



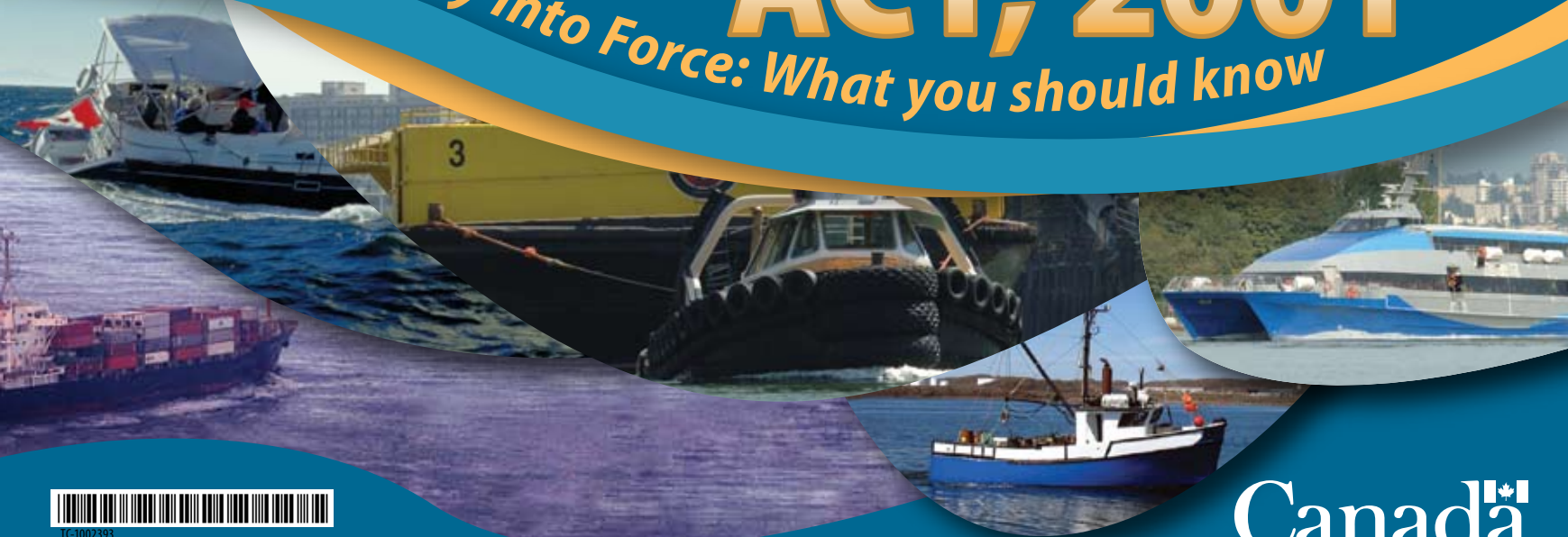
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(10/2007)

CANADA SHIPPING ACT, 2001

2007 Entry into Force: What you should know



TC 1002393

Canada

This booklet is a summary of the *Canada Shipping Act, 2001* regime.

In the event of a disagreement between this booklet and the *Canada Shipping Act, 2001* or its Regulations, the Act and Regulations prevail.

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For more information about the *Canada Shipping Act, 2001* and its regulations, please visit: www.cmac-ccmc.gc.ca.

Copies of the *Canada Shipping Act, 2001* and its regulations are available at:
<http://www.tc.gc.ca/acts-regulations/GENERAL/C/csa2001/menu.htm>.

You may also contact your local Transport Canada Centre, or call toll free 1-866-879-9902 or in the National Capital Region, 613-998-7764.

Canada Shipping Act, 2001

2007 Entry into Force: What you should know

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Preface

This booklet explains how the *Canada Shipping Act, 2001* (CSA 2001) regime applies to the marine community.

- » Part 1 provides an overview of the CSA 2001 and includes highlights on how the new Act applies to specific types of vessels;
- » Part 2 provides summaries of the regulations that are being developed under Phase 1 of the CSA 2001 regulatory reform process; and
- » Part 3 includes other significant features of the CSA 2001, including information about:
 - licensing/registration of vessels;
 - the new Marine Technical Review Board;
 - new voyage classifications;
 - compliance notices;
 - a new compliance and enforcement regime;
 - better protection of the marine environment; and
 - next steps in the CSA 2001 regulatory reform process.

Transport Canada would like to thank all of its stakeholders for the valuable feedback they provided during the many consultations in the development of the *Canada Shipping Act, 2001* and its supporting regulations.

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Part 1 – Overview

1-1 What is the *Canada Shipping Act, 2001*?

On July 1, 2007, the *Canada Shipping Act, 2001* (CSA 2001) replaced the *Canada Shipping Act* (CSA) as the principal legislation governing safety in marine transportation and recreational boating, as well as protection of the marine environment. It applies to Canadian vessels operating in all waters and to all vessels operating in Canadian waters (from canoes and kayaks to cruise ships and tankers). The CSA 2001 promotes the sustainable growth of the marine shipping industry without compromising safety.

The CSA was one of Canada's oldest pieces of legislation, and was based on the *British Merchant Shipping Act* of 1894. It had been amended many times over the years and had become difficult to use and in need of reform. The CSA 2001, represents a greatly updated and streamlined version of the old CSA, making it more user-friendly and much easier to reference and understand.

Following royal assent of the CSA 2001 in 2001, a regulatory reform initiative was launched to develop the supporting regulations required to bring the new Act into force. This process involved extensive consultations with a wide range of marine stakeholders.

The CSA 2001 makes use of modern legislative practices such as risk management techniques that will permit operators to choose among alternative methods

that provide an equivalent level of safety and account for vessel operating characteristics and costs.

The objectives of the CSA 2001 are to:

- a) Protect the health and well-being of individuals, including the crews of vessels who participate in marine transportation and commerce;
- b) Promote safety in marine transportation and recreational boating;
- c) Protect the marine environment from damage due to navigation and shipping activities;
- d) Develop a regulatory scheme that encourages viable, effective and efficient marine transportation on Canadian waters for commerce and recreation;
- e) Promote an efficient marine transportation system;
- f) Ensure that Canada can meet its international obligations under bilateral and multilateral agreements with respect to navigation and shipping;
- g) Encourage the harmonization of marine practices; and
- h) Establish an effective compliance promotion program.

In a public safety regime, be it under the CSA 2001 or any other Act, legislated requirements define which practices are absolutely necessary for safety. The marine community is encouraged to surpass this standard in its safety-related decisions.

1-2 What are the major differences between the old *Canada Shipping Act* and the *Canada Shipping Act 2001*?

Foremost, the CSA 2001 and associated regulations are less prescriptive and more performance-based, stating the desired result without limiting the ways the outcome can be achieved.

They also:

- » enhance safety and provide better protection for the marine environment with more focus on owner and operator responsibilities;
- » shift from an inspection-based regime to a compliance-based regime;
- » introduce a new method of enforcement, the Administrative Monetary Penalties (AMPs);
- » replace the Board of Steamship Inspection with the new Marine Technical Review Board; and
- » establish a new set of voyage classifications.

1-3 Application of CSA 2001 Phase 1 Regulations by Vessel Type

The table that follows indicates which of the CSA 2001 Phase 1 regulations apply to six major vessel types. For more information about Phase 1 and 2 of the CSA 2001 regulatory reform, please refer to Part 2 of this booklet.

Regulations made under the old CSA that have not been repealed continue to apply under the CSA 2001.

- * **Bolded Regulations** are those that were in force or were repealed when the CSA 2001 came into force on July 1, 2007. The others are expected to come into force within the timeframe specified for each regulation in Part 2.
- * Note that the following list does not include all of the CSA/CSA 2001 regulations, but highlights the main regulations.

Regulation	1. Pleasure Craft	2. Large Commercial	3. Small Commercial	4. Passenger	5. Fishing	6. Tugs and Barges
<i>Administrative Monetary Penalties Regulations</i>	N/A	✓	✓	✓	✓	✓
<i>Aids to Navigation Protection Regulations</i>	Repealed These Regulations were repealed because the key provisions can now be found in the new Act itself. The purpose of these provisions was, under the old CSA regulations, and is under section 129 of the CSA 2001, to help ensure that aids to navigation function properly and remain in the proper place.					
<i>Ballast Water Control and Management Regulations</i> (CSA) ¹	✓ ²	✓	✓	✓	✓	✓
<i>Cargo, Fumigation and Tackle Regulations</i>	✓ ³	✓	✓	✓	✓ ³	✓
<i>Collision Regulations</i>	✓	✓	✓	✓	✓	✓
<i>Competency of Operators of Pleasure Craft Regulations</i> (CSA)	✓	N/A	N/A	N/A	N/A	N/A
<i>Environmental Response Regulations</i>	✓ ⁴	✓	✓	✓	✓	✓

1 Applies only to vessels capable of carrying ballast that enter waters under Canadian jurisdiction from offshore.

2 Pleasure craft that are less than 50m in overall length and that have a maximum ballast water capacity of 8m³ are exempted.

3 Only for marking of mass weight.

4 Applies very infrequently, however pleasure craft of certain size and construction could fall within this application. Consult *Environmental Response Regulations* for details.

(continued >)

Regulation	1. Pleasure Craft	2. Large Commercial	3. Small Commercial	4. Passenger	5. Fishing	6. Tugs and Barges
<i>Fire Safety Regulations</i>	N/A	✓	✓	✓	N/A	✓
<i>Fishing Vessel Safety Regulations</i>	N/A	N/A	N/A	N/A	✓ ⁵	N/A
<i>Heritage Wreck Regulations</i>	N/A	N/A	N/A	N/A	N/A	N/A
Load Line Regulations	N/A	✓	N/A	✓ ⁶	N/A	✓
Marine Personnel Regulations	N/A	✓	✓	✓	✓	✓
Prevention of Pollution from Ships and for Dangerous Chemicals Regulations (CSA)	✓	✓	✓	✓	✓	✓
Publication of Standards Regulations	Repealed Under the old CSA, there was a requirement to publish notices in the <i>Canada Gazette</i> for standards to be referenced. This requirement has been put directly into Section 22 of the CSA 2001 and therefore, there is no longer a need for these Regulations.					
Safety Management Regulations	N/A	✓ ⁷	N/A	✓ ⁸	N/A	✓ ⁹

(continued >)

5 Less than 24m in length overall.

6 Dependent on area of operation and size.

7 Applies only to vessels subject to the International Convention for Safety of Life at Sea (SOLAS) requirements (vessels over 500 gross tonnage).

8 Applies only to vessels subject to SOLAS requirements (vessels carrying more than 12 passengers).

9 Applies to tugs over 500 gross tonnage, which are subject to SOLAS requirements. Does not apply to barges being towed by those vessels.

Regulation	1. Pleasure Craft	2. Large Commercial	3. Small Commercial	4. Passenger	5. Fishing	6. Tugs and Barges
Shipping Inquiries and Investigations Rules	Repealed These Regulations were originally created to provide information concerning preliminary inquiries and formal investigations into shipping casualties and related matters. However, in 1990, the Canadian Transportation Accident Investigation and Safety Board of Canada (TSB) was created as an independent agency to advance transportation safety through the investigation of occurrences and the compilation of accident statistics. Because the functions of the TSB include those found in the "Rules," the need for these rules was eliminated.					
Ships Tonnage Survey and Measurement Fees Regulations	No longer valid These Regulations were originally created to establish fees in regard to the survey and measurement of the tonnage of ships. However, there is no legislative authority for these Regulations under the CSA 2001, which means they are no longer considered valid. Under the CSA 2001, these Regulations are considered spent Regulations, and therefore no longer exist.					
<i>Small Vessel Regulations</i>	✓	N/A	✓ ¹⁰	✓ ¹¹	N/A	✓
Vessel Certificates Regulations	N/A	✓	✓	✓	✓	✓
Vessel Clearance Regulations	N/A	✓	✓	✓	N/A	✓
Vessel Detention Orders Review Regulations	N/A	✓	✓	✓	✓	✓
<i>Vessel Operation Restriction Regulations</i>	✓	✓	✓	✓	✓	✓
Vessel Registration and Tonnage Regulations	✓ ¹²	✓	✓	✓	✓	✓
Vessels Registry Fees Tariff	✓ ¹²	✓	✓	✓	✓	✓

10 Up to 15 gross tonnage.

11 Up to 15 gross tonnage and up to 12 passengers.

12 Voluntary

1-4 How will the CSA 2001 and its supporting regulations apply to six major vessel types?

Highlights

For details on specific regulations, refer to Part 2.

(i) Pleasure Craft



- » All pleasure craft powered by 7.5 kilowatts (10 horsepower) motors or more must be either licensed or registered.
- » It is no longer mandatory for pleasure craft over 15 gross tonnage to be registered.
- » Pleasure craft licences are issued by Service Canada. Licences issued after the new *Small Vessel Regulations* come into force (2008) will expire after 10 years and, like automobile licensing, the name and address of the owner must be correct to be valid. Operation without a valid licence or proper markings will result in fines. In addition, all licence holders must report a change of name or address.
- » Changes have been made to requirements for notices indicating compliance with construction requirements. The Single Vessel Label Program will be discontinued, however the Manufacturer's Compliance Notice Program will continue to be in effect. For more information, see page 30.
- » All pleasure craft fitted with a toilet will be required to have a holding tank or a marine sanitation device.
- » There are now stricter requirements for organizations administering boating safety tests, and issuing Pleasure Craft Operator Cards. This will be followed by additional proposed amendments, which will include a new accreditation framework and auditing requirements applicable to course providers who administer these tests.

(ii) Large Commercial Vessels



- » *Fire Safety Regulations* are being modernized based on the latest safety standards and International Maritime Organization Convention requirements. This includes requirements that fill a construction gap for cargo vessels between 150 and 500 gross tonnage.
 - » The current standards and procedures for installation, maintenance and operation of vessel equipment will be repealed or amended.
 - » There are new requirements of the *Cargo, Fumigation and Tackle Regulations* for all Canadian vessels. Current requirements in the *Tackle Regulations* related to tackle safe working practices will remain in force for the time being.
- » Commercial vessels engaged in international voyages will continue to have the certificates listed in the *Vessel Clearance Regulations* verified prior to departure from a port in Canada.
 - » All vessels needing an inspection certificate (*Vessel Certificates Regulations*) must also have a Safe Manning Document (*Marine Personnel Regulations*).
 - » New pollution prevention requirements are in effect (e.g. limits to sewage discharge and limits to the sulphur content of any fuel oil used on a vessel, and approval of new engines and incinerators).
 - » Certain vessels will be required to have prevention and response plans in place to deal with marine spills.
 - » All vessels designed or built to carry ballast water (some exceptions are listed in the *Ballast Water Control and Management Regulations*) now have four ballast water management options.

(iii) Small Commercial Vessels



- » All small commercial vessels, including non-powered and government vessels, are subject to mandatory registration.*
- » Vessels built on or after April 1, 2005, must meet the version of the construction standards in effect at the time of construction.
- » The safety-critical components of the 2004 *Construction Standards for Small Vessels* apply to vessels up to 15 gross tonnage built before April 1, 2005.

- » Builders of all commercial vessels will be responsible for certifying that their vessels meet construction standards by attaching a compliance notice (capacity or conformity label) to each vessel up to 15 gross tonnage. For more information, see page 30.
- » Vessel owners/operators must report to Transport Canada before a new vessel (non-pleasure craft) is placed into service.*
- » The revised *Small Vessel Regulations*, which are expected to come into force in 2008, update the requirements for lifesaving and fire safety equipment. For example, there will be new requirements for automatic bilge pumps and re-boarding devices.
- » All vessels fitted with a toilet will be required to have a holding tank or a marine sanitation device.
- » Vessel owners/operators must have enough crewmembers for safe operation, and must ensure that crews are trained and certified to perform their duties.
- » There are revised operator certification requirements for all small commercial vessels. For more information, refer to the Master / Operator Requirements table on pages 20-21.
- » All vessels needing an inspection certificate (*Vessel Certificates Regulations*) must also have a Safe Manning Document (*Marine Personnel Regulations*).

* Note: There will be a single process for both the application for registration and for the required provision of basic vessel data. For more information contact your local Transport Canada Centre.

(iv) Passenger Vessels



- » New pollution prevention requirements are in effect (e.g. limits to sewage discharges; sewage holding tanks or marine sanitations on vessels with a toilet - some exceptions - to be installed within a five-year period; International Sewage Pollution Prevention Certificates for non-Canadian vessels traveling to a Canadian port).
- » Changes listed under large commercial vessels also apply to large passenger vessels (see page 7).

- » The damage stability requirements have been updated and apply to new and existing vessels of all sizes, including the weight per person at 75 kilograms for all stability calculations.
- » All passenger vessels will now be required to report the number of passengers on board to a responsible person ashore prior to departure.
- » All passenger vessels that do not carry liferafts and all guided excursions (canoe or kayak) must now have provisions to protect passengers from cold shock and hypothermia in the event of capsize or swamping.
- » Changes listed under small commercial vessels also apply to small passenger vessels (see page 8).

(v) Fishing Vessels



- * Transport Canada is currently in the process of modernizing its fishing vessel regulations. The new regulations are expected to come into force in 2008.

What to expect:

- » New requirements to incorporate a risk-based approach for evaluation of stability, freeboard and load limits for fishing vessels less than 24 metres.
- » Updated requirements for lifesaving and fire safety equipment. Fire safety provisions will be based on vessel type and size. New lifesaving equipment requirements will be based on operational risk (e.g. voyage classification), not simply vessel length. New requirements for larger fishing vessels (over 24 metres) to be harmonized with international requirements (*Torremolinos Protocol, 1993*).

- » Owners/operators of fishing vessels should refer to the *Marine Personnel Regulations* for specific crewing requirements for fishing vessels.

(vi) Tugs and Barges



- » Lifesaving and fire safety equipment requirements for small commercial vessels also apply to tugs (see page 8).
- » Owners/operators of tugs should refer to the *Marine Personnel Regulations* for specific crewing requirements for tugs.
- » Construction standards that are more appropriate for tugs are expected to be developed in line with recognized standards.
- » Shipboard oil pollution emergency plans are required on oil barges and on certain non-oil barges carrying oil trucks or tanks.

Part 2 – CSA 2001 Regulations

The CSA 2001 regulatory reform process has involved the review of over 100 regulations that were made under the old CSA.

This regulatory reform is being conducted in two phases:

Phase 1, which is now winding down and being implemented, included the reform of those regulations that were inconsistent with the provisions of the CSA 2001, as well as those that were deemed to have a substantial impact on safety and the environment. Many of the Phase 1 regulations came into effect at the same time as the CSA 2001, and the remainder will be implemented over the next two years.

Phase 2 consists of a modernization of those regulations that are not critical to the new Act's entry into force but that will still benefit from reform. This second phase was launched when the CSA 2001 came into force on July 1, 2007, and will continue over the course of the following few years.

2-1 Summary of Phase 1 Regulations

As previously noted in the “Application of CSA 2001 Phase 1 Regulations by Vessel Type” table on pages 3-5, three CSA regulations were repealed because they were considered redundant. These repealed regulations were: *Aids to Navigation Protection Regulations*, *Publication of Standards Regulations*, and *Shipping Inquiries and Investigations Rules*. In addition, the *Ship's Tonnage Survey and Measurement Fees Regulations* are no longer considered valid.

Following are details about the remaining 20 regulations that form Phase 1 of the regulatory reform:

(i) **Administrative Monetary Penalties Regulations**

- » These Regulations support a new enforcement mechanism and tools, called Assurances of Compliance (ACs) and Administrative Monetary Penalties (AMPs).
- » The *Administrative Monetary Penalties Regulations* apply to all vessel types with the exception of pleasure craft. They are expected to come into force in early 2008.
- » *Administrative Monetary Penalties Regulations* will establish a range of penalties against offences under the CSA 2001 and its supporting regulations.
- » AMPs provide more flexibility since they involve an administrative rather than judicial process of enforcement. Under the Administrative Monetary

Penalties system, persons who previously would have been charged with an offence and required to attend criminal courts may now simply pay a monetary penalty to resolve the matter.

- » Persons against whom a penalty is imposed have the right to appeal the violation or the amount of the penalty to the Transportation Appeal Tribunal of Canada (TATC) – an independent body with legislative authority to hear appeals under the CSA 2001.
- » This alternative system of enforcement is more efficient and less expensive for all parties concerned.

Penalty Scheme for Non-Compliance with the CSA 2001 and its Supporting Regulations

* Penalty ranges are determined based on an assessment of the seriousness of each violation (low, medium or high). Within each low, medium and high category, the minimum amount for a first violation, the average amount for a second violation and the maximum amount for a third or subsequent violation are provided. This was done both for individuals and vessels/corporations.

Gravity	1 st Violation		2 nd Violation		Subsequent Violation	
	Individual	Vessel or Corporation	Individual	Vessel or Corporation	Individual	Vessel or Corporation
Low	\$250	\$1,000	\$500	\$2,000	\$1,000	\$5,000
Medium	\$600	\$3,000	\$1,200	\$6,000	\$2,400	\$12,000
High	\$1,250	\$6,000	\$2,500	\$12,000	\$5,000	\$25,000

(ii) **Ballast Water Control and Management Regulations**

- » The purpose of the *Ballast Water Control and Management Regulations* is to require vessels to manage ballast water in a way that reduces potential invasions by non-indigenous organisms. These Regulations were developed under the old CSA but a new version will be available some time after the CSA 2001's entry into force.
- » These Regulations apply to all vessels that are designed or constructed to carry ballast water (with some exceptions as identified in the Regulations).
- » There will be very little impact on stakeholders, as vessels that entered Canadian waters from outside Canada's 200 nautical mile limit currently perform ballast water exchange as outlined in the "*Guidelines for the Control of Ballast Water Discharge from Ships in Waters under Canadian Jurisdiction*" (TP 13617).
- » Vessels carrying only residual quantities of ballast will be required to manage their ballast appropriately if it is to be mixed with local water and subsequently discharged into Canadian waters.

What's new:

- » In the past there were only the guidelines (TP 13617) for ballast water control and management. The suggested practices within the guidelines have become requirements under the new Regulations.
- » The Regulations specify that management of ballast added locally is now required where the residual ballast was not managed prior to taking on the local ballast water.
- » Vessels have four ballast water management options: exchange, discharge to a reception facility, treatment, or retention on board.
- » A new requirement now covers "disposal of sediments that have settled out at the bottom of a ballast water tank." Sediments must be disposed of at a reception facility rather than being discharged over the side of the ship.
- » If a ship is unable to manage ballast as described in its ballast water management plan because of exceptional circumstances, the master must report this situation to Transport Canada within 96 hours before entering Canada's territorial sea. If this is not possible, then the report must be made as soon as it becomes possible to do so. Transport Canada will then determine, in consultation with the vessel, what measures must be taken.

(iii) *Cargo, Fumigation and Tackle Regulations*

- » These Regulations, which came into force on July 1, 2007, update the standards and procedures for installations, maintenance and operations of vessel and shore based equipment in order to reduce the risk of incidents relating to cargo and lifting appliances.
- » These Regulations:
 - govern the loading, unloading and carriage of cargo for marine transportation, as it relates to the safety of vessels (including equipment) and persons on board;
 - provide for the safe fumigation practices on Canadian vessels everywhere and foreign vessels in Canadian waters; and
 - specify safe practices for using cargo gear in material handling and shore based power-operated ramps and accommodation ladders used to access vessels.
- » The Regulations will have little impact on Safety Convention vessels, as the *International Convention for the Safety of Life at Sea (SOLAS)* provisions are substantially similar to them.

What's new:

- » Individuals on domestic vessels and on some terminals may have to familiarize themselves with the SOLAS requirements if they are not already following these, including safe loading and cargo handling operations and procedures in relation to conformity to hull stress requirements, loading manuals and loading instruments.

(iv) *Collision Regulations*

- » The *Collision Regulations* promote uniform measures and the safe conduct of vessels by giving effect to the *Convention on the International Regulations for the Prevention of Collisions at Sea, 1972 (COLREG Convention)*, and include Canadian modifications to that Convention.
- » The Regulations describe the navigation conduct to be followed, steering and sailing rules to be applied, and the sound and light signals to be used by every vessel in Canadian waters, in fishing zones, and in shipping safety control zones, and by every Canadian vessel anywhere to avoid a collision situation.
- » These Regulations are being amended and are expected to come into force in late 2007.
- » The amendments to the *Collision Regulations* are being made for the purpose of concordance with the provisions of the CSA 2001 and to improve clarity.

What's new:

- » Most vessels are already compliant with these Regulations, but the wording is being improved to make them clearer.

(v) **Competency of Operators of Pleasure Craft Regulations**

- » The purpose of these Regulations is to establish competency requirements for operators of pleasure craft fitted with a motor and used for recreational purposes. The Regulations are designed to reduce the number of boating-related incidents and fatalities through education and training. They also include accreditation requirements for course providers who deliver boating safety courses and tests, and who issue Pleasure Craft Operator Cards (PCOC).

What's new:

- » Introduction of stricter requirements relating to the administration of the boating safety test and issuance of PCOC.
- » Issuance of a PCOC to holders of some commercial certificates.
- » In 2008, further amendments to the Regulations will be introduced. These will include:
 - a new accreditation framework for course providers based on a quality management system;
 - a national database system on card holders;
 - transfer of age and horsepower restrictions from the *Boating Restriction Regulations* to the *Competency of Operators of Pleasure Craft Regulations*;
 - certification and crewing requirements for pleasure craft 20 metres and above to be added to the Regulations; and

- an international 24 metre limit for pleasure craft without certified crew to be reviewed and updated as required.

(vi) **Environmental Response Regulations**

- » These Regulations deal with matters related to preparedness and response to marine spills from vessels and oil handling facilities.
- » The requirements for environmental response applies to all Canadian waters, which include all inland waters and waters out to 200 nautical miles. It applies to vessels and oil handling facilities in those waters and to certified response organizations and response organizations seeking certification. It does not apply to vessels engaged in the location and removal of oil and gas from the seabed of internal waters, the territorial sea or the continental shelf of Canada. The *Canada Oil And Gas Operations Act* governs these activities, which is the responsibility of the Minister for Natural Resources Canada.
- » These Regulations are being amended and are expected to come into force in 2008.
- » The Regulations are broken into four parts - one general part (Part 1), and three parts that address the following:
 - Part 2 - Response Organizations: Response organizations require a certificate in order to offer arrangements to vessels and oil handling facilities that are required to have an arrangement for spill response.

- Part 3 - Oil Handling Facilities: This addresses the procedures, equipment and resources that an oil handling facility will use when a vessel is at the facility location loading or unloading oil.
- Part 4 - Vessels: This requires certain vessels transporting oil and oil products to have an arrangement with a response organization and a declaration on board attesting to that fact.

What's new:

- » Response organizations must establish committees of users that review fees or proposed fees;
- » Response organizations must provide transparency in the setting of fees (details of calculations);
- » Response organizations will have the responsibility of publishing their fees;
- » There are detailed requirements for the oil pollution prevention plan prepared by oil handling facilities;
- » The Regulations will contain procedures that require oil handling facilities to report any discharge or anticipated discharge of oil; and
- » Transport Canada will have the ability to certify response organizations for periods other than three years.

(vii) *Fire Safety Regulations*

- » *Fire Safety Regulations* are being updated based on the latest safety standards and the *International Convention for Safety of Life at Sea* (SOLAS) requirements. These Regulations are expected to come into force in 2008.
- » The purpose of these Regulations is to: prevent the occurrence of fire and explosion; reduce the risk to life caused by fire; reduce the risk of damage caused by fire to the vessel, its cargo and the environment; contain, control and suppress fire and explosion in the compartment of origin; and provide adequate and readily available means of escape for passenger and crew.
- » SOLAS requirements form the baseline for the *Fire Safety Regulations*.
- » The *Fire Safety Regulations* replace: the *Fire Detection and Extinguishing Equipment Regulations*; the *Hull Construction Regulations* (fire safety parts and sections); and, the guidelines and procedures/processes that existed under the old CSA.
- » There are three parts to these Regulations, each representing a different level of risk:
 - Part 1 requirements have been harmonized with those in SOLAS. (Some have been rewritten, some are incorporated by reference and/or modified.)
 - Part 2 requirements are either specified in full or SOLAS requirements are incorporated by reference. Part 2 also provides a less onerous regulatory regime and includes vessels carrying dangerous goods in

limited quantities as defined in the International Maritime Dangerous Goods (IMDG) Code.

- Part 3 requirements are specified in full and stand-alone for vessels over 15 but less than 150 gross tonnage.

What's new:

- » The provisions of SOLAS Regulations 14, 17, 18 and 19 have been incorporated.
- » A gap in requirements for cargo vessels of 150 to 500 gross tonnage has been closed.
- » The SOLAS passenger vessel definition has been adopted for Parts 1 and 2 of the Regulations, including the safety measures for up to 36 passengers as well as above 36 passengers.
- » The concept for cargo vessels to carry up to 12 passengers has been adopted.
- » Plastic pipes and organic foams will be allowed under certain conditions and will also have to meet the requirements for smoke and toxicity.
- » Various triggers will establish when requirements must be met, with the objective being a reasonable, risk-based phase-in.
- » There are new requirements for cargo, tanker and passenger vessels for emergency escape breathing devices, inert gas systems, and fixed fire extinguishing systems.

(viii) *Fishing Vessel Safety Regulations*

- » The *Small Fishing Vessel Inspection Regulations* will be replaced by the *Fishing Vessel Safety Regulations* when they come into force (expected to be in 2008). The *Fishing Vessel Safety Regulations* regulate safety equipment and construction of small fishing vessels, (less than 24 metres in length), fish packers and vessels engaged in aquaculture. Regulations for large fishing vessels will be reviewed as part of Phase 2.
- » Every year, at least half of commercial marine incidents involve fishing vessels, and the rate of accidents remains constant despite reductions in the number of vessels. The benefit of these updated Regulations will be increased safety for fishers.

What's new:

- » The Regulations introduce new requirements for stability, maximum load, protection against downflooding and other safety critical issues.
- » The new Regulations establish minimum standards for construction of fishing vessels less than 24 metres through the incorporation of construction and stability standards. However, most existing fishing vessels should have no difficulty meeting these new standards.
- » Fishing vessel operators and owners will need to familiarize themselves with the evaluation of stability information, freeboard and load limits and if subject to certain risk factors as set out in the Regulations, obtain the services of a naval architect or a professional engineer to conduct a stability assessment of their vessel. For more information, they can contact their local Transport Canada Centre.

- » Fishing vessels that are at low risk will not have to go through a full assessment, but must meet simplified stability and minimum freeboard requirements (protection against overloading). The related cost should be low.
- » The Regulations also modernize requirements for lifesaving equipment and fire safety provisions. The lifesaving equipment requirements are risk based (e.g. according to distance offshore) rather than based simply on vessel length. Fire safety provisions, including structural fire safety requirements, are consistent with fire safety provisions for other types of vessels.
- » Small fishing vessels under 9 metres in length are to be constructed according to the *Construction Standards for Small Vessels* (TP1332) and are to be certified by their builders using compliance notices (as will all other small vessels). Most of these vessels are “production” boats and should already meet these standards.

(ix) Heritage Wreck Regulations

- » The Regulations clarify the role of the federal government in protecting heritage wrecks while encouraging their sustainable enjoyment; facilitate cooperation among a wide range of stakeholders; and, retain the vocational diver’s enjoyment of, and non-damaging access to, this most unique resource. The responsibility for the development of the *Heritage Wreck Regulations* is shared between Environment Canada (Parks) and Transport Canada.
- » Once finalized, these new Regulations will represent the first federal regulatory regime designed to protect heritage wrecks, an important aspect of Canada’s heritage.

- » They will also, along with provincial, territorial and any new federal archaeology legislation for non-wreck aspects of underwater cultural heritage, put in place the key building blocks necessary in order for Canada to ratify the *UNESCO Convention on the Protection of the Underwater Cultural Heritage, 2001*.
- » Public consultations on these Regulations have been conducted and legal drafting is planned for the near future.

(x) Load Line Regulations

- » The *Load Line Regulations*, which entered into force on July 1, 2007, limit the depth to which the vessel can be loaded, taking into account its construction and operating characteristics.
- » The new *Load Line Regulations* replace: the *Load Line Regulations (Inland)*; the *Load Line Regulations (Sea)*; the *Load Line Rules for Lakes and Rivers*; the *General Load Line Rules*; and Load 4 of the Standard TP 7301 relating to dredging.

What's new:

- » Technical aspects of the International Maritime Organization's *Load Line Convention* have been incorporated by reference into these Regulations. With the exception of minor technical changes, the load line requirements do not change with the new Regulations for current vessels. New construction will be required to comply with the January 2005 amendments to the 1988 protocol of the *Load Line Convention*.
- » For circle load lines, used on vessels making international voyages, the International Maritime Organization's *Load Line Convention* has been referenced by these Regulations. However, it is important to note that not all of the Convention has been referenced because minor details of some of its articles are inconsistent with the CSA 2001.
- » For diamond load lines used on vessels that sail only on inland waters such as the Great Lakes, the new Regulations actually stipulate the technical requirements for compliance.

(xi) *Marine Personnel Regulations*

- » The *Marine Personnel Regulations*, which entered into force on July 1, 2007, promote a safe and efficient marine transportation system that includes protecting the health and well being of crew and passengers, ensuring that Canada meets its international obligations, and encouraging the harmonization of marine practices.

- » There are three parts to the new *Marine Personnel Regulations*:
 - Parts 1 and 2 revise and bring up to date the existing requirements for qualifications, training and certification of crew members and the requirements for the appropriate marine personnel making up the crew on board a vessel for its safe and efficient operation and hence the protection of the environment.
 - Part 3 prescribes the labour working conditions of seafarers onboard a vessel to safeguard their health and well-being. The working conditions provisions relating to occupational health and safety have been modernized. The requirements are now compliant with the *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers* (STCW) as well as the *Maritime Labour Convention, 2006*.

What's new:

- » Labour working conditions and requirements that were formerly in the old CSA and in the conventions, including the *Maritime Labour Convention, 2006*, are now specified and established in the new maritime labour standards (Part 3).
- » Seafarers and authorized representatives will be required to maintain a record of sea service and to provide that information to the Minister upon request. Transport Canada no longer maintains these records.
- » All vessels required to have an inspection certificate under the *Vessel Certificates Regulations* will also be required to have a Safe Manning

Document, indicating the minimum crewing levels for the vessel. A Safe Manning Document is valid for a maximum of five years from the day of its issuance. For more information, refer to the tables in Part 2 of the *Marine Personnel Regulations*.

- » All commercial vessels, regardless of length, will be required to have a certified master. However, for certain small commercial vessels an operator with a Small Vessel Operator Proficiency training certificate or a PCOC will be accepted in place of a master’s certificate. For example, a PCOC is acceptable for vessels less than 8 metres in length operating in areas designated as sheltered waters.
- » Most nautical (deck) certificates are being changed to meet the new voyage classifications and the STCW.

Requirements for Small Non-pleasure Vessels

General

Under the *Marine Personnel Regulations* every vessel that requires an inspection certificate is also required to carry a Safe Manning Document, setting out the numbers of crew and their qualifications.

Section 9 of the *Vessel Certificates Regulations* specifies that the following vessels must carry Canadian vessel inspection certificates:

- Vessels of 15 gross tonnage or less that carry more than 12 passengers;
- Vessels of more than 15 gross tonnage.

Note: pleasure craft and commercial river rafts are exempt

For vessels **not** required to carry a Safe Manning Document, the operator certification requirements are set out on the next page.

Implementation dates for the table are as follows:

Workboat (including tugs)	≤ 10 GT	Nov 7, 2010
Passenger-carrying vessel	≤ 5 GT or ≤ 8m	Nov 7, 2009

Implementation dates for fishing vessels

≤ 60 GT and > 15m	Nov 7, 2008
≤ 15m and > 14m	Nov 7, 2009
≤ 14m and > 13m	Nov 7, 2010
≤ 13m and > 12m	Nov 7, 2012
≤ 12m and > 6m	Nov 7, 2015
≤ 6m	Nov 7, 2016
All other operators must comply with the requirements effective July 1, 2007.	

Master / Operator Requirements

	Vessel	Near Coastal 1	Near Coastal 2		Sheltered Waters
			> 2 nautical miles from shore	≤ 2 nautical miles from shore	
Passenger-Carrying Vessels (<12 passengers)	> 5 GT	Master 150 GT (Domestic) (if endorsed for limited, contiguous waters)	Limited Master < 60 GT	Limited Master < 60 GT	Limited Master < 60 GT
	≤ 5 GT and > 8m		SVOP	SVOP	SVOP
	> 6 passengers and ≤ 8 m		SVOP	SVOP	SVOP
	≤ 6 passengers and ≤ 8 m		SVOP	SVOP	PCOC
Workboats	> 5 GT	Master 150 GT (Domestic) (if endorsed for limited, contiguous waters)	Limited Master < 60 GT	Limited Master < 60 GT	Limited Master < 60 GT
	≤ 5 GT and > 8m (except tugs)		SVOP	SVOP	SVOP
	≤ 8m (except tugs)		SVOP	PCOC	
	Tugs		Limited Master < 60 GT	Limited Master < 60 GT	Limited Master < 60 GT
Fishing Vessels	> 15 GT	FM 4 (Fishing Master Class 4) or Certificate of Service < 60 GT	FM 4 or Certificate of Service < 60 GT	FM 4 or Certificate of Service < 60 GT	FM 4 or Certificate of Service < 60 GT
	≤ 15 GT		SVOP	PCOC	

This table is for the convenience of users. If any discrepancy is found between the *Marine Personnel Regulations* and the table, the Regulations shall prevail.

Note: A fishing vessel operator who has 7 seasons as master, before the coming into force of the regulations, with no two seasons in the same year, does not require a SVOP training certificate or PCOC to operate a fishing vessel ≤ 15 GT in near coastal voyage, class 2 or sheltered waters.

SVOP	Small Vessel Operator Proficiency training certificate	FM 4	Fishing Master, Class 4
PCOC	Pleasure Craft Operator Card	>	greater than
GT	gross tonnage	<	less than
m	metres	≤	less than or equal to

(xii) Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals

- » *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals* were developed under the old CSA, and an amended version will be available some time after the entry into force of the CSA 2001. Former CSA regulations to control pollution from vessels were in place across Canada; however, they were not consistent with the *International Convention for the Prevention of Pollution from Ships* (MARPOL) and did not address anti-fouling systems. Bringing the Regulations into force allows Canada to ratify additional parts of the MARPOL Convention.
- » The Regulations promote the elimination of deliberate, negligent or accidental discharge of ship-source pollutants from vessels into the marine environment and the safe operation of chemical tankers.

What's new:

- » National limits to sewage discharges.
- » Sewage holding tanks or marine sanitation devices on all vessels with a toilet (with some exceptions), to be installed within a five-year period (before May 2012).
- » Possible tests of waste matter from marine sanitation devices.
- » Shipboard oil pollution emergency plans on certain non-oil barges carrying oil trucks or tanks.
- » International Sewage Pollution Prevention Certificates for non-Canadian vessels traveling to a Canadian port.
- » Garbage management plans and up-to-date garbage record books for certain vessels (as specified in the Regulations).
- » Bans on:
 - buying new equipment that contains ozone depleting substances; and
 - emitting ozone-depleting substances from existing equipment.
- » Limits to the sulphur content of any fuel oil used on a vessel set at 4.5 per cent.
- » Approvals for certain new vessel engines and new incinerators.
- » Quality standards for fuel oil used for combustion.
- » International or Canadian Air Pollution Prevention Certificates for certain vessels.
- » International Anti-fouling System Certificates or self-declarations for certain vessels.
- » Paint containing tributyl tin removed or encapsulated from the coating of vessels by January 1, 2008.

(xiii) Safety Management Regulations

- » The purpose of these Regulations is to ensure that Canada continues to meet its international obligations with respect to the certification of Canadian vessels under the *International Convention for the Safety of Life at Sea* (SOLAS). They entered into force with the CSA 2001 on July 1, 2007. These requirements apply to Safety Convention vessels that are passenger and cargo vessels.
- » SOLAS contains the *International Safety Management Code* (ISM Code), which provides an international standard for the safe management and operation of vessels and prevention of pollution.

What's new:

- » Minor changes only, principally in order to clarify that the Minister of Transport has the authority to issue safety management certificates.

(xiv) Small Vessel Regulations

- » The current *Small Vessel Regulations* regulate safety equipment and construction of small vessels, some operational requirements, and the licensing of pleasure craft. The Regulations are being updated and will clarify the requirements for the construction of commercial vessels and modify the approach to the certification of compliance with construction standards by manufacturers. The updated Regulations are expected to come into force in early 2008.

What's new for small non-pleasure (commercial) vessels:

- » Some safety equipment requirements are being updated. Current fire extinguishers may be carried until replacement. Other changes relate to automatic bilge pumps, manual bilge pumps, lifesaving equipment, and protection from cold shock and hypothermia.
- » Small commercial vessels will be required to be fitted with compliance notices and hull identification numbers by manufacturers. This requirement will come into force one year after the regulations come into effect. With this change, hull identification numbers and compliance notices will be required for all small vessels.
- » Owners of small vessels constructed or imported before April 2005 will be required to bring their vessels up to the current construction standards in so far as it is reasonable and practicable to do so. However, these vessels will be required to address any safety critical items such as precautions against fire and explosion; watertight integrity; and, protection from downflooding.
- » The Regulations require all small non-pleasure vessel owners to contact Transport Canada before a new vessel is first placed into service. This will provide the opportunity for the owner to verify that the vessel is compliant with the requirements of the Regulations. It also sets the stage for a long-term relationship with Transport Canada. There will be a single process for both the application for registration and for the required provision of basic vessel data.

- » Owners and operators are not to operate their vessels in circumstances that exceed their design limitations.

What's new for pleasure craft:

- » The amendments to the pleasure craft licensing system will require licences to be renewed every 10 years. Licence details, such as owner name and address, must be kept current.
- » Under the CSA 2001, pleasure craft of all sizes are exempt from mandatory registration, and may instead be licensed with Service Canada.
- » Holders of existing licences need not renew their licences unless the name or address on the licence is no longer accurate, or as a choice.
- » The Single Vessel Label Program for home built pleasure craft is being phased out. For more information, see page 30.
- » All vessels, other than home-built pleasure craft built for personal use of the builder must have a Compliance notice. Owners of vessels that do not have compliance notices will be directed to the manufacturer to obtain one.

(xv) *Vessel Certificates Regulations*

- » This new set of Regulations came into force with the CSA 2001 on July 1, 2007.
- » The purpose of the *Vessel Certificates Regulations* is: to provide a regulatory inspection and certification mechanism for the issuance of Canadian maritime documents (CMDs) not already addressed by other Phase 1 regulations; and to allow for port state control oversight.
- » The Regulations also provide the authority to inspect the ship to ensure that all conditions for the issuance of the certificate have been met and, conversely, to provide objective criteria to suspend or cancel certificates where those conditions are not met.
- » The Regulations will apply to all vessels that require certification under the CSA 2001. This includes vessels greater than 15 gross tonnage or carrying more than 12 passengers. The Regulations do not apply to pleasure craft. Although vessels below these cut-offs do not need an inspection certificate, they may be checked at any time to verify compliance.

Note: Where an inspection certificate is required, a *Safe Manning Document* indicating the minimum crewing levels for the vessel is also required. For more information on requirements for minimum crew requirements, please refer to the tables in Part 2 of the *Marine Personnel Regulations*, and the *Master/Operator Requirements* table for small vessels, found on pages 20-21 of this booklet.

- » The *Vessel Certificates Regulations* also include new voyage classifications.

- » The voyage classifications that existed under the old CSA were revoked upon entry into force of the CSA 2001. For definitions of voyage classifications under the CSA 2001, please see page 29.

(xvi) *Vessel Clearance Regulations*

- » The CSA 2001 includes a provision against granting clearance to a vessel, unless the person granting clearance is satisfied that the master is in possession of all required documents. These Regulations apply only to commercial vessels departing a port in Canada to go to a port in a foreign country.
- » The new *Vessel Clearance Regulations*, which entered into force with the CSA 2001 on July 1, 2007, require that all appropriate documents are on board and that the vessel is not given clearance until those documents listed in the Regulations have been verified. These documents show that inspections have taken place and that the vessel is in compliance with all requirements.
- » The Canadian Border Services Agency administers the clearance process. The role of Transport Canada Marine Safety is to verify that the vessels are compliant and certificated and to take action where a vessel departs without all the appropriate documents or without clearance.

What's new:

- » The CSA 2001 *Vessel Clearance Regulations* consolidate the list of documents required for vessel clearance, which were previously found in more than 50 provisions under the old CSA. Under the CSA 2001, the authority to grant clearance is found in the *Vessel Clearance Regulations*.

(xvii) *Vessel Detention Orders Review Regulations*

- » These new Regulations, which came into force with the CSA 2001 on July 1, 2007, allow an authorized representative to request that a Vice-Chair and subsequently the Chair of the new Marine Technical Review Board review a detention order made against a vessel.

(xviii) *Vessel Operation Restriction Regulations*

- » The *Vessel Operation Restriction Regulations* are used to regulate and/or restrict the navigation of vessels for safety and to protect public interest and the environment.
- » These Regulations will replace the former *Boating Restriction Regulations*. They are expected to come into force in the winter of 2007/2008.

What's new:

- » These Regulations now apply to all vessels regardless of size, whereas the *Boating Restriction Regulations* applied only to vessels less than 15 gross tonnage.
- » Minor amendments include:
 - the removal of commercial river rafting schedules. Commercial river rafting will be governed by the *Special Purpose Vessel Regulations*, which will come into force at the same time as the *Vessel Operation Restriction Regulations*.
 - the transfer, at a later date, of the age and horsepower restrictions to the *Competency of Operators of Pleasure Craft Regulations*.

(xix) *Vessel Registration and Tonnage Regulations*

- » These Regulations, which entered into force with the CSA 2001 on July 1, 2007, amend the *Ship Registration and Tonnage Regulations* that were in place under the old CSA regime.
- » The Regulations concern ship ownership, registration and tonnage requirements. Their purpose is to clarify the requirements for registering and calculating the tonnage of vessels.
- » These Regulations comply with the *International Convention on the Tonnage Measurement of Ships (1969)*. The Regulations require that each vessel subject to the Convention keep on board an International Tonnage Certificate.

What's new:

- » The main change is that CSA 2001 requires all commercial vessels, regardless of size, including human powered commercial vessels, to be registered. (Registration of pleasure craft is optional.)
- » The new approach to registration has resulted in a substantial change in requirements for tonnage measurement of those small commercial vessels that were formerly required to be licensed under the old CSA. For example:
 - An applicant for registration of a new vessel in the Small Vessel Register shall ensure that the vessel's tonnage is calculated in accordance with the *Standard for the Tonnage Measurement of Vessels (TP 13430)*. The tabular method of equating length of vessels to gross tonnage will be removed when TP 13430 is revised.
 - Vessels already registered are allowed to continue to use their existing tonnage.
 - Vessels currently licensed will continue to use the tonnage stated in their current licence.

(xx) *Vessels Registry Fees Tariff*

- » These Regulations, which entered into force with the CSA 2001 on July 1, 2007, establish fees for the registration of all non-pleasure (commercial) vessels and optionally, of pleasure craft.

What's new:

- » A Small Vessel Register has been created, replacing the small commercial vessel licensing system for non-pleasure vessels of 15 gross tonnage or less. Existing licences for small vessels will be transferred automatically to this new register.
- » The \$50 fee and five-year renewal period of the old licensing system will remain the same.
- » In addition, a flat \$50 registration fee may be levied for a fleet of vessels. "Fleet" is defined as two or more commercial vessels, five gross tonnage or less, with a common owner, for which application for registration is made at the same time. Fleet status is not available to government vessels.
- » An owner wishing to register a mortgage against a vessel, regardless of its size and type, must register in the main Canadian Register of Vessels.
- » Pleasure craft owners may voluntarily register in the Canadian Register of Vessels.

Part 3 – Other Significant CSA 2001 Features

3-1 Licensing/Registration of Vessels

- » All pleasure craft powered by 7.5 kilowatts (10 horsepower) motors or more must be licensed or registered. (Note: Service Canada issues pleasure craft licences on Transport Canada's behalf.)
- » It is no longer mandatory for pleasure craft over 15 gross tonnage to be registered; however pleasure craft may voluntarily register with Transport Canada.
- » All non-pleasure (commercial) vessels, including any non-powered vessel such as canoes or kayaks, must be registered with Transport Canada.
- » A Small Vessel Register replaces the small commercial vessel licensing system for non-pleasure (commercial) vessels of 15 gross tonnage or less.
- » Small commercial vessels licensed with Transport Canada under the *Canada Shipping Act* will automatically be transferred to the Small Vessel Register.

- » The fee for a small commercial vessel registration is \$50, and registrations are valid for five years.
- » Owners of a fleet* of non-government commercial vessels will qualify for a \$50 flat fee per fleet application.

* A fleet consists of two or more commercial vessels, five gross tonnage or less, with a common owner, for which application for registration is made at the same time.

The Canadian Register of Vessels contains the names, ownership details, mortgage details and records of all registered vessels for each port of registry.

The Small Vessel Register has been established as part of the Canadian Register of Vessels. It replaces the former vessel licensing system requirements for commercial vessels less than or equal to 15 gross tonnage.

Licensing and Registration under the old CSA versus the CSA 2001

	Old CSA		CSA 2001	
	Pleasure Craft	Non-Pleasure Craft	Pleasure Craft	Non-Pleasure Craft
> 15 GT	Canadian Register of Vessels	Canadian Register of Vessels	Pleasure Craft Licence or Canadian Register of Vessels	Canadian Register of Vessels
≤ 15 GT	Pleasure Craft Licence or Canadian Register of Vessels	Small Commercial Vessel Licence	Pleasure Craft Licence or Canadian Register of Vessels	Small Vessel Register
< 7.5 kilowatt engine (10 HP)	N/A	Small Commercial Vessel Licence (Includes non-powered vessels)	N/A (May voluntarily obtain Pleasure Craft Licence)	Small Vessel Register (Includes non-powered vessels)

- Notes: * If a pleasure craft is registered it is not required to be licensed.
 * Pleasure craft that are occasionally used commercially (also known as "crossover vessels") must be registered.
 * Licensing is done through Service Canada.
 * Pleasure craft, regardless of size, can voluntarily register in the Canadian Register of Vessels, for example in cases where vessels have a mortgage or travel overseas.

GT	gross tonnage
HP	horsepower
>	greater than
≤	less than or equal to
<	less than

3-2 Definitions of Voyage Classifications under the CSA 2001

Unlimited Voyage:

- » A voyage that is not a sheltered waters voyage, a near coastal voyage, Class 2, or a near coastal voyage, Class 1. (A voyage that is beyond 200 nautical miles from shore.)

Near Coastal Voyage, Class 1:

- » A voyage that is not a sheltered waters voyage or a near coastal voyage, Class 2;
- » A voyage that is between places in Canada, the United States (except Hawaii), Saint Pierre and Miquelon, the West Indies, Mexico, Central America or the northeast coast of South America; and
- » A voyage during which the vessel engaged on the voyage is always north of latitude 6 degrees north and within 200 nautical miles from shore or above the continental shelf.

Near Coastal Voyage, Class 2:

- » A voyage that is not a sheltered waters voyage; and
- » A voyage within 25 nautical miles from shore in waters contiguous to Canada, the United States (except Hawaii) or Saint Pierre and Miquelon, and within 100 nautical miles from a place of refuge.

Sheltered Waters Voyage:

- » A voyage that is in Canada on a lake, or a river above tidal waters, where a vessel can never be further than one nautical mile from the closest shore;
- » A voyage that is on the waters as listed in Schedule 1 of the *Vessel Certificates Regulations*; or
- » A voyage that is made by a ferry between two or more points as listed in Schedule 2 of the *Vessel Certificates Regulations*.

3-3 Creation of the Marine Technical Review Board (MTRB)

The MTRB, which replaces the Board of Steamship Inspection, is established under the CSA 2001 to make decisions on applications for exemption from, or equivalencies to, regulatory requirements in respect of Canadian vessels or the issuance of a Canadian maritime document (CMD).

Highlights:

- » The new Board will consist of the Chair, a National Vice-Chair and five Regional Vice-Chairs.

- » Unlike the system under the old CSA, the Chair of the MTRB is appointed by the Minister of Transport, rather than the Governor in Council, and the Chair of the MTRB, rather than the Minister of Transport, will appoint the Vice-Chairs.
- » The Chair and Vice-Chairs of the MTRB must be employees of Transport Canada with expertise in marine matters.
- » Panels will be struck to review applications for a board decision. Any person having expertise in the matter under review can be appointed as a panel member.
- » Where not otherwise indicated, decisions of the Board of Steamship Inspection will remain in effect for 5 years after implementation of Section 26 (MTRB) of the CSA 2001.
- » Positive decisions regarding exemptions and equivalencies made by the MTRB will be published.
- » The MTRB will also decide on applications for reviews of vessel detention orders under the *Vessel Detention Orders Review Regulations*.
- » The MTRB will act on behalf of the Minister to resolve technical disputes between marine safety inspectors and affected parties. This is a process of dispute resolution that does not change the legal rights of affected parties.

3-4 Compliance Notices

- » A compliance notice is a generic term for a capacity label or a conformity label that represents the manufacturer's certification that the vessel is built according to the relevant construction standards. Under the CSA 2001 and its regulations, manufacturers and importers of all vessels will continue to be responsible for supplying a compliance notice to every small vessel they build or import.
- » Transport Canada will no longer be issuing single vessel labels to home-builders and owners of second-hand boats. Consequently, owners of pleasure craft will no longer be subject to penalties if their boat does not have a label.
- » One year after the coming into force of the *Small Vessel Regulations*, Transport Canada will cease issuing compliance notices to manufacturers. Instead, manufacturers and importers will be required to attach their own compliance notices.

Compliance Notice for a vessel not more than 6 m:

RECOMMENDED SAFE LIMITS IN FAIR WEATHER LIMITES DE SECURITE RECOMMANDEES PAR SEAU TEMPS	
MAXIMUM GROSS LOAD* CHARGE BRUTE MAXIMALE 500 kg 1100 lbs.	MAXIMUM PERSONS CAPACITY CAPACITE EN PERSONNES 5
MAXIMUM POWER PUISSANCE MAXIMALE 30 kW 40 HP	
* ADDITIONAL INFORMATION * INFORMATION ADDITIONNELLE	
No. XXXX00006	
BUILDER - CONSTRUCTEUR ABC IMAGINARY CO. (YYY)	MODEL - MODELE RUNABOUT 6 M
<small>The manufacturer certifies that this product complied with the construction requirements of the Small Vessel Regulations at the time of construction. Le fabricant certifie que ce produit est conforme aux exigences de construction du Règlement sur les petits bâtiments, en vigueur au moment de sa construction.</small>	

- › contains a certification by the builder or importer that the vessel met the construction requirements of the new *Small Vessel Regulations* at the time of construction;
- › is for a vessel not more than 6 metres and more than 7.5 kilowatt engine power;
- › contains recommended limits for persons, weight and horsepower (if outboard powered); and
- › does not identify whether the vessel is built to pleasure craft or commercial requirements, because under the new Regulations, the construction requirements for pleasure craft and commercial vessels not more than 6 metres in length are identical.

Compliance Notice for a vessel greater than 6 m:

- › contains a certification by the builder or importer that the vessel met the construction requirements of the new *Small Vessel Regulations* at the time of construction;
- › is for a vessel more than 6 metres in length or less than 7.5 kilowatt (10 horsepower) engine power; and
- › indicates whether the vessel meets the construction requirements of the *Small Vessel Regulations* for pleasure craft or for commercial vessels.

Pleasure Craft:

RECOMMENDED SAFE LIMITS IN FAIR WEATHER LIMITES DE SECURITE RECOMMANDEES PAR SEAU TEMPS	
BUILDER-CONSTRUCTEUR ABC IMAGINARY CO. (YYY)	MODEL-MODELE RUNABOUT 6,1 M
<small>The manufacturer certifies that this product complied with the <u>pleasure craft</u> construction requirements of the Small Vessel Regulations, at the time of construction.</small>	<small>Le fabricant certifie que ce produit est conforme aux exigences de la construction des <u>embarcations de plaisance</u> du Règlement sur les petits bâtiments en vigueur au moment de sa construction.</small>
No. -no XXXX0016	

Multi-use Vessel:

 Transport Canada Canada	Canada
BUILDER-CONSTRUCTEUR	MODEL-MODÈLE
ABC IMAGINARY CO. (YYY)	RUNABOUT 6,1 M
The manufacturer certifies that this product complies with the design, craft and use classes multi-use vessels requirements of the Small Vessel Regulations, at the time of construction.	Le fabricant certifie que ce produit est conforme aux exigences de la construction des catégories de conception et de utilisations autres que de plaisance de Règlement de sur les petits bâtiments en vigueur au moment de sa construction.
This vessel may be used for non pleasure (commercial) use without modifications.	Ce bâtiment peut être utilisé pour une utilisation autre que la plaisance (commerciale) sans modifications.
380 400 XXXXXX	

3-5 Regulations Query System

The Regulations Query System (RQS) is a unique, online guided-navigation system designed specifically for Transport Canada's Marine Safety Directorate and its stakeholders. Its purpose is to provide easy online access to search the CSA 2001 and its regulations, as well as other Transport Canada Marine Safety publications. For more information about the RQS, visit: www.cmac-ccmc.gc.ca.

3-6 Compliance and Enforcement

Under the CSA 2001, there is a shift away from inspections leading to certificates as the primary method of achieving safety compliance. There are no references to inspection periods or processes as was the case under the old CSA. Instead, Marine Safety Inspectors are directed to monitor compliance, and regulations

written under CSA 2001 specify the safety level to be met, rather than define how and when inspections are to be carried out.

This is a fundamental shift away from the CSA concept that safety is assured by the issuance of a certificate following an inspection. The new Act reflects the principle that it is the authorized representative/owner's responsibility to ensure that a vessel operates in compliance with the regulations. The inspector's role is to monitor and enforce compliance, so that the owner/operator manages risk in a systematic manner.

The emphasis for complying with safety requirements is on owners and operators. Inspectors and enforcement partners, such as police and conservation officers can, and will, verify compliance at any time. Guidelines for appropriate responses to infractions have been established for the selection of tools available, ranging from verbal counselling to issuance of tickets, administrative monetary penalties (commercial vessels only) and ultimately, detention of the vessel.

3-7 Protection of the Marine Environment

It has been estimated that if the restrictions in the *International Convention for the Prevention of Pollution from Ships* (MARPOL) were not in place, up to 35 per cent of pollution in the world's marine environment would be the direct result of marine transport. The CSA 2001 gives marine safety inspectors who deal with pollution issues more tools to enforce its regulations.

The CSA 2001, and in particular the *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals*, the *Ballast Water Control and Management Regulations* and the *Environmental Response Regulations* will significantly help to protect the marine environment.

Protecting the marine environment is a shared responsibility. Members of the marine community are encouraged to participate in education and awareness initiatives and to contribute to a safety culture within the industry.

3-8 Next Steps in the CSA 2001 Regulatory Reform Process

As noted above, work on some of the CSA 2001 Phase 1 regulations will continue for a while after the entry into force of the CSA 2001, and implementation is ongoing.

Reform of the Phase 2 regulations has begun with priority for the modernization of the following regulations, and will be conducted over the course of the next few years:

- » *Boat and Fire Drill and Means of Exit Regulations;*
- » *Navigation Safety Regulations;*
- » *Occupational Health and Safety and Crew Accommodation Regulations; and*
- » *Vessel Construction and Equipment Regulations and Standards.*

For More Information

For more information about the CSA 2001 and its regulations, please visit: www.cmac-ccmc.gc.ca.

Copies of the CSA 2001 and its regulations are available at: <http://www.tc.gc.ca/acts-regulations/GENERAL/C/csa2001/menu.htm>.

You may also contact your local Transport Canada Centre, or call toll free 1-866-879-9902 or in the National Capital Region, 613-998-7764.

