made as aforesaid in respect of any certificate, shall be sufficient evidence of the truth of the matters stated in such entry, unless the contrary is shown.

23.—(1) If a master, mate or engineer proves to the satisfaction of the Harbour Master that he or she has without fault on his or her part lost or been deprived of a certificate granted to him or her, the Harbour Master shall, and in any other case may, upon payment of such fee, if any, as is directed, cause a copy of the certificate to which by the record kept in pursuance of this Act he appears to be entitled, to be certified by the clerk, and to be delivered to him or her.

(2) A copy of any such certificate purporting to be so certified shall have all the effect of the original.

24.—(1) Any officer of the Port Authority, justice of the peace, officer of customs, the Belize Coast Guard or member of the Belize Police Department may at any time inspect any vessel engaged in the coastal and river service for the purpose of satisfying himself that all the requirements of this Act have been complied with and may for this purpose call for and inspect any certificates granted under this Part.

(2) If the owner, master or engineer refuses to permit the inspection of any certificates by any of the persons mentioned in subsection (1) of this section, he commits an offence and is liable to a fine not exceeding one thousand dollars.

(3) Any person who impedes or obstructs any officer of the Port Authority, the Belize Coast Guard, justice of the peace, officer of customs or member of the Belize Police Department while making any inspection under subsection (1) of this section, commits an offence and is liable to a fine not less than five hundred dollars and not more than one thousand dollars.

(4) Where a person fails to submit to the inspection of a vessel or of any certificates granted or required under this Part, the vessel shall be detained in accordance with the provisions of section 25 of this Act.

25.—(1) Where a vessel which proceeds or is about to proceed on a voyage is an unsafe vessel, a justice of the peace, an officer of the Belize Coast Guard, an officer of customs, member of the Belize Police Department or an authorised person of the Port Authority may detain such vessel and immediately report the detention and the reasons for the detention of the vessel to the Harbour Master.

(2) For the purposes of this section, a vessel is an unsafe vessel if,

- (a) there has been failure to comply with any of the provisions of this Act; or
- (b) by reason of,
 - (i) The defective condition of the vessel's hull, equipment or machinery;
 - (ii) the under manning or overloading or the improper loading of the vessel or the insufficient life-saving apparatus on board the vessel,

such vessel is unfit to proceed without serious danger to human life, having regard to the nature of the service for which the vessel is intended.

Certificates to be signed by clerk.
40 of 1963.
42 of 1999.
11 of 2007.

Loss of certificate and granting of duplicate.
40 of 1963.
11 of 2007.

Power of inspection.
17 of 1978.
42 of 1999.
11 of 2007.

11 of 2007.

17 of 1978.
42 of 1999.
11 of 2007.

11 of 2007.

Power of detention of unsafe vessel.
17 of 1978.
42 of 1999.
11 of 2007..

- (3) Where any vessel has been so detained, the Harbour Master may,
 - (a) issue an order authorising the detaining officer to permit the vessel to proceed on such conditions as the Harbour Master may prescribe;
 - (b) deal with the vessel under Part IV;
 - (c) make any other order which may be deemed necessary.

(4) If the master of any vessel so detained acts in contravention of any order made by the Harbour Master under this section, he commits an offence and is liable to a fine of one thousand dollars or to imprisonment for a term not exceeding six months.

26.—(1) No person shall send, attempt to send or cause a vessel to be sent on a voyage a vessel that is unsafe.

(2) A person who contravenes subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not more than five thousand dollars or to imprisonment for a period not exceeding two years unless such person adduces evidence to show that,

- (a) all reasonable care was taken to ensure that the vessel was seaworthy before proceeding on a voyage; or
- (b) such emergency situation existed as rendered it justifiable and reasonable in the circumstances for the vessel to proceed on a voyage.

27.—(1) Subject to subsection (2) of this section, a master or person in charge of a vessel who carries in the vessel a greater number of passengers than is specified on the seaworthiness certificate, commits an offence and is liable on summary conviction to a fine of not less than fifty dollars and not more than one hundred dollars for each excess passenger.

(2) The Harbour Master may under circumstances which to him appear justifiable issue a special licence for any one voyage enabling

such vessel to carry such number of passengers in excess of the number so specified as may in such special licence be mentioned.

28.—(1) Where a foreign vessel engaged in the coastal and river service is, whilst at any port or place in Belize, unsafe by reason of the defective condition of her hull, equipment or machinery, or by reason of over loading or improper loading, or by reason of under-manning, and engages or is about to take passengers from Belize, the vessel may be provisionally detained by the Harbour Master, or any officer of customs, magistrate of the district or a justice of the peace, the Belize Coast Guard, the Port Authority or any member of the Belize Police Department.

Detention of foreign vessels. 11 of 2007.

(2) Any person who detains a vessel pursuant to subsection (1) of this section, shall at once report to the Harbour Master the fact of the detention.

(3) The Harbour Master shall forthwith report in writing the fact of detention of the vessel to the recognised consular officer, if there be one for the state to which the vessel belongs, or if there be no such officer, to the consignee of the vessel.

(4) Where a vessel has been provisionally detained, the consular officer, if there be one, or if there be no such officer, the consignee of the vessel may on the request of the owner or master of the vessel, require that the person appointed by the Harbour Master to survey the vessel shall be accompanied by such person as the consular officer or consignee may select, and in such case, if the surveyor and such person agree, the Harbour Master shall cause the vessel to be detained or released accordingly, but if they differ the Harbour Master may act as if the requisition had not been made and may order a survey to be made as is provided in the case of a British ship under Part IV.

(5) The consular officer or the consignee, as the case may be, instead of requiring the Harbour Master to appoint a person to survey the ship, may with the consent of the owner or master undertake not to carry passengers, and in such case the Harbour Master may order that the vessel be released on the condition that she does not carry passengers from Belize.

Penalty for sending or attempting to send unseaworthy vessel on a voyage. 11 of 2007.

Penalty for carrying passengers in excess. 11 of 2007.

11 of 2007. (6) No foreign vessel may enter the internal or territorial waters of Belize and engage in any commercial activity, unless the vessel has been duly authorised by the Harbour Master.

11 of 2007. (7) In granting approval required under subsection (6) of this section, the Authority may require the foreign vessel to submit to inspection for the issue of a seaworthiness certificate.

11 of 2007. (8) Any master who violates this section shall be liable on summary conviction to a fine of ten thousand dollars or in default to two years imprisonment or to both such fine and imprisonment.

11 of 2007. (9) Any vessel that contravenes this section may be detained by the Harbour Master.

PART IV

Unseaworthy Ships

Power to detain ships unfit to proceed to sea. 29.-(1) Where a Belizean registered ship, being in any port or harbour of Belize, is an unsafe ship, she may be provisionally detained for the purpose of being surveyed or for ascertaining the sufficiency of her crew and either finally detained or released in accordance with subsections (3), (4) and (5) of this section.

(2) For the purposes of this section, a ship is an unsafe ship if by reason of the defective condition of her hull, equipment or machinery, or overloading, under-manning or improper loading she is unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended.

17 of 1978. (3) The Harbour Master if he has reason to believe on complaint or otherwise that a Belizean registered ship is unsafe may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed, and thereupon any officer of customs or of the Port Authority may detain such ship until her release is ordered by the Harbour Master or by the Supreme Court.

(4) When a ship has been provisionally detained, there shall be forthwith served on the master of the ship a written statement of the grounds of her detention and the Harbour Master may appoint some competent person or persons, hereinafter called the Inspector, to survey the ship and report thereon to the Harbour Master.

(5) The Harbour Master on receiving the report may either order the ship to be released either upon or without conditions, or if in his opinion the ship is unsafe, may order her to be finally detained either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations or the unloading or reloading of cargo or the manning of the ship as the Harbour Master thinks necessary for the protection of human life and the Harbour Master may vary or add to any such order.

30.-(1) Any person appointed pursuant to section 29 (4) of this Act, to survey a ship may, for the purposes of such survey, require the unloading or removal of any cargo, ballast or tackle, and he may,

Powers of Inspectors.

(a) go on board any such ship, and may inspect it or any part thereof, or any of the machinery, boats, equipment or articles on board thereof, not unnecessarily detaining or delaying her from proceeding on any voyage;

(b) enter and inspect any premises, the inspection of which appear to him to be requisite for the purpose of the report which he is directed to make;

(c) by summons under his hand, require the attendance of all such persons as he thinks fit to call before him, and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make;

(d) require and enforce the production of all books, papers or documents which he considers important for such purpose;

(e) administer oaths, or may, in lieu of requiring or administering an oath, require every person examined

by him to make and subscribe a declaration of the statements made by him in his examination.

(2) Any person who,

- (a) refuses to attend as a witness before any person so appointed, after having been required to do so in manner hereby directed;
- (b) refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which any such person so appointed is empowered to require under this Act,

commits an offence and is liable to a fine not exceeding two hundred and fifty dollars.

31. Every person who, having notice of the intention to make such survey, wilfully does or causes to be done any act by which the person appointed to make such survey is prevented from or obstructed in ascertaining the condition of the ship, her equipment, machinery and cargo, is liable to a fine not exceeding five hundred dollars.

32. A copy of every such order, and of the report upon which it was founded, and also of any variation of or addition to such order, shall be delivered as soon as possible to the owner or master of the ship to which it relates.

33. When a ship has been detained under this Part, she shall not be released by reason of her Belizean register having been closed.

34. If upon the survey of a ship under this Part she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred by the Harbour Master in respect of the survey shall be paid by the owner of the ship to the Harbour Master, and shall, without prejudice to any other remedy, be recoverable by suit or other proceeding by the Port Authority.

Penalty for obstructing.

Service of order, etc.

Effect of ship's Belizean register having been closed on her detention.

Cost of survey. 17 of 1978.

35.-(1) If upon such survey the ship is not reported to have been unfit to proceed to sea, having regard to the nature of the service for which she was intended, the Port Authority shall be liable to pay compensation to any person for any loss or damage which he may have sustained by reason of the detention of the ship for the purpose of survey, or otherwise in respect of such survey.

(2) The compensation payable under this section shall not exceed twenty cents for every ton net register for every day or part of a day during which she has been detained.

36. When a complaint has been made to the Harbour Master that a ship is not fit to proceed to sea, the Harbour Master may, if he thinks fit, before ordering a survey of the ship, require the complainant to give, or provide such security as the Harbour Master may think sufficient for the payment of the costs and expenses which he may incur in respect of the survey of the ship, and of the compensation which he may be rendered liable to pay for loss or damage, caused by her detention for the purpose of such survey, or otherwise in respect of such survey.

37. When a ship has been surveyed under this Part in consequence of a complaint made to the Harbour Master, if upon such survey being made, it appears that such complaint was made without reasonable cause, the expenses incurred by the Harbour Master in respect of the survey of the ship and the amount, if any, which he has been rendered liable to pay in respect of any loss or damage caused by her detention, shall be recoverable by the Port Authority from such complainant.

38. All moneys payable by the Harbour Master in respect or by reason of the survey or detention of a ship under this Part shall, subject to the rights hereby provided of recovering such moneys from the complainant, be paid out of moneys of the Port Authority.

39.-(1) If the owner of any ship surveyed under this Part is dissatisfied with any order of the Harbour Master made upon such survey, he may apply to the Supreme Court.

When the Port Authority liable to pay compensation. 17 of 1978.

Security for costs may be required.

The Port Authority may recover costs of survey. 17 of 1978.

Port Authority to provide means. 17 of 1978.

Jurisdiction of Supreme Court.

(2) The court may, upon such application, if it thinks fit, appoint one or more competent persons to survey the ship anew, and any surveyor so appointed shall have all the powers of the person by whom the original survey was made.

(3) Where pursuant to subsection (2) of this section, the court appoints one or more competent persons to survey the ship anew, the survey shall, if so required by the Harbour Master or the ship-owner, be made in the presence of any person or persons appointed by them respectively to attend at the survey.

(4) The court may make such order as to,

- (a) the detention or release of the ship;
- (b) the payment of any costs and damages which may have been occasioned by her detention;
- (c) the payment of the expenses of the original survey, and of the survey made upon the court's order; and
- (d) the payment of any costs of, and incident to, the application, as to the court may seem just.

40. In all cases where any court has power under this Act to make an order directing payment to be made of any penalties or other sums of money, if the person so directed to pay them is the master or owner of a ship, and he has not paid them at the time and in manner prescribed in the order, the court which made the order may, in addition to any other powers it may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress, and sale of the said ship, her tackle, furniture and apparel.

PART V

Shipwrecks and Casualties

41.—(1) It shall be the duty of the Harbour Master to make inquiries into,

- (a) shipwrecks or other casualties affecting ships; and

(b) charges of incompetency or misconduct on the part of masters, mates or engineers of ships, in the following cases,

- (i) where a shipwreck or casualty occurs to a Belizean registered ship on or near the coast of Belize, or to a Belizean registered ship in the course of a voyage to a port within Belize;
- (ii) where a shipwreck or casualty occurs in any part of the world to a Belizean registered ship registered in Belize;
- (iii) where some of the crew of a Belizean registered ship which has been wrecked, or to which a casualty has occurred, and who are competent witnesses to the facts, are found in Belize;
- (iv) where the incompetency or misconduct has occurred on board a Belizean registered ship on or near the coasts of Belize, or on board a Belizean registered ship in the course of a voyage to a port within Belize;
- (v) where the incompetency or misconduct has occurred on board of a Belizean registered ship registered in Belize;
- (vi) when the master, mate or engineer of a Belizean registered ship, who is charged with incompetency or misconduct on board that Belizean registered ship, is found in Belize.

(2) The powers and duties conferred by subsection (1) of this section, shall not affect any enquiries instituted under the provisions of the Wrecks and Salvage Act, Cap.237.

Levy on and sale of ship.

Harbour Master to enquire into casualties.

11 of 2007. (3) Every master shall immediately report to the Harbour Master, any collision, grounding, fire, loss or substantial damage to his or her vessel or any other emergency affecting his or her vessel.

11 of 2007. (4) Any master who contravenes subsection (3) of this section, commits an offence and shall be liable on summary conviction to a fine of fifteen thousand dollars.

11 of 2007. (5) The Harbour Master may detain any vessel involved in a maritime accident if he or she deems it necessary to aid his or her investigations.

11 of 2007. (6) A master who, by negligence, want of skill or for any other reason,

(a) intentionally or recklessly causes a disaster that damages the environment or results in a loss of the use of the environment; or

(b) causes the loss of life,

commits an offence and is liable on summary conviction,

(i) in the case of a conviction under paragraph (a) of this subsection, to a fine of twenty five thousand dollars or to three times the assessed value of the damage caused, whichever is greater, or to imprisonment for a term of not less than two years and not exceeding ten years, or to both such fine (or the assessed value of the damage), and term of imprisonment;

(ii) in the case of a conviction under paragraph (b) of this subsection, to a fine of not less than twenty five thousand dollars and not more than fifty thousand dollars or to imprisonment for a term of five years or to both such fine and term of imprisonment.

(7) A person shall not be liable under this section if he or she adduces evidence to show that he or she exercised all due diligence to prevent the commission of the offence.

(8) The Harbour Master may co-opt relevant agencies to assist in responding to maritime casualties or incidents and may recover from the owner of the vessel all expenses reasonably incurred in responding to and addressing a maritime casualty or incident.

(9) The expenses referred to in subsection (8) of this section are recoverable as a fine levied against the owner of the vessel and where the owner fails to pay the fine, the fine and costs incurred shall be recoverable on summary conviction.

(10) The Harbour Master may issue a wreck removal order to the owner or master of any vessel that has foundered, been scuttled, agrounded or otherwise abandoned in Belize.

(11) The Harbour Master shall list the terms and conditions of the wreck removal order and the time in which the vessel is to be removed together with all other particulars as the Harbour Master deems necessary and the owner or master shall comply with the instructions of the Harbour Master.

(12) Any owner or master who contravenes subsection (11) of this section, commits an offence and is liable on summary conviction to a fine of thirty thousand dollars in the first instance and an additional ten thousand dollars for every day or part thereof that the violation continue

42. The Harbour Master on any inquiry under section 41 of this Act, may, by summons, require the attendance of all such persons as he thinks fit, and may examine such persons and enforce the production of all books, papers, log-books, accounts or other documents relating to such inquiry, and may administer oaths, or require statutory declarations as to the truth of any statement made on examination, and he shall have power to allow, in his discretion, the expenses of witnesses, not exceeding the scale allowed by the Supreme Court.

Power to require production of log and other documents.

43. The Harbour Master may,

- (a) require the owners or their agents, the master, or any of the seamen of any Belizean registered ship, being within any part or place in Belize, to produce any official log-books, or other documents relating to such ship in his or their possession or control;
- (b) require any such master to produce a list of all persons on board his ship, and to take copies of such official log-books or documents;
- (c) muster the crew of any such ship; and
- (d) summon the master to appear and give any explanation concerning such ship, or her crew, or the said official logbook, or documents.

44. Every person who,

- (a) upon requisition duly made, refuses or neglects to produce any such official log-book or document, as he is herein required to produce, or to allow it to be inspected or copied as aforesaid;
- (b) impedes any such muster of a crew as aforesaid;
- (c) refuses or neglects to give any explanation which he is herein-before required to give; or
- (d) knowingly misleads or deceives any person herein before authorised to demand such explanation,

commits an offence and is liable to a fine of not less than one thousand dollars but not more than five thousand dollars, and in default of payment, to imprisonment for a term not exceeding three months.

45. Every person who,

- (a) wilfully impedes the Harbour Master in the execution of his duty;
- (b) refuses to attend in pursuance of any summons of the Harbour Master; or
- (c) refuses or neglects to make any answer, or to furnish any return, or to produce any document in his possession or power, or to take any oath, or subscribe any declaration as to the truth of any statements made by him,

commits an offence and is liable to a fine of not less than one thousand dollars but not more than five thousand dollars, and in default of payment to imprisonment for a term not exceeding three months.

46.—(1) If the Harbour Master, after an inquiry, under section 41 of this Act, should consider a more formal investigation to be necessary, he shall report the facts to the Minister, and thereupon the Minister may direct any magistrate to hold such formal investigation into the subject of the inquiry.

(2) At any investigation held under subsection (1) of this section, the magistrate shall be assisted by two nautical assessors to be appointed by the Minister, and when so appointed, the magistrate with the two nautical assessors shall constitute the court for holding the investigation.

(3) Subject to subsection (4) of this section, whenever a formal investigation involves, or appears likely to involve, any question as to the cancellation or suspension of the certificate of a master, mate or engineer, the court shall hold the investigation with the assistance of not less than two assessors being either officers of the maritime wing of the Belize Defence Force of a rank not lower than that of lieutenant, officer of the Belize Coast Guard of the rank not below that of Lieutenant Junior Grade or persons having experience in the Merchant Service.

Penalty for impeding Harbour Master.
11 of 2007.

Magistrate and two nautical assessors to constitute court for formal investigation.
40 of 1963.

11 of 2007.

(4) In the case of an investigation in respect of any ship owned, operated or managed by persons residing in Belize, the court holding the investigation may be comprised of a magistrate as aforesaid with either one or two assessors as may be practicable, of nautical, engineering or other special skill or knowledge.

Court to have certain powers of Harbour Master. Third Schedule.

47. The court shall have all the powers of the Harbour Master under sections 42 and 43, and the provisions of those sections and of sections 41, 44 and 45 of this Act, as well as the rules set out in the Third Schedule shall apply to these investigations.

Enquiry by Harbour Master into unfitness of master, mate or engineer.

48.—(1) If there is reason to believe that any master, mate or engineer is, from incompetency or misconduct, unfit to discharge his duties, the Harbour Master shall hold an inquiry, and may if considered necessary appoint any competent person to assist in such inquiry as assessor, and the Harbour Master shall summon such master, mate or engineer to appear at such inquiry, and shall give him full opportunity of making a defence, either in person or otherwise, and may make such order with respect to the costs of such inquiry as he may think just.

(2) Sections 41, 42, 43 and 44 of this Act, shall apply to any inquiry held under this section.

Tribunal for suspension or cancellation of certificates.
11 of 2007.

49.—(1) The certificate of a master, mate or engineer may be cancelled or suspended,

- (a) by a court, holding a formal investigation into a shipping casualty under this Act, if the court shall find that the loss, or abandonment of, or serious damage to any vessel, or loss of life, has been caused by his wrongful act or default,

Provided that the court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court;

1894, c.60.

- (b) by a court, which term shall include the Harbour Master, holding an inquiry under this Act into the conduct of a master, mate, or engineer, if the court shall find that he is incompetent or has been guilty

of any gross act of misconduct, drunkenness or tyranny, or that in a case of collision he has failed to render such assistance, or give such information as is required under Part V of the Merchant Shipping Act, c. 60, 1894;

- (c) by the Harbour Master, in the case of certificates of competency or service granted by himself on an inquiry held by the Harbour Master into a casualty affecting a coastal and river service vessel, if the Harbour Master finds that the loss of or serious damage to such vessel, or that loss of life has been caused by his wrongful act or default;
- (d) by the Harbour Master, in the case of a certificate of competency or of service granted by him or herself, if the holder has been convicted on summary trial for the violation of sections 16 or 25 of this Act or both.

(2) When any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case, or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancelling or suspending thereof.

(3) The court shall in all cases send a full report on the case, with the evidence, to IMMARBE, and shall also, if they determine to cancel or suspend any certificate issued by IMMARBE send the certificate cancelled to IMMARBE with their report, and if the certificate cancelled or suspended has been issued by any authority other than IMMARBE, then the court shall send such certificate to the authority by whom it was issued.

(4) All such reports as are mentioned in subsection (3) of this section, shall be signed by all members of the court who have taken part in the investigation or inquiry,

Provided that any dissenting member shall state in writing his dissent therefrom, and the reason for that dissent.

(5) Subsections (3) and (4) of this section, shall not apply to the cancelling or suspending of any certificate granted by the Harbour Master to act as master, mate or engineer of a vessel engaged in the coastal and river service as defined in Part III.

(6) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, or has taken place, has been furnished before the commencement of the investigation or inquiry, to the holder of the certificate.

50.-(1) A master, mate or engineer whose certificate is cancelled or suspended by any court or by the Harbour Master shall deliver his certificate,

- (a) if cancelled or suspended by a court, to that court, on demand;
- (b) if not so demanded, or if it is cancelled or suspended by the Harbour Master, to the Harbour Master.

(2) Any master, mate or engineer as is mentioned in subsection (1) of this section who fails to comply with this section commits an offence and is liable to a fine not exceeding five hundred dollars.

51. A shipwreck or casualty occurs,

- (a) when any ship is lost, abandoned or materially damaged;
- (b) when any ship has been stranded or damaged;
- (c) when any ship causes loss or material damage to any other ship;

Holder of cancelled certificate to deliver it up.

Definition of casualty.

- (d) when any loss of life ensues by reason of any casualty happening to, or on board, any ship;
- (e) when any Belizean registered ship is lost, or supposed to have been lost, and any evidence is obtainable in Belize as to the circumstances under which she proceeded to sea or was last heard of.

PART VI

Miscellaneous

52. Any person other than the Harbour Master who wilfully cuts, breaks or destroys, except for the purposes of this Act, the moorings or fastenings of any ship or boat lying in any port, harbour or roadstead, or at or near any wharf commits an offence, and for every such offence is liable to a fine not exceeding twenty five thousand dollars, in addition to any liability he may incur by proceedings at the suit or for the benefit of any person damnified thereby.

Destruction of moorings, etc. 11 of 2007.

53. Any person who resists or impedes the Harbour Master, any authorized officer of the Port Authority in the due performance of any duty under this Act commits an offence and is liable to a fine not exceeding two hundred and fifty dollars.

Obstructing Harbour Master. 11 of 2007.

54. Any person who opposes or obstructs the execution on board any ship in any port, harbour, roadstead or anchorage, of Belize of any warrant or other legal process commits an offence and is liable to a fine not exceeding one thousand dollars.

Obstructing warrants, etc. 11 of 2007.

55.-(1) The Minister may, from time to time, make regulations,

- (a) to prohibit the loading or unloading of timber, logwood, lumber, machinery, heavy packing cases, and other heavy goods or things, and the hauling up or launching of boats and doreys at or from any pier, bridge, or wharf, or at or from any point or place on the shore of the sea or on the bank of any river or canal;

Regulations for loading and unloading, etc., at piers, wharves, etc.

- (b) to impose conditions which are to be observed by those loading or unloading, hauling up or launching any of the things aforesaid in order to prevent damage from being done to any pier, bridge, wharf, wall, staking, shore or bank;
- (c) to limit the time within which any cargo which it is intended to load into any vessel, or boat, or which has been discharged from any vessel or boat may remain on any pier, bridge, road, or wharf, or on any point or place on the shore of the sea or on the bank of any river or canal;
- (d) to regulate the manner in which vessels, boats and rafts may be fastened to or brought or kept alongside of any pier, bridge, wharf, wall, staking, shore, or bank, and to prevent vessels, boats or rafts from being so fastened, brought, or kept as to injure any such pier, bridge, wharf, wall, staking, shore or bank.

11 of 2007.

(2) *Repealed.*

(3) Nothing contained in subsection (2) of this section, shall affect the right to recover damages for any injury which may be done to any pier, bridge, wharf, wall, staking, shore or bank.

Interfering with lights, buoys, etc. 11 of 2007.

56. Every person who,

- (a) injures any lighthouse or any light exhibited therein, or any buoy or beacon;
- (b) removes, alters or destroys any light-ship, buoy or beacon; or
- (c) rides by, makes fast to, or runs foul of any light-ship or buoy,

is liable to make good any damage thereby occasioned, as well as to a fine not exceeding one thousand dollars.

57.-(1) Whenever any fire or light is burned or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the Harbour Master or any person nominated in that behalf by such officer to serve a notice upon the owner of the place where the fire or light is burned or exhibited, or upon the person having charge of the fire or light, either personally, or by delivery at the place of abode of such owner or person, or by affixing it in some conspicuous spot near to the fire or light, and by such notice to direct the owner or person, within a reasonable time, to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light and for preventing for the future any similar fire or light.

Lights exhibited may be ordered to be removed.

(2) If the owner of that place or other person aforesaid fails to carry out the directions given in any such notice, he shall, in addition to any other liabilities, be guilty of an offence and liable to a fine not exceeding one thousand dollars.

58.-(1) If any such owner or person as aforesaid, served with such a notice as is mentioned in section 57 (1) of this Act, neglects for a period of twenty-four hours to extinguish or effectually screen the fire or light therein mentioned, it shall be lawful for the Harbour Master with or by servants, workmen and other assistants, to enter upon the place where it may be and forthwith extinguish the fire or light, doing no unnecessary damage.

Harbour Master may remove light. 11 of 2007.

(2) All expenses incurred by the Harbour Master in making such extinction may be recovered by the Port Authority from such owner or person.

59. *Repealed.*

11 of 2007.

60. *Repealed.*

11 of 2007.

Acquisition of interest in or change of ownership of vessel registered in Belize to be notified to Harbour Master.

61.--(1)Whenever any person becomes the owner of any ship registered in Belize, or acquires any interest therein, and whenever there is any change in the ownership of any such ship the person so becoming the owner of, or acquiring an interest in such ship and the person parting with such ship or any interest therein, shall forthwith give notice in writing to the Harbour Master of such change of ownership, and of the interest acquired and parted with respectively.

(2) If any person required to give notice under subsection (1) of this section, fails to do so, and is unable to give an excuse for such failure, which is satisfactory to the Harbour Master, he commits an offence and is liable to a fine not exceeding two hundred and fifty dollars.

Matters not provided for to be governed by 1894, c.60.

62. All matters for which provision has not been made in this Act, shall be dealt with under the provisions of the Merchant Shipping Act, 1894, and any Act or Acts amending it.

Procedure to recover penalties.

63. All penalties imposed under this Act shall be recoverable on summary conviction.

General penalty. 11 of 2007.

64. Unless otherwise specified in this Act, all violations of this Act shall be punishable on summary conviction by a fine of one thousand dollars.

Authority for prosecution of offences. 11 of 2007.

65. Proceedings for offences under this Act or any regulations made thereunder shall be instituted in writing by the Ports Commissioner or by any officer duly authorised by him or her.

Civil remedies. 11 of 2007.

66. Without prejudice to any other remedy provided under this Act, all dues, charges, compensation, damages, costs, expenses, or other sums due to the Authority under the provisions of this Act, may be recovered by the Authority as a civil debt.

Payments into the account of the Authority.

67. All fines, compensation, damages, costs, or other sums directed to be paid in respect of any offence, proceedings or matters arising out of the performance of the duties, powers and functions under this Act or any regulations made thereunder, shall be paid into the account of the Authority.

FIRST SCHEDULE

HARBOURS AND MERCHANT SHIPPING ACT

Sea-Going Certificates

[Section 12 (1)]

BELIZE.

Certificate No.

Official number of vessel-----
(if registered as a British ship)

Port of Registry-----

Name and address of owner -----

Name of master-----
Certificate (local) No.

Name of engineer-----
Certificate (local) No.

Steam, motor or sail (if sail, rig)

Tonnage

Length

Breadth

Depth of hold

Load draught

Minimum number of crew (including master) with which vessel is to proceed on a voyage

Vessel is provided with deck line
life belts
lights
boats

anchors
bell
horn or whistle.

Maximum number of passengers to be carried.

GIVEN under my hand at Belize City this day of 20 .

Harbour Master.

SECOND SCHEDULE

HARBOURS AND MERCHANT SHIPPING ACT

Certificate of Competency for Masters,

Mates and Engineers

[Section 19]

BELIZE.

Certificate No.

To

WHEREAS you have given sufficient evidence of your ability and competency to be employed as of a vessel engaged in the service of Belize, we do hereby grant you this certificate to be so employed.

GIVEN under my hand at Belize City this day of 20 .

Harbour Master.

Signature of Holder

Address of Holder

Date and place of birth

THIRD SCHEDULE

HARBOURS AND MERCHANT SHIPPING ACT

Rules of Investigations

[Sections 46 and 47]

1. When a formal investigation has been ordered, the Harbour Master may cause a notice, called a notice of investigation, to be served upon the owner, master and officers of the ship, as well as upon any person who in their opinion ought to be served with such notice.
2. The notice shall contain a statement of the question or questions which, on the information then in possession of the Harbour Master, they intend to raise on the hearing of the investigation, and shall be as in Form 1 of this Schedule, with such variations as circumstances may require.
3. The Harbour Master may at any time before the hearing of the investigation, by a subsequent notice, amend, add to, or omit any of the questions specified in the notice of investigation.
4. The Harbour Master and any certificated officer upon whom a notice of investigation has been served, shall be deemed to be parties to the proceedings.
5. Any other person upon whom a notice of investigation has been served, and any person who shows that he has an interest in the investigation, shall have a right to appear, and any other person may by leave of the Court appear, and any person who so appears, shall thereupon become a party to the proceedings.
6. A party may give to any other party notice in writing to admit any documents (saving all just exceptions), and in case of neglect or refusal to admit after such notice, the party so neglecting or refusing, shall be liable for all the costs of proving the documents, whatever may be the result, unless the Court is of opinion that the refusal to admit was reasonable.

7. No costs of proving any document shall be allowed unless such notice has been given, except where the omission to give the notice has, in the opinion of the officer by whom the costs are taxed, caused a saving of expense.
8. Affidavits may by permission of the Court be used as evidence at the hearing.
9. At the time and place appointed for holding the investigation, the Court may proceed with the investigation, whether the parties upon whom a notice of investigation has been served, or any of them, are present or not.
10. The proceedings on the investigation shall commence with the production and examination of witnesses by the Harbour Master.
11. Witnesses after being examined on behalf of the Harbour Master may be cross-examined by the parties in such order as the Court may direct, and may then be re-examined by the Harbour Master.
12. Questions asked and documents tendered as evidence in the course of the examination of these witnesses shall not be open to objection merely on the ground that they do, or may raise questions which are not contained in, or which vary from the statement of the case, or questions specified in the notice of investigation.
13. When the examination of the witnesses produced by the Harbour Master has been concluded, the Harbour Master shall state in open Court the questions in reference to the casualty, and the conduct of the certificated officers, or other persons connected therewith, upon which the opinion of the Court is desired.
14. In framing the questions for the opinion of the Court, the Harbour Master may make such modifications in, additions to, or omissions from the questions in the notice of investigation, as, having regard to the evidence which has been given, the Harbour Master may think fit.

15. After the questions for the opinion of the Court have been stated, the Court shall proceed to hear the parties to the investigation, and determine the questions so stated.
16. Each party to the investigation shall be entitled to address the Court, and produce witnesses, or recall any of the witnesses who have already been examined for further examination, and generally adduce evidence.
17. The parties shall be heard, and their witnesses examined, cross-examined and re-examined in such order as the Court shall direct.
18. The Harbour Master may also produce and examine further witnesses, who may be cross-examined by the parties, and re-examined by him.
19. When the whole of the evidence in relation to the questions for the opinion of the Court has been concluded, any of the parties who desire so to do, may address the Court upon the evidence, and the Harbour Master may address the Court in reply upon the whole case.
20. The Court may adjourn the investigation from time to time, and from place to place, and where an adjournment is asked for by a party to the investigation, or by the Harbour Master, the Court may impose such terms, as to payment of costs or otherwise, as it may think just, as a condition of granting the adjournment.
21. Except when the certificate of a master, mate, or engineer is cancelled or suspended, in which case the decision shall always be given in open Court, the Court may deliver its decision, either *viva voce* or in writing, and if in writing it may be sent or delivered to the parties.
22. In the latter case, it shall not be necessary to hold a Court merely for the purpose of delivering its decision.

23. The Court may order the costs and expenses of the investigation, or any part thereof, to be paid by the Harbour Master or by any other party to the proceedings.
24. An order for payment of costs shall be as in Form 2 of this Schedule with such variations as circumstances may require.
25. At the conclusion of the investigation the Court shall report to the Harbour Master.
26. The report shall be as in Form 3 of this Schedule with such modifications as circumstances may require.
27. Where the certificate of a master, mate or engineer has been cancelled or suspended, the Harbour Master shall, on application by any party to the proceedings, give him a copy of the report made to the Harbour Master.
28. The Harbour Master may be represented before the Court by counsel or solicitor.
29. Any other party to the proceedings may appear personally, or be represented by counsel or solicitor.

FORM 1

THE HARBOURS AND MERCHANT SHIPPING ACT
Notice of Investigation
[Rule 2]

BELIZE

To _____ Master, Mate, Engineer,
Owner, etc., of _____ or _____ belonging
to the ship _____ of _____

I HEREBY GIVE YOU NOTICE that the Harbour Master has ordered a formal investigation into the circumstances attending the _____ and that subjoined hereto, is a copy of a report (or statement of the case) upon which the said investigation has been ordered. I further give you notice to produce to the Court your certificate, the log books of the vessel, and any other documents relevant to this case, which may be in your possession.

I HAVE FURTHER TO GIVE YOU NOTICE, that on the information at present obtained by the Harbour Master, the questions annexed hereto are those upon which it appears desirable, and upon which they propose to take the opinion of the Court; but these questions will be subject to alteration, addition, omission, or amendment by the representative of the Harbour Master at the investigation, after the witnesses called by the Harbour Master have been examined.

Dated this _____ day of _____ 20____ .

- (1) Report (or statement of case).
 - (2) Questions.
- Whether the
(Here insert the proposed questions).

FORM 2

THE HARBOURS AND MERCHANT SHIPPING ACT
Order on a Party for Payment of costs of Investigation
[Rule 24]

BELIZE:

In the matter of a formal investigation held at _____ on the (here state all the days on which the Court sat)

_____ days of _____ before _____ into the circumstances assisted by _____ attending the _____

The Court orders

(1) That A.B. of _____ do pay to the Harbour Master the sum of _____ dollars on account of the expenses of this investigation, or

(2) That the Harbour Master do pay to A.B. of _____ the sum of _____ dollars on account of the expenses of this investigation.

GIVEN under my hand this _____ day of _____ 20____ .

Magistrate .

FORM 3

THE HARBOUR AND MERCHANT SHIPPING ACT
Report of Court
[Rule 26]

BELIZE

In the matter of a formal investigation held at
on the *(here state all the days on which the Court sat)*
days of _____ before _____

assisted by _____
into the circumstances attending the
the Court, having carefully inquired into the circumstances attending
the above-mentioned shipping casualty, finds for the reasons stated in
the annex hereto, that the *(here state findings of the Court)*

Dated this _____ day of _____ 20 ____ .

Magistrate.

We (or I) concur in the above report.

Assessor

Assessor

Annex to the Report

Here state fully the circumstances of the case, the opinion of the Court touching the causes of the casualty, and the conduct of any persons implicated therein, and whether the certificate of any officer is either suspended or cancelled, and if so, for what reasons.
