

ANTIGUA AND BARBUDA



RESOLUTION OF THE HOUSE OF REPRESENTATIVES RATIFYING THE 1965 CONVENTION ON THE FACILITATION OF MARITIME TRAFFIC (AS AMENDED)

WHEREAS Antigua and Barbuda is a party to the 1965 Convention on the Facilitation of Maritime Traffic which was done on the 9th April 1965 in London, United Kingdom, having acceded to the Convention on 24th November 2015; and

WHEREAS the Ratification of Treaties Act (Cap. 364) provides in section 3 (1) *inter alia* that where a treaty to which Antigua and Barbuda becomes a Party is one which affects or concerns the relationship of Antigua and Barbuda with any international organisation, agency, association or similar body, such Treaty shall not enter into force with respect to Antigua and Barbuda unless it has been ratified or approved in accordance with the provisions of the Act; and

WHEREAS the 1965 Convention on the Facilitation of Maritime Traffic is an international agreement which is governed by international law and concerns the relationship of Antigua and Barbuda with any international organisation, agency, association or similar body;

NOW THEREFORE BE IT RESOLVED BY this Honourable House that the 1965 Convention on the Facilitation of Maritime Traffic (as Amended), the text of which is attached hereto as a schedule, be ratified as a treaty under section 3(1) (c) of the Ratification of Treaties Act, Cap.364.

Passed the House of Representatives this day of ,2016

Sir Gerald Watt Q.C,
Speaker of the House of Representatives

Ramona Small
Clerk to the House of Representatives

SCHEDULE

Convention on Facilitation of International Maritime Traffic

(London, 9 April 1965)

THE CONTRACTING GOVERNMENTS:

DESIRING to facilitate maritime traffic by simplifying and reducing to a minimum the formalities, documentary requirements and procedures on the arrival, stay and departure of ships engaged in international voyages;

HAVE AGREED as follows:

Article I

The Contracting Governments undertake to adopt, in accordance with the provisions of the present Convention and its Annex, all appropriate measures to facilitate and expedite international maritime traffic and to prevent unnecessary delays to ships and to persons and property on board.

Article II

(1) The Contracting Governments undertake to co-operate, in accordance with the provisions of the present Convention, in the formulation and application of measures for the facilitation of the arrival, stay and departure of ships. Such measures shall be, to the fullest extent practicable, not less favourable than measures applied in respect of other means of international transport; however, these measures may differ according to particular requirements.

(2) The measures for the facilitation of international maritime traffic provided for under the present Convention and its Annex apply equally to the ships of coastal and non-coastal States the Governments of which are Parties to the present Convention.

(3) The provisions of the present Convention do not apply to warships or pleasure yachts.

Article III

The Contracting Governments undertake to co-operate in securing the highest practicable degree of uniformity in formalities, documentary requirements and procedures in all matters in which such uniformity will facilitate and improve international maritime traffic and keep to a minimum any alterations in formalities, documentary requirements and procedures necessary to meet special requirements of a domestic nature.

Article IV

With a view to achieving the ends set forth in the preceding Articles of the present Convention, the Contracting Governments undertake to co-operate with each other or through the Inter-Governmental Maritime Consultative Organization (hereinafter called the "Organization") in matters relating to formalities, documentary requirements and procedures, as well as their application to international maritime traffic.

Article V

(1) Nothing in the present Convention or its Annex shall be interpreted as preventing the application of any wider facilities which a Contracting Government grants or may grant in future in respect of international maritime traffic under its national laws or the provisions of any other international agreement.

(2) Nothing in the present Convention or its Annex shall be interpreted as precluding a Contracting Government from applying temporary measures considered by that Government to be necessary to preserve public morality, order and security or to prevent the introduction or spread of diseases or pests affecting public health, animals or plants.

(3) All matters that are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

Article VI

For the purposes of the present Convention and its Annex:

(a) "Standards" are those measures the uniform application of which by Contracting Governments in accordance with the Convention is necessary and practicable in order to facilitate international maritime traffic;

(b) "Recommended Practices" are those measures the application of which by Contracting Governments is desirable in order to facilitate international maritime traffic.

Article VII

(1) The Annex to the present Convention may be amended by the Contracting Governments, either at the proposal of one of them or by a conference convened for that purpose.

(2) Any Contracting Government may propose an amendment to the Annex by forwarding a draft amendment to the Secretary-General of the Organization (hereinafter called the "Secretary-General"):

(a) Upon the express request of a Contracting Government, the Secretary-General shall communicate any such proposal directly to all Contracting Governments for their consideration and acceptance. If he receives no such express request, the Secretary-General may proceed to such consultations as he deems advisable before communicating the proposal to the Contracting Governments;

(b) Each Contracting Government shall notify the Secretary-General within one year from the receipt of any such communication whether or not it accepts the proposal;

(c) Any such notification shall be made in writing to the Secretary-General who shall inform all Contracting Governments of its receipt;

(d) Any amendment to the Annex under this paragraph shall enter into force six months after the date on which the amendment is accepted by a majority of the Contracting Governments;

(e) The Secretary-General shall inform all Contracting Governments of any amendment which enters into force under this paragraph, together with the date on which such amendment shall enter into force.

(3) A conference of the Contracting Governments to consider amendments to the Annex shall be convened by the Secretary-General upon the request of at least one-third of these Governments. Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments present and voting shall enter into force six months after the date on which the Secretary-General notifies the Contracting Governments of the amendment adopted.

(4) The Secretary-General shall notify promptly all signatory Governments of the adoption and entry into force of any amendment under this Article.

Article VIII

(1) Any Contracting Government that finds it impracticable to comply with any Standard by bringing its own formalities, documentary requirements or procedures into full accord with it or which deems it necessary for special reasons to adopt formalities, documentary requirements or procedures differing from that Standard, shall so inform the Secretary-General and notify him of the differences between its own practice and such Standard. Such notification shall be made as soon as possible after entry into force of the present Convention for the Government concerned, or after the adoption of such differing formalities, documentary requirements or procedures.

(2) Notification by a Contracting Government of any such difference in the case of an amendment to a Standard or of a newly adopted Standard shall be made to the Secretary-General as soon as possible after the entry into force of such amended or newly adopted Standard, or after the adoption of such differing formalities, documentary requirements or procedures and may include an indication of the action proposed to bring the formalities, documentary requirements or procedures into full accord with the amended or newly adopted Standard.

(3) Contracting Governments are urged to bring their formalities, documentary requirements and procedures into accord with the Recommended Practices insofar as practicable. As soon as any Contracting Government brings its own formalities, documentary requirements and procedures into accord with any Recommended Practice, it shall notify the Secretary-General thereof.

(4) The Secretary-General shall inform the Contracting Governments of any notification made to him in accordance with the preceding paragraphs of this Article.

Article IX

The Secretary-General shall convene a conference of the Contracting Governments for revision or amendment of the present Convention at the request of not less than one-third of the Contracting Governments. Any revision or amendments shall be adopted by a two-thirds majority vote of the Conference and then certified and communicated by the Secretary-General to all Contracting Governments for their acceptance. One year after the acceptance of the revision or amendments by two-thirds of the Contracting Governments, each revision or amendment shall enter into force for all Contracting Governments except those which, before its entry into force, make a declaration that they do not accept the revision or amendment. The Conference may by a two-thirds majority vote determine at the time of its adoption that a revision or amendment is of such a nature that any Contracting Government which has made such a declaration and which does not accept the revision or amendment within a period of one year after the revision or amendment enters into force shall, upon the expiration of this period, cease to be a party to the Convention.

Article X

(1) The present Convention shall remain open for signature for six months from this day's date and shall thereafter remain open for accession.

(2) The Governments of States Members of the United Nations, or of any of the specialized agencies, or the International Atomic Energy Agency, or Parties to the

Statute of the International Court of Justice may become Parties to the present Convention by:

- (a) signature without reservation as to acceptance;
- (b) signature with reservation as to acceptance followed by acceptance; or
- (c) accession.

Acceptance or accession shall be effected by the deposit of an instrument with the Secretary-General.

(3) The Government of any State not entitled to become a Party under paragraph 2 of this Article may apply through the Secretary-General to become a Party and shall be admitted as a Party in accordance with paragraph 2, provided that its application has been approved by two-thirds of the Members of the Organization other than Associate Members.

Article XI

The present Convention shall enter into force sixty days after the date upon which the Governments of at least ten States have either signed it without reservation as to acceptance or have deposited instruments of acceptance or accession. It shall enter into force for a Government which subsequently accepts it or accedes to it sixty days after the deposit of the instrument of acceptance or accession.

Article XII

Three years after entry into force of the present Convention with respect to a Contracting Government, such Government may denounce it by notification in writing addressed to the Secretary-General who shall notify all Contracting Governments of the content and date of receipt of any such notification. Such denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Secretary-General.

Article XIII

(1) (a) The United Nations in cases where they are the administering authority for a territory, or any Contracting Government responsible for the international relations of a territory, shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory, and may at any time by notification in writing given to the Secretary-General declare that the Convention shall extend to such territory.

(b) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(c) The provisions of Article VIII of the present Convention shall apply to any territory to which the Convention is extended in accordance with the present Article; for this purpose, the expression "its own formalities, documentary requirements or procedures" shall include those in force in that territory.

(d) The present Convention shall cease to extend to any territory one year after the receipt by the Secretary-General of a notification to this effect, or on such later date as may be specified therein.

(2) The Secretary-General shall inform all the Contracting Governments of the extension of the present Convention to any territory under paragraph 1 of this Article, stating in each case the date from which the Convention has been so extended.

Article XIV

The Secretary-General shall inform all signatory Governments, all Contracting Governments and all Members of the Organization of:

- (a) the signatures affixed to the present Convention and the dates thereof;
- (b) the deposit of instruments of acceptance and accession together with the dates of their deposit;
- (c) the date on which the Convention enters into force in accordance with Article XI;
- (d) any notification received in accordance with Articles XII and XIII and the date thereof;
- (e) the convening of any conference under Articles VII or IX.

Article XV

The present Convention and its Annex shall be deposited with the Secretary-General who shall transmit certified copies thereof to signatory Governments and to acceding Governments. As soon as the present Convention enters into force, it shall be registered by the Secretary-General in accordance with Article 102 of the Charter of the United Nations.

Article XVI

The present Convention and its Annex shall be established in the English and French languages, both texts being equally authentic. Official translations shall be prepared in the Russian and Spanish languages and shall be deposited with the signed originals.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at London this ninth day of April 1965.

ANNEX

SECTION 1-DEFINITIONS AND GENERAL PROVISIONS

A. DEFINITIONS

For the purpose of the provisions of this Annex, the following meanings shall be attributed to the terms listed:

Cargo. Any goods, wares, merchandise, and articles of every kind whatsoever carried on a ship, other than mail, ship's stores, ship's spare parts, ship's equipment, crew's effects and passengers' accompanied baggage.

Crew's effects. Clothing, items in everyday use and any other articles, which may include currency, belonging to the crew and carried on the ship.

Crew member. Any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list.

Cruise ship. A ship on an international voyage carrying passengers participating in a group programme and accommodated aboard, for the purpose of making scheduled temporary tourist visits at one or more different ports, and which during the voyage does not normally:

- (a) embark or disembark any other passengers;
- (b) load or discharge any cargo.

Mail. Dispatches of correspondence and other objects tendered by and intended for delivery to postal administrations.

Passenger in transit. A passenger who arrives by ship from a foreign country for the

purpose of continuing his journey by ship or some other means of transport to a foreign country.

Passengers' accompanied baggage. Property, which may include currency, carried for a passenger on the same ship as the passenger, whether in his personal possession or not, so long as it is not carried under a contract of carriage or other similar agreement.

Public authorities. The agencies or officials in a State responsible for the application and enforcement of the laws and regulations of that State which relate to any aspect of the Standards Recommended Practices contained in this Annex.

Shipowner. One who owns or operates a ship, whether a person, a corporation or other legal entity, and any person acting on behalf of the owner or operator.

Ship's equipment. Articles, other than ship's spare parts, on board a ship for use thereon, which are removable but not of a consumable nature, including accessories such as lifeboats, life-saving devices, furniture, ship's apparel and similar items.

Ship's spare parts. Articles of a repair or replacement nature for incorporation in the ship in which they are carried.

Ship's stores. Goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship's equipment and ship's spare parts.

Shore leave. Permission for a crew member to be ashore during the ship's stay in port within such geographical or time limits, if any, as may be decided by the public authorities.

Time of arrival. Time when a ship first comes to rest, whether at anchor or at a dock, in a port.

B. GENERAL PROVISIONS

In conjunction with paragraph 2 of Article V of the Convention, the provisions of this Annex shall not preclude public authorities from taking such appropriate measures, including calling for further information, as may be necessary in cases of suspected fraud or to deal with special problems constituting a grave danger to public order (*ordre public*), public security or public health, or to prevent the introduction or spread of diseases or pests affecting animals or plants.

1.1 Standard. Public authorities shall in all cases require only essential information to be furnished, and shall keep the number of items to a minimum.

Where a specific list of particulars is set out in the Annex, public authorities shall not require to be furnished such of those particulars as they consider not essential.

1.2 Recommended Practice. Notwithstanding the fact that documents for certain purposes may be separately prescribed and required in this Annex, public authorities, bearing in mind the interests of those who are required to complete the documents as well as the purposes for which they are to be used, should provide for any two or more such documents to be combined into one in any case in which this is practicable and in which an appreciable degree of facilitation would result.

SECTION 2-ARRIVAL, STAY AND DEPARTURE OF THE SHIP

This section contains the provisions concerning the formalities required of shipowners by the public authorities on the arrival, stay and departure of the ship

and shall not be read so as to preclude a requirement for the presentation for inspection by the appropriate authorities of certificates and other papers carried by the ship pertaining to its registry, measurement, safety, manning and other related matters.

A. GENERAL

2.1 Standard. Public authorities shall not require for their retention, on arrival or departure of ships to which the Convention applies, any documents other than those covered by the present section.

The documents in question are:

- General Declaration
- Cargo Declaration
- Ship's Stores Declaration
- Crew's Effects Declaration
- Crew List
- Passenger List
- The document required under the Universal Postal Convention for mail
- Maritime Declaration of Health.

B. CONTENTS AND PURPOSE OF DOCUMENTS

2.2 Standard. The General Declaration shall be the basic document on arrival and departure providing information required by public authorities relating to the ship.

2.2.1 Recommended Practice. The same form of General Declaration should be accepted for both the arrival and the departure of a ship.

2.2.2 Recommended Practice. In the General Declaration public authorities should not require more than the following information:

- Name and description of the ship
- Nationality of ship
- Particulars regarding registry
- Particulars regarding tonnage
- Name of master
- Name and address of ship's agent
- Brief description of the cargo
- Number of crew
- Number of passengers
- Brief particulars of voyage
- Date and time of arrival, or date of departure
- Port of arrival or departure
- Position of the ship in the port.

2.2.3 Standard. Public authorities shall accept a General Declaration dated and signed by the master, the ship's agent or some other person duly authorized by the master.

2.3 Standard. The Cargo Declaration shall be the basic document on arrival and departure providing information required by public authorities relating to the cargo. However, particulars of any dangerous cargo may also be required to be furnished separately.

2.3.1 Recommended Practice. In the Cargo Declaration public authorities should not require more than the following information:

(a) on arrival

- Name and nationality of the ship
- Name of master
- Port arrived from
- Port where report is made
- Marks and numbers; number and kind of packages; quantity and description of the goods
- Bill of lading numbers for cargo to be discharged at the port in question
- Ports at which cargo remaining on board will be discharged
- Original ports of shipment in respect of goods shipped on through bills of lading

(b) on departure

- Name and nationality of the ship
- Name of master
- Port of destination
- In respect of goods loaded at the port in question: marks and numbers; number and kind of packages; quantity and description of the goods
- Bill of lading numbers for cargo loaded at the port in question.

2.3.2 Standard. In respect of cargo remaining on board, public authorities should require only brief details of the minimum essential items of information to be furnished.

2.3.3 Standard. Public authorities shall accept a Cargo Declaration dated and signed by the master, the ship's agent or some other person duly authorized by the master.

2.3.4 Recommended Practice. Public authorities should accept in place of the Cargo Declaration a copy of the ship's manifest provided it contains all the information required in accordance with Recommended Practices 2.3.1 and 2.3.2 and is dated and signed in accordance with Standard 2.3.3.

As an alternative, public authorities may accept a copy of the bill of lading signed in accordance with Standard 2.3.3 or certified as a true copy, if the nature and quantity of cargo make this practicable and provided that any information in accordance with Recommended Practices 2.3.1 and 2.3.2 which does not appear in such documents is also furnished elsewhere and duly certified.

2.3.5 Recommended Practice. Public authorities should allow unmanifested parcels in possession of the master to be omitted from the Cargo Declaration provided that particulars of these parcels are furnished separately.

2.4 Standard. The Ship's Stores Declaration shall be the basic document on arrival and departure providing information required by public authorities relating to ship's stores.

2.4.1 Standard. Public authorities shall accept a Ship's Stores Declaration dated and signed by the master or by some other ship's officer duly authorized by the master and having personal knowledge of the facts regarding the ship's stores.

2.5 Standard. The Crew's Effects Declaration shall be the basic document providing information required by public authorities relating to crew's effects. It shall not be required on departure.

2.5.1 Standard. Public authorities shall accept a Crew's Effects Declaration dated and signed by the master or by some other ship's officer duly authorized by the

master. The public authorities may also require each crew member to place his signature, or, if he is unable to do so, his mark, against the declaration relating to his effects.

2.5.2 Recommended Practice. Public authorities should normally require particulars of only those crew's effects which are dutiable or subject to prohibitions or restrictions.

2.6 Standard. The Crew List shall be the basic document providing public authorities with information relating to the number and composition of the crew on the arrival and departure of a ship.

2.6.1 Recommended Practice. In the Crew List, public authorities should not require more than the following information:

- Name and nationality of the ship
- Family name
- Given names
- Nationality
- Rank or rating
- Date and place of birth
- Nature and number of identity document
- Port and date of arrival
- Arriving from.

2.6.2 Standard. Public authorities shall accept a Crew List dated and signed by the master or by some other ship's officer duly authorized by the master.

2.7 Standard. The Passenger List shall be the basic document providing public authorities with information relating to passengers on the arrival and departure of a ship.

2.7.1 Recommended Practice. Public authorities should not require Passenger Lists on short sea routes or combined ship/railway services between neighbouring countries.

2.7.2 Recommended Practice. Public authorities should not require Embarkation or Disembarkation Cards in addition to Passenger Lists in respect of passengers whose names appear on those Lists. However, where public authorities have special problems constituting a grave danger to public health a person on an international voyage may on arrival be required to give a destination address in writing.

2.7.3 Recommended Practice. In the Passenger List public authorities should not require more than the following information:

- Name and nationality of the ship
- Family name
- Given names
- Nationality
- Date of birth
- Place of birth
- Port embarkation
- Port of disembarkation
- Port and date of arrival of the ship.

2.7.4 Recommended Practice. A list compiled by shipping companies for their own use should be accepted in place of the Passenger List, provided it contains at least

the information required in accordance with Recommended Practice 2.7.3 and is dated and signed in accordance with Standard 2.7.5.

2.7.5 Standard. Public authorities shall accept a Passenger List dated and signed by the master, the ship's agent or some other person duly authorized by the master.

2.7.6 Standard. Public authorities should ensure that shipowners notify them on arrival of the presence of any stowaway discovered on board.

2.8 Standard. Public authorities shall not require on arrival or departure of the ship any written declaration in respect of mail other than that prescribed in the Universal Postal Convention.

2.9 Standard. The Maritime Declaration of Health shall be the basic document providing information required by Port Health authorities relating to the state of health on board a ship during the voyage and on arrival at a port.

C. DOCUMENTS ON ARRIVAL

2.10 Standard. In respect of a ship's arrival in port, public authorities shall not require more than:

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 4 copies of the Ship's Stores Declaration
- 2 copies of the Crew's Effects Declaration
- 4 copies of the Crew List
- 4 copies of the Passenger List
- 1 copy of the Maritime Declaration of Health.

D. DOCUMENTS ON DEPARTURE

2.11 Standard. In respect of a ship's departure from port, public authorities shall not require more than:

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 3 copies of the Ship's Stores Declaration
- 2 copies of the Crew List
- 2 copies of the Passenger List.

2.11.1 Standard. A new Cargo Declaration should not be required on departure from a port in respect of cargo which has been the subject of a declaration on arrival in that port and which has remained on board.

2.11.2 Recommended Practice. A separate Ship's Stores Declaration on departure should not be required in respect of ship's stores which have been the subject of a declaration on arrival, nor in respect of stores shipped in the port and covered by another customs document presented in that port.

2.11.3 Standard. Where public authorities require information about the crew of a ship on its departure, a copy of the Crew List, presented on arrival, shall be accepted on departure if signed again and endorsed to indicate any change in the number or composition of the crew or to indicate that no such change has occurred.

E. MEASURES TO FACILITATE CLEARANCE OF CARGO, PASSENGERS, CREW AND BAGGAGE

2.12 Recommended Practice. Public authorities should, with the co-operation of

shipowners and port administrations, take appropriate measures to the end that port time may be kept to a minimum and should provide satisfactory port traffic flow arrangements, should frequently review all procedures in connexion with the arrival and departure of ships including arrangements for embarkation and disembarkation, loading and unloading, servicing and the like. They should also make arrangements whereby cargo ships and their loads can be entered and cleared, in so far as may be practicable, at the ship working area.

2.12.1 Recommended Practice. Public authorities should, with the co-operation of shipowners and port administrations, take appropriate measures to the end that satisfactory port traffic flow arrangements are provided so that handling and clearance procedures for cargo will be smooth and uncomplicated. These arrangements should cover all phases from the time the ship arrives at the dock for unloading and customs clearance and for warehousing and re-forwarding of the cargo if required. There should be convenient and direct access between the cargo warehouse and the customs area, both of which should be located close to the dock area, and mechanical conveyance systems should be available, where possible.

2.12.2 Recommended Practice. Public authorities should encourage owners and/or operators of cargo docks and warehouses to provide special storage facilities for cargo subject to high risk of theft, and to protect those areas in which cargo is to be stored, either temporarily or for long terms, prior to onward shipment or local delivery against access by unauthorized persons.

2.12.3 Standard. Public authorities shall, subject to compliance with their respective regulations, permit the temporary import of containers and pallets without payment of customs duties and other taxes and charges and shall facilitate their use in maritime traffic.

2.12.4 Recommended Practice. Public authorities should provide in their regulations, referred to in Standard 2.12.3, for the acceptance of a simple declaration to the effect that containers and pallets temporarily imported will be re-exported within the time limit set by the State concerned.

2.12.5 Recommended Practice. Public authorities should permit containers and pallets entering the territory of a State under the provisions of Standard 2.12.3 to depart the limits of the port of arrival for clearance of imported cargo and/or loading of export cargo under simplified control procedures and with a minimum of documentation.

F. CONSECUTIVE CALLS AT TWO OR MORE PORTS IN THE SAME STATE

2.13 Recommended Practice. Taking into account the procedures carried out on the arrival of a ship at the first port of call in the territory of State, the formalities and documents required by the public authorities at any subsequent port of call in that country visited without intermediate call at a port in another country should be kept to a minimum.

G. COMPLETION OF DOCUMENTS

2.14 Recommended Practice. Public authorities should as far as possible accept the documents provided for in this Annex except as regards Standard 3.7 irrespective of the language in which the required information is furnished thereon, provided that they may require a written or oral translation into one of the official languages of their country or of the Organization when they deem it necessary.

2.15 Standard. Typewriting shall not be required in completing documents provided for in this Section. Entries handwritten in ink or indelible pencil shall be accepted when legible. Documents produced by electronic and other automatic data processing techniques, in legible and understandable form, shall be accepted.

2.16 Standard. Public authorities of the country of any intended port of arrival, discharge, or transit shall not require any document relating to the ship, its cargo, stores, passengers or crew, as mentioned in this Section, to be legalized, verified, authenticated, or previously dealt with by any of their representatives abroad. This shall not be deemed to preclude a requirement for the presentation of a passport or other identity document of a passenger or crew member for visa or similar purposes.

H. SPECIAL MEASURES OF FACILITATION FOR SHIPS CALLING AT PORTS IN ORDER TO PUT ASHORE SICK OR INJURED CREW MEMBERS, PASSENGERS OR OTHER PERSONS FOR EMERGENCY MEDICAL TREATMENT

2.17 Standard. Public authorities shall seek the co-operation of shipowners to ensure that, when ships intend to call at ports for the sole purpose of putting ashore sick or injured crew members, passengers or other persons for emergency medical treatment, the master shall give the public authorities as much notice as possible of that intention, with the fullest possible details of the sickness or injury and of the identity and status of the persons.

2.18 Standard. Public authorities shall by radio whenever possible, but in any case by the fastest channels available, inform the master, before the arrival of the ship, of the documentation and the procedures necessary to put the sick or injured persons ashore expeditiously and to clear the ship without delay.

2.19 Standard. With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall give priority in berthing if the state of the sick person or the sea conditions do not allow a safe disembarkation in the roads or harbour approaches.

2.20 Standard. With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall not normally require the documents mentioned in Standard 2.1 with the exception of the Maritime Declaration of Health and, if it is indispensable, the General Declaration.

2.21 Standard. Where public authorities require the General Declaration, this document shall not contain more information than that mentioned in Recommended Practice 2.2.2 and, wherever possible, shall contain less.

2.22 Standard. Where the public authorities apply control measures related to the arrival of a ship prior to sick or injured persons being put ashore, emergency medical treatment and measures for the protection of public health shall take precedence over these control measures.

2.23 Standard. Where guarantees or undertakings are required in respect of costs of treatment or eventual removal or repatriation of the persons concerned, emergency medical treatment shall not be withheld or delayed while these guarantees or undertakings are being obtained.

2.24 Standard. Emergency medical treatment and measures for the protection of

public health shall take precedence over any control measures which public authorities may apply to sick or injured persons being put ashore.

SECTION 3-ARRIVAL AND DEPARTURE OF PERSONS

This section contains the provisions concerning the formalities required by public authorities from crew and passengers on the arrival or departure of a ship.

A. ARRIVAL AND DEPARTURE REQUIREMENTS AND PROCEDURES

3.1 Standard. A valid passport shall be the basic document providing public authorities with information relating to the individual passenger on arrival or departure of a ship.

3.1.1 Recommended Practice. Contracting Governments should as far as possible agree, by bilateral or multilateral agreements, to accept official documents of identity in lieu of passports.

3.2 Recommended Practice. Public authorities should make arrangements whereby passports, or official documents of identity accepted in their place, from ship's passengers need be inspected by the immigration authorities only once at the time of arrival and once at the time of departure. In addition these passports or official documents of identity may be required to be produced for the purpose of verification or identification in connexion with customs and other formalities on arrival and departure.

3.3 Recommended Practice. After individual presentation of passports or official documents of identity accepted in their place, public authorities should hand back such documents immediately after examination rather than withholding them for the purpose of obtaining additional control, unless there is some obstacle to the admission of a passenger to the territory.

3.4 Recommended Practice. Public authorities should not require from embarking or disembarking passengers, or from shipowners on their behalf, any information in writing supplementary to or repeating that already presented in their passports or official documents of identity, other than as necessary to complete any documents provided for in this Annex.

3.5 Recommended Practice. Public authorities which require written supplementary information other than as necessary to complete any documents provided for in this Annex, from embarking or disembarking passengers, should limit requirements for further identification of passengers to the items set forth in Recommended Practice 3.6 (Embarkation/Disembarkation Card). Public authorities should accept the Embarkation/Disembarkation Card when completed by the passenger and should not require that it be completed or checked by the shipowner. Legible handwritten script should be accepted on the card, except where the form specifies block lettering. One copy only of the Embarkation/Disembarkation Card, which may include one or more simultaneously prepared carbon copies, should be required from each passenger.

3.6 Recommended Practice. In the Embarkation/Disembarkation Card public authorities should not require more than the following information:

- Family name
- Given names
- Nationality
- Number of passport or other official identity document

- Date of birth
- Place of birth
- Occupation
- Port of Embarkation/Disembarkation
- Sex
- Destination address
- Signature.

3.7 Standard. In cases where evidence of protection against cholera, yellow fever or smallpox is required from persons on board a ship, public authorities shall accept the International Certificate of Vaccination or Re-Vaccination in the forms provided for in the International Health Regulations.

3.8 Recommended Practice. Medical examination of persons on board or of persons disembarking from ships should normally be limited to those persons arriving from an area infected with one of the quarantinable diseases within the incubation period of the disease concerned (as stated in the International Health Regulations). Additional medical examination may, however, be required in accordance with the International Health Regulations.

3.9 Recommended Practice. Public authorities should normally perform customs inspection of inbound passengers' accompanied baggage on a sampling or selective basis. Written declarations in respect of passengers' accompanied baggage should be dispensed with as far as possible.

3.9.1 Recommended Practice. Public authorities should, wherever possible, waive inspection of accompanied baggage of departing passengers.

3.9.2 Recommended Practice. Where inspection of accompanied baggage of departing passengers cannot be waived completely, such inspection should normally be performed on a sampling or selective basis.

3.10 Standard. A valid seafarer's identity document or a passport shall be the basic document providing public authorities with information relating to the individual member of the crew on arrival or departure of a ship.

3.10.1 Standard. In the seafarer's identity document, public authorities shall not require more than the following information:

- Family name
- Given names
- Date and place of birth
- Nationality
- Physical characteristics
- Photograph (authenticated)
- Signature
- Date of expiry (if any)
- Issuing public authority.

3.10.2 Standard. When it is necessary for a seafarer to enter or leave a country as a passenger by any means of transportation for the purpose of

(a) joining his ship or transferring to another ship,

(b) passing in transit to join his ship in another country, or for repatriation, or for any other purpose approved by the authorities of the country concerned,

public authorities shall accept from that seafarer in place of a passport the valid

seafarer's identity document, when this document guarantees the readmission of the bearer to the country which issued the document.

3.10.3 Recommended Practice. Public authorities should not normally require presentation of individual identity documents or of information supplementing the seafarer's identity document in respect of members of the crew other than that given in the Crew List.

B. MEASURES TO FACILITATE CLEARANCE OF CARGO, PASSENGERS, CREW AND BAGGAGE

3.11 Recommended Practice. Public authorities should, with the co-operation of shipowners and port administrations, take appropriate measures to the end that satisfactory port traffic flow arrangements may be provided so that passengers, crew and baggage can be cleared rapidly, should provide adequate personnel, and should ensure that adequate installations are provided, particular attention being paid to baggage loading, unloading and conveyance arrangements (including the use of mechanized systems) and to points where passenger delays are frequently found to occur. Arrangements should be made, when necessary, for passage under shelter between the ship and the point where the passenger and crew check is to be made.

3.11.1 Recommended Practice. Public authorities should:

(a) in co-operation with shipowners and port administrations introduce suitable arrangements, such as:

- (i) an individual and continuous method of processing passengers and baggage;
- (ii) a system which would permit passengers readily to identify and obtain their checked baggage as soon as it is placed in an area where it may be claimed;

(b) ensure that port administrations take all necessary measures so that:

- (i) easy and speedy access for passengers and their baggage, to and from local transport, is provided;
- (ii) if crews are required to report to premises for governmental purposes, those premises should be readily accessible, and as close to one another as practicable.

3.12 Standard. Public authorities should require that shipowners ensure that ship's personnel take all appropriate measures which will help expedite arrival procedures for passengers and crew. These measures may include:

- (a) furnishing public authorities concerned with an advance message giving the best estimated time of arrival, followed by information as to any change in time, and stating the itinerary of the voyage where this may affect inspection requirements;
- (b) having ship's documents ready for prompt review;
- (c) providing for ladders or other means of boarding to be rigged while the ship is en route to berth or anchorage;
- (d) providing for prompt, orderly assembling and presentation of persons on board, with necessary documents, for inspection, with attention to arrangements for relieving crew members for this purpose from essential duties in engine rooms and elsewhere.

3.13 Recommended Practice. The practice of entering names on passenger and crew documents should be to put the family name or names first. Where both paternal and maternal family names are used, the paternal family name should be

placed first. Where for married women both the husband's and wife's paternal family names are used, the husband's paternal family name should be placed first.

3.14 Standard. Public authorities shall, without unreasonable delay, accept passengers and crew for examination as to their admission into the State when such examination is required.

3.15 Standard. Public authorities shall not impose any penalty upon shipowners in the event that any control document in possession of a passenger is found by public authorities to be inadequate, or if, for that reason, the passenger is found to be inadmissible to the State.

3.15.1 Standard. Public authorities should invite shipowners to take all reasonable precautions to the end that passengers hold any control documents required by Contracting Governments.

3.15.2 Recommended Practice. For use at marine terminals and on board ships in order to facilitate and expedite international maritime traffic, public authorities should implement, or where the matter does not come within their jurisdiction, recommend to the responsible parties in their country to implement, standardized international signs and symbols developed or accepted by the Organization in cooperation

with other appropriate international organizations and which, to the greatest extent practicable, are common to all modes of transport.

C. FACILITATION FOR SHIPS ENGAGED ON CRUISES AND FOR CRUISE PASSENGERS

3.16.1 Standard. Public authorities shall authorize granting of pratique by radio to a cruise ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease.

3.16.2 Standard. For cruise ships, the General Declaration, the Passenger List and the Crew List shall be required only at the first port of arrival and final port of departure in a country, provided that there has been no change in the circumstances of the voyage.

3.16.3 Standard. For cruise ships, the Ship's Stores Declaration and the Crew's Effects Declaration shall be required only at the first port of arrival in a country.

3.16.4 Standard. Passports or other official documents of identity shall at all times remain in the possession of cruise passengers.

3.16.5 Recommended Practice. If a cruise ship stays at a port for less than 72 hours, it should not be necessary for cruise passengers to have visas, except in special circumstances determined by the public authorities concerned.

Note: It is the intention of this Recommended Practice that each Contracting State may issue to such passengers or accept from them upon arrival, some form indicating that they have permission to enter the territory.

3.16.6 Standard. Cruise passengers shall not be unduly delayed by the control measures exercised by public authorities.

3.16.7 Standard. In general, except for the purpose of establishing identity, cruise passengers shall not be subject to personal examination by immigration officials.

3.16.8 Standard. If a cruise ship calls consecutively at more than one port in the same country, passengers shall, in general, be examined by public authorities at

the first port of arrival and at the final port of departure only.

3.16.9 Recommended Practice. To facilitate their prompt disembarkation, the inward control of passengers on a cruise ship, where practicable, should be carried out on board before arrival at the place of disembarkation.

3.16.10 Recommended Practice. Cruise passengers who disembark at one port and rejoin the same ship at another port in the same country should enjoy the same facilities as passengers who disembark and rejoin a cruise ship at the same port.

3.16.11 Recommended Practice. The Maritime Declaration of Health should be the only health control necessary for cruise passengers.

3.16.12 Standard. Duty-free ship's stores shall be allowed aboard ship for cruise passengers during the ship's stay in port.

3.16.13 Standard. Cruise passengers shall not be required to give a written Customs Declaration.

3.16.14 Recommended Practice. Cruise passengers should not be subject to any currency control.

3.16.15 Standard. Embarkation/Disembarkation Cards shall not be necessary for cruise passengers.

3.16.16 Recommended Practice. Except where passenger control is based solely on the Passenger List the public authorities should not insist on the completion of the following details on the Passenger List:

- Nationality (column 6)
- Date and place of birth (column 7)
- Port of embarkation (column 8)
- Port of disembarkation (column 9)

D. SPECIAL MEASURES OF FACILITATION FOR PASSENGERS IN TRANSIT

3.17.1 Standard. A passenger in transit who remains on board the ship on which he arrived and departs with it shall not normally be subjected to routine control by public authorities.

3.17.2 Recommended Practice. A passenger in transit should be allowed to retain his passport or other identity document.

3.17.3 Recommended Practice. A passenger in transit should not be required to complete a Disembarkation/Embarkation Card.

3.17.4 Recommended Practice. A passenger in transit who is continuing his journey from the same port in the same ship should normally be granted temporary permission to go ashore during the ship's stay in port if he so wishes.

3.17.5 Recommended Practice. A passenger in transit who is continuing his journey from the same port in the same ship should not be required to have a visa, except in special circumstances determined by the public authorities concerned.

3.17.6 Recommended Practice. A passenger in transit who is continuing his journey from the same port in the same ship should not normally be required to give a written Customs Declaration.

3.17.7 Recommended Practice. A passenger in transit who leaves the ship at one port and embarks in the same ship at a different port in the same country should enjoy the same facilities as a passenger who arrives and departs in the same ship at the same port.

E. MEASURES OF FACILITATION FOR SHIPS ENGAGED IN SCIENTIFIC SERVICES

3.18 Recommended Practice. A ship engaged in scientific services carries personnel who are necessarily engaged on the ship for such scientific purposes of the voyage. If so identified, such personnel should be granted facilities at least as favourable as those granted to the crew members of that ship.

F. FURTHER MEASURES OF FACILITATION FOR FOREIGNERS BELONGING TO THE

CREWS OF SHIPS ENGAGED IN INTERNATIONAL VOYAGES - SHORE LEAVE

3.19 Standard. Foreign crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order.

3.19.1 Standard. Crew members shall not be required to hold a visa for the purpose of shore leave.

3.19.2 Recommended Practice. Crew members before going on or returning from shore leave should not normally be subjected to personal checks.

3.19.3 Standard. Crew members shall not be required to have a special permit, e.g. a shore leave pass, for the purpose of shore leave.

3.19.4 Recommended Practice. If crew members are required to carry documents of identity with them when they are on shore leave, these documents should be limited to those mentioned in Standard 3.10.

SECTION 4-PUBLIC HEALTH AND QUARANTINE INCLUDING SANITARY MEASURES FOR ANIMALS AND PLANTS

4.1 Standard. Public authorities of a State not Party to the International Health Regulations should endeavour to apply the relevant provisions of these Regulations to international shipping.

4.2 Recommended Practice. Contracting Governments having certain interests in common owing to their health, geographical, social or economic conditions should conclude special arrangements pursuant to Article 98 of the International Health Regulations when such arrangements will facilitate the application of those Regulations.

4.3 Recommended Practice. Where Sanitary Certificates or similar documents are required in respect of shipments of certain animals, plants or products thereof, such certificates and documents should be simple and widely publicized and Contracting Governments should co-operate with a view to standardizing such requirements.

4.4 Recommended Practice. Public authorities should whenever practicable authorize granting of pratique by radio to a ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease. Health authorities should as far as practicable be allowed to join a ship prior to entry of the ship into port.

4.4.1 Standard. Public authorities should seek the co-operation of shipowners to

ensure compliance with any requirement that illness on a ship is to be reported promptly by radio to health authorities for the port for which the ship is destined, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for health procedures on arrival.

4.5 Standard. Public authorities shall make arrangements to enable all travel agencies and others concerned to make available to passengers, sufficiently in advance of departure, lists of the vaccinations required by the public authorities of the countries concerned, as well as vaccination certificate forms conforming to the International Health Regulations. Public authorities shall take all possible measures to have vaccinators use the International Certificates of Vaccination or Re-Vaccination, in order to assure uniform acceptance.

4.6 Recommended Practice. Public authorities should provide facilities for the completion of International Certificates of Vaccination or Re-Vaccination as well as facilities for vaccination, at as many ports as feasible.

4.7 Standard. Public authorities shall ensure that sanitary measures and health formalities are initiated forthwith, completed without delay, and applied without discrimination.

4.8 Recommended Practice. Public authorities should maintain at as many ports as feasible adequate facilities for the administration of public health, animal and agricultural quarantine measures.

4.9 Standard. There should be maintained readily available at as many ports in a State as feasible such medical facilities as may be reasonable and practicable for the emergency treatment of crews and passengers.

4.10 Standard. Except in the case of an emergency constituting a grave danger to public health, a ship which is not infected or suspected of being infected with a quarantinable disease, shall not on account of any other epidemic disease be prevented by the health authorities for a port from discharging or loading cargo or stores or taking on fuel or water.

4.11 Recommended Practice. Shipments of animals, animal raw materials, crude animal products, animal foodstuffs and quarantinable plant products should be permitted in specified circumstances when accompanied by a quarantine certificate in the form agreed by the States concerned.

SECTION 5-MISCELLANEOUS PROVISIONS

A. BONDS AND OTHER FORMS OF SECURITY

5.1 Recommended Practice. Where public authorities require bonds or other forms of security from shipowners to cover liabilities under the customs, immigration, public health, agricultural quarantine or similar laws and regulations of a State, they should permit the use of a single comprehensive bond or other form of security wherever possible.

B. ERRORS IN DOCUMENTATION AND PENALTIES THEREFOR

5.2 Standard. Public authorities shall, without delaying the ship, allow corrections of errors in a document provided for in this Annex, which they are satisfied are inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate laws or regulations, on the condition that these errors are discovered before the document is fully checked and the corrections can be effected without delay.

5.3 Standard. If errors are found in documents provided for in this Annex, signed by or on behalf of a shipowner or master, no penalties shall be imposed until an opportunity has been given to satisfy the public authorities that the errors were inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate laws or regulations.

C. SERVICES AT PORTS

5.4 Recommended Practice. The normal services of public authorities at a port should be provided without charge during regular working hours. Public authorities should endeavour to establish regular working hours for their services at ports consistent with the usual periods of substantial work load.

5.4.1 Standard. Contracting Governments should adopt all practicable measures to organize the normal services of public authorities at ports in order to avoid unnecessary delay of ships after their arrival or when ready to depart and reduce the time for completion of formalities to a minimum, provided that sufficient notice of estimated time of arrival or departure shall be given to the public authorities.

5.4.2 Standard. No charge shall be made by a health authority for any medical examination, or any supplementary examination, whether bacteriological or otherwise, carried out at any time of the day or night, if such examination is required to ascertain the health of the person examined, nor for visit to and inspection of a ship for quarantine purposes except inspection of a ship for the issue of a Deratting or Deratting Exemption Certificate, nor shall a charge be made for any vaccination of a person arriving by ship nor for a certificate thereof. However, where measures other than these are necessary in respect of a ship or its passengers or crew and charges are made for them by a health authority, such charges shall be made in accordance with a single tariff which shall be uniform to the territory concerned and they shall be levied without distinction as to the nationality, domicile or residence of any person concerned or as to the nationality, flag, registry or ownership of the ship.

5.4.3 Recommended Practice. When the services of public authorities are provided outside the regular working hours referred to in Recommended Practice 5.4, they should be provided on terms which shall be moderate and not exceed the actual cost of the services rendered.

5.5 Standard. Where the volume of traffic at a port warrants, public authorities shall ensure that services are provided for the accomplishment of the formalities in respect of cargo and baggage, regardless of value or type.

5.6 Recommended Practice. Contracting Governments should endeavour to make arrangements whereby one Government will permit another Government certain facilities before or during the voyage to examine ships, passengers, crew, baggage, cargo and documentation for customs, immigration, public health, plant and animal quarantine purposes when such action will facilitate clearance upon arrival in the latter State.

D. CARGO NOT DISCHARGED AT THE PORT OF INTENDED DESTINATION

5.7 Standard. Where any cargo listed on the Cargo Declaration is not discharged at the port of intended destination, public authorities shall permit amendment of the Cargo Declaration and shall not impose penalties if satisfied that the cargo was not

in fact loaded on the ship, or, if loaded, was landed at another port.

5.8 Standard. When by error, or for other valid reason, any cargo is discharged at a port other than the port of intended destination, public authorities shall facilitate reforwarding to its intended destination. This provision does not apply to dangerous, prohibited or restricted cargo.

E. LIMITATION OF SHIPOWNER'S RESPONSIBILITIES

5.9 Standard. Public authorities shall not require a shipowner to place special information for use of such authorities on a bill of lading or a copy thereof, unless the shipowner is, or is acting for, the importer or exporter.

5.10 Standard. Public authorities shall not hold the shipowner responsible for the presentation or accuracy of documents which are required of the importer or exporter in connexion with the clearance of cargo, unless the shipowner is, or is acting for, the importer or exporter.

F. NATURAL DISASTER RELIEF WORK

5.11 Standard. Public authorities shall facilitate the arrival and departure of vessels engaged in natural disaster relief work.

5.12 Standard. Public authorities shall to the greatest extent possible facilitate the entry and clearance of persons and cargo arriving in vessels referred to in Standard 5.11.