

**No. 10 of 2001**

**AN ACT TO AMEND THE MERCHANT SHIPPING ACT**

*[Date of Assent: 31st August, 2001]*

*[Date of Commencement – 5<sup>th</sup> September, 2001]*

**Enacted by the Parliament of The Bahamas.**

*Short title and  
commencement.  
Ch. 246.*

**1.** (1) This Act, which amends the Merchant Shipping (Oil Pollution) Act may be cited as the Merchant Shipping (Amendment) Act, 2001.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice published in the Gazette.

*Amendment of  
section 89 of  
the principal  
Act*

**2.** Section 189 of the principal Act is amended by deleting subsection (5) and substituting therefor the following -

“ (5) Where subsection (3) or (4) is contravened, the owner of the ship or seaplane and the master shall be guilty of an offence and is liable –

(a) on summary conviction –

(i) in the case of a breach of Rule 10 (b) (i) of COLREGS to a fine of one hundred thousand dollars or a term of imprisonment of two years or to both such fine and term of imprisonment;

(ii) in all other cases to a fine of five thousand dollars or to a term of imprisonment of six months or to both such fine and term of imprisonment;

(b) on conviction on information -

(i) in the case of a breach of Rule 10(b) (i) of COLREGS to a fine of two hundred thousand dollars or a term of imprisonment of ten years or to both such fine and term of imprisonment;

- (ii) in all other cases to a fine of fifty thousand dollars or a term of imprisonment of six years or to both such fine and term of imprisonment.”

*Amendment  
of Third Schedule  
to the principal  
Act.*

**3.** The Third Schedule to the principal Act is amended -

- (a) in paragraph 7 by deleting subparagraph (4) and substituting therefor the following –

“ (4) Where a person specified in subparagraph (1), (2) or (3) contravenes the respective subparagraph that person shall be guilty of an offence and is liable -

- (a) on summary conviction to a fine of five thousand dollars or to a term of imprisonment of six months or to both such fine and term of imprisonment;
  - (b) on conviction on information to a fine of fifteen thousand dollars or to a term of imprisonment of six years or to both such fine and term of imprisonment.”;
- and

- (b) in paragraph 8, by deleting subparagraph (2) and substituting therefor the following .

“ (2) A person who contravenes subparagraph (I) shall be guilty of an offence and is liable .

- (a) on summary conviction to a fine of five thousand dollars or to a term of imprisonment of six months or to both such fine and term of imprisonment;
- (b) on conviction on information to a fine of fifteen thousand dollars or a term of imprisonment of six years or to both such fine and term of imprisonment.”.

*Amendment of Fourth Schedule to the principal Act.*      **4.** (1) The Fourth Schedule to the principal Act is amended in paragraph 6 by deleting subparagraph (1) and substituting therefor the following -

“ (1) Where a person specified in paragraph 4 or 5 contravenes the respective paragraph, that person shall be guilty of an offence and is liable -

- (a) on summary conviction to a fine of five thousand dollars or to a term of imprisonment of six months or to both such fine and term of imprisonment;
  - (b) on conviction on information to a fine of fifteen thousand dollars or to a term of imprisonment of six years or to both such fine and term of Imprisonment.”.
-