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CHAPTER 1 - DEFINITIONS AND INTERPRETATION

PART I - PROVISIONS OF THE *CANADA SHIPPING ACT*


- 1.1 (1) The regulations made pursuant to the *Canada Shipping Act* require that every Canadian ship, except:
- (a) a ship, other than a MODU, that is not self-propelled;
 - (b) a ship not carrying passengers and not exceeding 10 tons;
 - (c) a passenger ship not exceeding five tons; and
 - (d) a fishing vessel or a ship engaged in transferring to shore the unprocessed catch of a fishing vessel if the fishing vessel or the ship is 60 tons or less shall, when going from any place, be provided with a duly certificated master and seafarers according to the following scale:
 - (aa) in all cases with a master or offshore installation manager (OIM);
 - (bb) if the ship is 200 tons or more or is certificated to carry or carries more than 50 passengers, with a first mate;
 - (cc) with an engineer if the propulsion power is more than 750 kW for cargo ships, tow boats and fishing vessels and 75 kW for passenger ships; and
 - (dd) in all cases with a sufficient number of officers and ratings to ensure that the navigational and engine room watches comply at all times with the Crewing Regulations.
- (2) A pleasure yacht of 20 metres or more in length shall, when going from any place, be provided with:
- (a) a duly certificated master; and
 - (b) where the yacht is more than 100 tons, a duly certificated first mate.
- (3) A Canadian ship shall also be provided with properly certificated officers and ratings when going from any place outside Canada.

NOTE: It is not sufficient that personnel holding certificates of the required grade and class are on board and employed. The position of the officer in a ship should in no case be higher than the position rank indicated in the certificate he/she holds.


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PART II - CLASSES OF VOYAGE

- 1.2 (1) VOYAGE includes a passage or trip, and any movement of a ship from one place to another or from one place and returning.
- (2) A FOREIGN VOYAGE is a voyage extending beyond the area of a home-trade voyage and not being an inland or minor waters voyage.
- (3) An INTERMEDIATE VOYAGE is a voyage not being a local or minor waters voyage within the area bounded by meridians of longitude 30 degrees and 180 degrees west and north of parallel latitude 6 degrees north.
- (4) A LOCAL VOYAGE is a voyage not being a minor waters voyage that is between places that are no further south than the port of New York, New York or Portland, Oregon; and
- (a) is on any lake, river or canal in North America; or
- (b) does not extend more than 200 miles from shore or beyond the continental shelf, whichever is further.
- (5) A NEAR COASTAL VOYAGE is a voyage other than a Minor Waters voyage, between places within the area following, namely, Canada, United States except Hawaii, St. Pierre and Miquelon, the West Indies, Mexico, Central America and the northeast coast of South America, in the course of which a ship does not go south of the sixth parallel of north latitude, and not more than 200 miles from shore, nor beyond the continental shelf, whichever is farther, at any time.
- (6) A HOME-TRADE VOYAGE CLASS II is a voyage in the course of which:
- (a) on the Atlantic coast, a steamship does not go south of the port of New York.;
- (b) on the Pacific coast, a steamship does not go south of Portland, Oregon;
- (c) the steamship is at no time more than 120 miles off shore; and
- (d) the distance between suitable ports of refuge on the voyage does not exceed 200 miles.
- (7) A MINOR WATERS VOYAGE is a voyage within the minor waters of Canada, together with such part of any lake or river forming part of any such water as lies within the United States of America (see subsection 11).
- (8) A FISHING VOYAGE CLASS I is a voyage during the course of which a fishing vessel may proceed anywhere in the world.
- (9) A FISHING VOYAGE CLASS II is a voyage during the course of which a fishing vessel may proceed anywhere within an area around North America bounded by the parallel of 6 degrees north and the meridians of 30 degrees west and westward to 180 degrees.
- (10) A FISHING VOYAGE CLASS III is a voyage during the course of which a fishing vessel may proceed anywhere within the coastal waters of North America not more than 200 miles off shore or beyond the continental shelf, whichever is further.

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- (11) The MINOR WATERS OF CANADA include all inland waters of Canada other than lakes Ontario, Erie, Huron (including Georgian Bay) and Superior, and the St. Lawrence River east of a line drawn from Father Point to Point Orient, and include all bays, inlets and harbours of or on the said lakes and Georgian Bay and the sheltered waters on the sea coast of Canada as listed below:
- (a) British Columbia:
- (i) Alberni Inlet and the eastern channel of Barclay Sound as far west as Bamfield Inlet;
 - (ii) Quatsino Sound and all waters connected therewith as far west as Kaprino Harbour;
 - (iii) False Creek, Vancouver, east of Burrard Bridge;
 - (iv) Jarvis Inlet inside a line drawn between Thunder Point and Ball Point, and all waters connected therewith not seaward of Fox Island in Telescope Passage, including the Agamemnon Channel and Pender Harbour inside a line drawn between Fearney Point and Moore Point;
 - (v) Prince Rupert Harbour as far south as Charles Point;
 - (vi) Fraser River, downstream from Pitt River; and
 - (vii) Skeena River, downstream from Port Essington.
- (b) New Brunswick:
- (i) Saint John Harbour inside the southern breakwater and inside a line drawn between the southern extremity of the northern breakwater and the most eastern point of Partridge Island;
 - (ii) Shediac Harbour westward of a line drawn between Point du Chêne and Shediac Point;
 - (iii) Miramichi Bay westward of a line drawn from the eastern shore of Neguac Beach to the eastern shores of Portage and Fox islands and thence to the western point of Preston Beach;
 - (iv) Nepisiquit Bay inside a line drawn between Alston and Carron points;
 - (v) Dalhousie Harbour and the Restigouche River westward of a line drawn from Miguasha Point in the province of Quebec to the mouth of Charlo River;
 - (vi) Shippigan Sound inside the breakwater at Shippigan Gulley and south of a line drawn between Grasse Point and Pokesudi Point;
 - (vii) Miscou Harbour east of a line drawn from Herring Point and Mya Point; and
 - (viii) Passamoquoddy Bay as far as Campobello Island and inside a line drawn at the northern entrance between East Quoddy Head and Deadman Head.

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- (c) Prince Edward Island:
 - (i) Charlottetown Harbour inside Canseaux and Battery points;
 - (ii) Summerside Harbour inside a line between Phelan Point and Indian Head Breakwater; and
 - (iii) Cardigan Bay inside a line drawn between Pannure Head and Red Point.
- (d) Nova Scotia:
 - (i) Bras d'Or Lake, Great Bras d'Or and all waters connected therewith inside a line joining Carey and Noir points, and northward of the seaward end of St. Peter's Canal;
 - (ii) Annapolis Basin and Digby Gut inside a line between Prim Point lighthouse and Victoria Beach at the entrance to Digby Gut; and
 - (iii) Halifax Harbour and the waters inside a line joining the triangulation station on Osborne Head and the eastern extremity of Chebucto Head.
- (e) Northwest Territories:

Kugmallit Bay, south of a line drawn from the northern tip of the peninsula adjoining Kidluit Bay to the northern tip of Hendreckson Island and to Topkak Point.
- (f) Newfoundland:

Humber Arm.
- (12) PARTIALLY SMOOTH WATERS means minor waters of Canada and waters of home-trade voyage class IV, within the meaning of the Home-Trade, Inland and Minor Waters Voyage Regulations.
- (13) A MILE refers to the standard nautical mile of 1852 metres.

PART III - CLASSES OF VESSEL


- 1.3 (1) A GOVERNMENT SHIP is a ship or vessel registered as a government vessel that is in the service of Her Majesty in right of Canada or of any province thereof, or is wholly employed in the service of Her Majesty in such right.
- (2) A PASSENGER SHIP is a ship carrying passengers (refer to section 1.5).
- (3) A PILOT VESSEL is any ship or boat employed in the pilotage service of any pilotage district.
- (4) A PLEASURE YACHT is a ship, however propelled, that is used exclusively for pleasure and does not carry passengers.

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- (5) A SAILING SHIP, except for the purposes of the load line rules, means:
- (a) a ship capable of being propelled wholly by sails; and
 - (b) a ship principally employed in fishing, not exceeding 200 tons gross tonnage, provided with masts, sails and rigging sufficient to allow it to make voyages under sail alone and that, in addition, is fitted with mechanical means of propulsion other than a steam engine.
- (6) Not in use.
- (7) A SHIP, for the purpose of certification of masters and seafarers, includes any description of a vessel, boat or craft designed, used or capable of being used solely or partly for marine navigation, regardless of method or lack of propulsion, but excludes:
- (a) pleasure yachts of less than 20 metres in length; and
 - (b) a vessel, boat or craft of any length, propelled manually by oars or paddles.
- (8) (a) A STEAMSHIP OR STEAMER is any ship of which the propulsive power is derived from boilers or steam engines.
- (b) A MOTOR SHIP is any ship of which the propulsive power is derived from internal combustion engines, including gas turbines.

NOTE: The examiner, while in verbal communication with a candidate, should emphasize the definitive difference between subsections 8(a) and 8(b) to prevent any misunderstanding.

- (9) TONS means the gross tonnage stated in the certificate of registry or, where a ship is not registered, the figure found in accordance with the rules for the time being in force for the measurement of ships in respect of tonnage.
- (10) A TUG is a ship used exclusively for towing purposes.
- (11) A VESSEL includes any ship, boat or any other description of vessel used or designed to be used in navigation.
- (12) An INTERMEDIATE RUN FERRY means a ferry ship of any size carrying passengers operating on home-trade or inland waters voyages between terminals not more than seven miles apart.
- (13) A SHORT RUN FERRY means a ferry ship of any size carrying passengers operating on partially smooth waters between terminals in line or nearly in line of sight and not more than two miles apart.
- (14) A MOBILE OFFSHORE UNIT means a vessel that can be readily relocated and can perform an industrial function involving offshore operations other than those traditionally provided by vessels covered in Chapter I of the 1974 *SOLAS Convention*. Such vessels include at least the following:
- (a) surface units, which have a ship or barge-type hull of single- or multiple-hull construction intended for operation in floating condition;
 - (b) self elevating units, which have moveable legs capable of raising their hulls above the surface of the sea;
 - (c) column stabilized units, which have a main deck connected to their underwater hulls or footings by columns or caissons; and

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- (d) mobile offshore drilling units, which are capable of engaging in drilling operations for the exploration or exploitation of resources beneath the sea bed, such as liquid or gaseous hydrocarbons, sulphur or salt. Mobile offshore units do not include vessels such as:
- supply vessels;
 - standby vessels;
 - anchor-handling vessels;
 - seismic vessels; and
 - ship-shape mono-hull diving support vessels.

PART IV - DEFINITIONS

Master

- 1.4 The term MASTER includes every person having command or charge of any ship, but does not include a pilot (refer to section 1.6).

Passenger

- 1.5 (1) The term PASSENGER means any person carried on a ship, but does not include:
- (a) a person carried on a safety convention ship who is:
 - (i) the master, a member of the crew, or a person employed or engaged in any capacity on board the ship on the business of that ship; or
 - (ii) a child under one year of age;
 - (b) a person carried on a ship that is not a safety convention ship who is:
 - (i) the master, a member of the crew, or a person employed or engaged in any capacity on board the ship on the business of that ship;
 - (ii) the owner or charterer of the ship, a member of his/her family or a servant connected with his/her household;
 - (iii) a guest of the owner or charterer of the ship, if it is used exclusively for pleasure and the guest is carried on the ship without remuneration or any object of profit; or
 - (iv) a child under one year of age; or
 - (c) a person carried on any ship in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstances that neither the master, nor the owner, nor the charterer, if any, could have prevented or forestalled.

Pilot

- 1.6 The term PILOT means any person not belonging to a ship who has the conduct thereof.
- 1.7 Not used.