
THE TRANSPORT STATUTE BOOK OF GUYANA

Sea and River • Road • Rail • Air

A Comprehensive Statutory and Regulatory Analysis

Prepared in connection with the loss of the Motor Vessel Barima on 18 July 2026 and the Commission of Inquiry established by His Excellency the President

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Notices

Standing of the author

The author is not admitted to practise law in Guyana, is not qualified to give legal advice on the law of Guyana, and does not give it. This document is an analysis of published statutory and regulatory texts. Every proposition of Guyanese law stated in it is a matter for Guyanese counsel and, where relevant, for the Commission of Inquiry and the courts of Guyana.

The author's qualifications are in the operation, navigation and regulatory compliance of merchant vessels, and in the management of maritime and logistics undertakings. They are not legal qualifications. The value of what follows, if it has any, lies in the identification of what the statutory texts do and do not require of a vessel, a vehicle or an aircraft, and in the comparison between them.

No findings of fault

Nothing in this document is a finding, an allegation, an inference or an implication as to the cause of the loss of the MV Barima, as to fault on the part of any person or body, as to the seaworthiness of the vessel, as to whether she was overloaded, or as to the adequacy of any response to the casualty. Those are matters for the Commission of Inquiry upon the evidence placed before it.

Where facts about the casualty appear in this document, they are stated as matters of public record attributed to their source, and not as established findings.

Presumption of innocence

Criminal proceedings are on foot in connection with this casualty. Every person charged, detained, named or referred to is entitled to the presumption of innocence, and nothing in this document is to be read as bearing in any way upon the guilt or innocence of any person.

Sources

Every statutory text quoted or described in this document has been read in the authorised Laws of Guyana as published by the Ministry of Legal Affairs, and each is cited with the L.R.O. edition under which it is authorised. Subsidiary legislation is cited by the regulation, rule or by-law number under which it was made.

Where an edition of a chapter in general circulation carries section numbering different from the authorised text, that fact is stated expressly, because the discrepancy is material and has already produced errors in published commentary.

Edition caution

The 2022 Revised Edition of the Laws of Guyana was presented to the National Assembly by the Attorney General on 19 June 2026, updating the legal record with legislation enacted between 2012 and 31 December 2022. That is twenty-nine days

before the loss of the MV Barima. This analysis rests on the L.R.O. 1/2012 edition, which is the edition the Ministry of Legal Affairs continues to publish on its website. Every citation in this document should be checked against the 2022 edition before it is relied upon for any purpose.

A defect affecting the whole consolidation

Five chapters examined in the course of this analysis state in their Index of Subsidiary Legislation that they contain no subsidiary legislation, and then record in an adjacent note that their subsidiary legislation was being revised at the time of publication and has been omitted. They are Cap. 20:05 (Environmental Protection), Cap. 47:01 (Post and Telegraph), Cap. 51:01 (Roads), Cap. 51:02 (Motor Vehicles and Road Traffic) and, by the physical absence of its Schedule of Amended Laws, Cap. 63:01 (Maritime Zones).

In Cap. 51:01 the position is more serious still: the Schedule of public roads, upon which the definition of "road" and therefore the entire operation of the road traffic legislation depends, is itself omitted, with the note "Schedule omitted but still in force."

The consolidated chapter series is therefore not a complete statement of the law in any mode of transport, and must not be treated as one.

Glossary

The following terms are used throughout this document. They are defined here for an intelligent reader who is not a specialist in naval architecture, maritime operations or statutory interpretation.

Measurement and capacity

Gross tonnage — A dimensionless index derived from the total enclosed volume of a ship, calculated by a formula in the International Convention on Tonnage Measurement of Ships 1969. It is not a weight and it is not a statement of how much a ship may carry. It is a regulatory index used to decide which rules apply to a vessel. Conflating it with a cargo capacity figure is the central analytical error in public discussion of this casualty.

Net tonnage — A similar volumetric index, derived from the volume of the spaces available for cargo and passengers. Historically used for dues and charges.

Registered tonnage — An older expression, generally meaning net registered tonnage as recorded on a ship's certificate of registry. The Passengers Act, Cap. 49:03, fixes the maximum number of persons a passenger ship may carry by reference to registered tonnage and does not define the term.

Deadweight tonnage — A weight measure, in tonnes, of everything a ship can carry when loaded to her assigned load line: cargo, fuel, fresh water, stores, crew and passengers. This is the figure that answers the question "how much can she carry?"

Displacement — The weight of water a ship displaces, which equals the total weight of the ship and everything in her.

Length overall (LOA) — The extreme length of a vessel from the foremost to the aftermost point of the hull. The Tax Act, Cap. 80:01, fixes vessel licence duty by length overall.

Breadth (beam) — The extreme width of a vessel. The Harbours Regulations capacity formula multiplies length by breadth.

Draught (draft) — The vertical distance from the waterline to the lowest point of the hull — how deep the vessel sits in the water. The Berbice River Bridge Regulations distinguish deep-draught vessels (more than three metres) from shallow-draught vessels.

Freeboard — The vertical distance from the waterline to the freeboard deck. The greater the freeboard, the greater the reserve buoyancy and the further the vessel can heel before water enters. A minimum freeboard is one of the conditions the Certificate of Seaworthiness must state.

Load line (Plimsoll mark) — A mark on the ship's side showing the maximum depth to which she may lawfully be loaded in given conditions. Submerging the load line is the classic indicator of overloading.

Statute adult — A defined unit for counting persons under the Passengers Act. A person of twelve years or more is one statute adult; two persons between one and twelve count as one; a child under one is not counted.

Stability

Stability — A vessel's tendency to return to the upright after being heeled by wind, wave or the movement of weight.

Metacentric height (GM) — The distance between the centre of gravity and the metacentre. A positive GM means the vessel is initially stable. A small GM means she is tender and rolls slowly through large angles; a large GM means she is stiff and rolls sharply.

Righting lever (GZ) — The horizontal distance between the lines of action of gravity and buoyancy at a given angle of heel. The curve of GZ against angle of heel describes a vessel's stability across her whole range.

Free surface effect — The loss of effective stability caused by liquid moving freely in a partly filled tank or compartment. Water on a vehicle deck produces a large free surface and is a recognised mechanism of rapid capsize.

Reserve buoyancy — The watertight volume above the waterline. It is what keeps a vessel afloat when she takes water aboard.

Intact Stability Code 2008 — The International Maritime Organization instrument setting the criteria against which a vessel's stability is assessed in the undamaged condition.

Certification and survey

Survey — An inspection by a qualified surveyor to establish whether a vessel and her equipment comply with a prescribed standard.

Certificate of Seaworthiness — Under the Harbours Regulations 1939, a certificate issued by the Harbour Master following survey, valid for twelve months, stating the permitted purposes of the vessel, the maximum number of persons, the minimum freeboard and the required equipment.

Passenger Ship Safety Certificate — Under Cap. 49:01, the certificate issued when the Minister or his authorised person is satisfied on a surveyor's report that the ship complies with the Safety Convention as to construction, life-saving appliances, radio and direction finders.

Classification society — A private body that sets and verifies technical standards for ship construction and maintenance. Not a substitute for statutory survey.

Operations

Manifest — The document listing what and who is carried. Under Cap. 49:03 s. 7(1) the master must declare in writing the number, names, sex and age of every person on board.

Muster list — The document assigning each crew member a duty in an emergency.

Watchkeeping — The system by which navigational and engineering watches are stood, and the rules governing who may stand them and for how long.

Coasting voyage — A voyage between ports within the same country. Guyanese law regulates the coasting trade separately, principally through the Coasting and Passenger Trade Regulations 1896.

Home trade — A defined category of voyage, generally within a stated distance of the coast, attracting a distinct certification regime.

Bareboat (demise) charter — A charter under which the charterer takes possession and control of the vessel and appoints her master and crew, becoming for most purposes the owner pro hac vice.

Search, rescue and casualty

SAR — Search and rescue.

IAMSAR — The International Aeronautical and Maritime Search and Rescue Manual, issued jointly by ICAO and IMO in three volumes.

Rescue Coordination Centre (RCC) — The unit from which search and rescue operations in a defined region are controlled, coordinated and directed.

Search and Rescue Region (SRR) — An area of defined dimensions within which search and rescue services are provided.

EPIRB — Emergency Position-Indicating Radio Beacon. A maritime distress beacon transmitting on 406 MHz to the COSPAS-SARSAT satellite system.

ELT — Emergency Locator Transmitter, the aviation equivalent of an EPIRB.

Marine casualty — An event involving a ship resulting in death, serious injury, loss of a ship, material damage or environmental damage.

Statutory interpretation

Primary legislation — An Act passed by the National Assembly.

Subsidiary legislation — Regulations, rules, orders or by-laws made under a power conferred by an Act. Also called delegated or secondary legislation.

Enabling power — The provision of an Act that authorises the making of subsidiary legislation. Subsidiary legislation made outside the enabling power is ultra vires and of no effect.

Affirmative resolution — A form of parliamentary control under which subsidiary legislation does not take effect unless the National Assembly positively approves it.

Negative resolution — A form of parliamentary control under which subsidiary legislation takes effect unless the National Assembly resolves to annul it.

L.R.O. — Law Revision Order. The instrument under which the Laws of Guyana are revised and consolidated. "L.R.O. 1/2012" identifies the authorised edition of a chapter.

Ultra vires — Beyond the powers. Used of subsidiary legislation made outside the scope of its enabling provision.

Generalia specialibus non derogant — General provisions do not derogate from special ones. Where a general Act and a specific Act both apply, the specific ordinarily prevails.

Part I — The Map of the Transport Statute Book

Guyana's transport law is contained in the following chapters of the Laws of Guyana, together with free-standing modern legislation that has not been consolidated into the chapter series. The whole is set out here so that the reader may see at once how the four modes are distributed.

1.1 Sea and river

Chapter	Short title	Principal Act	Note
48:01	Common Carriers Act	18 of 1916	am. 4 of 1972; 11 sections; no Schedules; no subsidiary legislation
49:01	Guyana Shipping Act	7 of 1998	am. 7 of 2006; Parts I–XXI; ss. 1–458; 904 pp.
49:02	Carriage of Goods by Sea Act	8 of 1927	Hague Rules 1924, unamended; no Visby or SDR Protocol
49:03	Passengers Act	4 of 1864	am. 7 of 1998; 7 pp.
49:04	Transport and Harbours Act	30 of 1931	123 pp.; Part II covers the railway and Government vessels
49:05	Government Wharves Act	5 of 1903	am. 7 of 1998; 13 pp.; Schedule of 39 wharves
49:06	Government and Contract Steamer (Traffic) Act	18 of 1914	9 pp.
49:07	Shipping Casualties (Investigation and Prevention) Act	4 of 1883	am. 2/1895, 3/1914, 32/1914, 11/1978, 7/1998
49:08	Mariner's Club (Georgetown) Act	—	Not material
49:09	West Indies Shipping Corporation Act	—	—
50:01	River Navigation Act	17 of 1891	Regulations in force since 1918
50:02	Demerara River Navigation Markers Act	—	—
50:03	Demerara Company Limited (Sluice) Act	—	—
50:04	Creeks Act	—	—
50:05	Boerasirie Creek Act	—	—

Chapter	Short title	Principal Act	Note
50:06	Hobaboe Creek (Diversion) Act	31 May 1902	—
63:01	Maritime Zones Act	18 of 2010	In force 16 Sep 2010; repealed and replaced the Maritime Boundaries Act 1977
80:01 s.33	Tax Act — licence for vessels in coastal or river trade	22 of 1927	See Part II, section 2.11

Maritime legislation outside the chapter series

Instrument	Identity	Gazette
Oil Pollution Prevention, Preparedness, Response and Responsibility Act 2025	Act No. 6 of 2025	Extraordinary, 28 May 2025
Advance Passenger Information and Passenger Name Record Act 2025	Act No. 7 of 2025	Extraordinary, 28 May 2025; commenced by Order No. 63 of 2025, 20 Nov 2025

Neither Act appears in any maritime chapter of the consolidated Laws of Guyana. Whether the Advance Passenger Information Act reaches domestic maritime carriage is a question of the first importance to any inquiry into the accuracy of a passenger manifest, and it is unresolved on the material available to the author.

1.2 Road

Chapter	Short title	Principal Act	Note
51:01	Roads Act	11 of 1910	In force 1 Apr 1909; 27 pp.; Schedule of public roads omitted from the print
51:02	Motor Vehicles and Road Traffic Act	22 of 1940	In force 20 Dec 1940; 130 pp.; 38 amending Acts to Act 12 of 2014
51:03	Motor Vehicles Insurance (Third Party Risks) Act	22 of 1937	In force 1 Apr 1938; 38 pp.
51:04	Demerara River (Mackenzie) Bridge Act	—	Single-structure statute

Chapter	Short title	Principal Act	Note
51:05	Demerara Harbour Bridge Corporation Act	2 of 2003	In force 30 Apr 2003
51:06	Berbice River Bridge Act	3 of 2006	In force 31 Jan 2006; 22 sections in 6 Parts

1.3 Rail

There is no Railways Act. Railway law sits inside Part II of the Transport and Harbours Act, Cap. 49:04, headed "The Railway and Government Vessels", at sections 13 to 23, together with the Government Railway and Steamer Services Rules (Reg. 23/1/1924).

1.4 Air

Instrument	Identity	Gazette or edition
Civil Aviation Act 2018	Act No. 21 of 2018	Official Gazette (Extraordinary) 202/2018, Legal Supplement A, pp. 439–557, 3 Dec 2018
Civil Aviation (Amendment) Act 2024	Act No. 4 of 2024	Extraordinary, 15 May 2024
Civil Aviation (Operations) Regulations 2024	Regulations No. 5 of 2024	Extraordinary, 15 May 2024
Civil Aviation (Aviation Accident and Serious Incident Investigations) Regulations 2024	Regulations No. 6 of 2024	Extraordinary, 2024
Civil Aviation (Security) Regulations 2025	Regulations No. 8 of 2025	Extraordinary, 31 Jul 2025
Requirements for Air Operator Certification and Administration 2026	Requirements No. 1 of 2026	Extraordinary, 1 Jun 2026
Requirements for Aeronautical Information Services 2026	Requirements No. 2 of 2026	Extraordinary, 1 Jun 2026
Requirements for Air Traffic Services 2026	Requirements No. 3 of 2026	Extraordinary, 1 Jun 2026
Requirements for Operations 2026	Requirements No. 4 of 2026	Extraordinary, 1 Jun 2026
Cap. 52:01	Cheddi Jagan International Airport Act	L.R.O. 1/2012
Cap. 53:01	Civil Aviation Act — superseded in practice	L.R.O. 1/2012
Cap. 44:02	Civil Aviation (Births, Deaths and Missing Persons) Act	L.R.O. 1/2012; classified outside the transport group

1.5 Cross-cutting

Chapter	Short title	Relevance
19:03	Commissions of Inquiry Act, Act 5 of 1933	The constituting statute for the MV Barima Commission
47:01	Post and Telegraph Act	Compulsory carriage of mail by vessels; identical treatment of vessel and aircraft
82:01	Customs Act	Clearance and manifest interface
22:03	Fire and Casualties Inquiry Act	Alternative inquiry machinery
6:05	State Liability and Proceedings Act	Suits against the State
7:02	Limitation Act	General limitation periods

Part II — Sea and River, Chapter by Chapter

2.1 Cap. 49:01 — the Guyana Shipping Act

The Guyana Shipping Act, Act 7 of 1998 as amended by Act 7 of 2006, is the modern principal maritime statute. It runs to 458 sections in twenty-one Parts across 904 pages of the authorised text, and it carries substantial subsidiary legislation including the Guyana Shipping (Registration of Ships) Regulations and the Guyana Shipping (Cargo Ship Survey) Regulations.

Section 3 — application to Government ships

This is the provision upon which the application of the entire Act to a State vessel turns. It provides:

3. (1) Subject to subsections (2) and (3), nothing in this Act shall apply to — (a) Guyana Government ships operated for non-commercial purposes; (b) ships or aircraft of the Guyana Defence Force.

(2) The Minister may make regulations prescribing the manner and extent to which the provisions of this Act apply to Guyana Government ships operated for non-commercial purposes.

(3) The Minister may, by notification published in the Gazette, direct that, subject to such rules as may be made in that behalf, Guyana Government ships may be registered as Guyana ships under this Act and thereupon this Act, subject to any exceptions and modifications which may be made in the notification, shall apply either generally or with respect to any class of ships belonging to the Government registered in accordance with the rules as they apply to Guyana ships registered in the manner provided by this Act, and for the purpose of such application any reference to an owner shall be construed as a reference to the Director.

The exclusion in subsection (1)(a) is not an exclusion of Government ships. It is an exclusion of Government ships operated for non-commercial purposes. A vessel carrying fare-paying passengers and freight on a published schedule is not, on any ordinary reading, operated for a non-commercial purpose.

The Act's own subsidiary legislation confirms that the distinction is real and operative. Regulation 11 of the Guyana Shipping (Registration of Ships) Regulations provides:

11. A government ship for commercial purposes shall, and a government ship for non-commercial purposes may be registered in the same manner as other ships except as provided herein — (a) the application for registration shall be made by the Permanent Secretary of the Ministry or the Head of the Department to whom the management of the ship is entrusted ... and shall be in accordance with Form 5; (b) neither a Declaration of Ownership nor a Declaration of Transfer shall be necessary; (c) the Registrar ... shall enter the name of the ship in the Register as belonging to the Government of Guyana ...

Form 5 is headed "APPLICATION FOR REGISTRATION OF GOVERNMENT SHIP (Commercial or Non-commercial purposes)" and asks, in terms, "Ship to carry paying passengers?"

It follows that registration of a commercially operated Government ship is mandatory — "shall" — and that where a Government vessel is so operated, section 3(1)(a) does not exclude her, and the Act applies to her directly without any exercise of section 3(2) or section 3(3).

The phrase "commercial purposes" is nowhere defined in the Act. The scope of the Act's application to the whole Government fleet therefore turns on an undefined expression.

Section 10 — restriction on trading and financial responsibility

10. (1) Subject to any regulations made or exemptions granted under this Act, any other written law, or any bilateral or multilateral treaty or agreement, no ship other than a Guyana ship may trade exclusively between ports of Guyana or within waters under Guyana's jurisdiction.

(4) Every Guyana ship trading in any waters and every ship trading in or from Guyana waters shall provide evidence of financial responsibility against risks of damage to third parties, in such manner as may be prescribed.

(5) The master, owner or agent of any ship who contravenes subsections (1), (2) and (4) ... shall be guilty of an offence and be liable to a fine not exceeding one hundred thousand dollars and the ship shall be liable to be detained.

There is therefore a duty, an offence, a penalty of one hundred thousand dollars and a power of detention. What is missing is the prescription. No regulation prescribing the manner in which evidence of financial responsibility is to be provided has been identified. The obligation is unenforceable for want of the prescribing instrument, not for want of a provision.

Section 11 — qualification to own a Guyana ship

Section 11(1)(a) qualifies a national of Guyana; section 11(1)(d) read with section 11(3) qualifies a company incorporated under the Companies Act of Guyana.

Part X — safety, and who is excepted from it

Section 257 imposes the survey duty:

257. Every Guyana passenger ship shall be subjected to the surveys specified namely — (a) a survey before the ship is put into service; (b) a periodic survey at intervals of not more than twelve months; (c) additional surveys as required under this Act.

Section 258 requires the initial survey to be a complete inspection of hull, machinery and equipment, and to ensure that the general arrangement, material and scantling of the hull, the boilers and other pressure vessels, the main and auxiliary machinery, electrical installations, radio installations, radio installations in motor life boats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders and other equipment fully comply with the Safety Convention and with regulations made under section 251, and that the workmanship of all parts is satisfactory.

Section 259 repeats that list for the periodic survey and adds lights, sound signals and distress signals.

Section 260 provides for the additional survey:

260. (1) A survey, either general or partial, as the circumstances require, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, or whenever important repairs, renewals or replacement are made.

(2) The surveys shall be such as to ensure that the necessary repairs, renewals or replacements have been effectively made, that the material and workmanship of such repairs, renewals or replacements are in all respects satisfactory and that the ship complies in all respects with the provisions of the Safety Convention and the Collision Regulations and any regulations made under this Act.

Sections 261 to 263 provide for the issue of the Passenger Ship Safety Certificate and Inspection Certificate on the surveyor's report, and for Short Voyage Certificates.

Section 297 states the exceptions to Part X:

297. Nothing in this Part or in any regulations made thereunder, unless it is expressly otherwise provided by such regulations, shall apply to — (a) ships of war and troop ships; (b) cargo ships of less than five hundred tons gross tonnage; (c) ships not propelled by mechanical means; (d) wooden ships of primitive build; (e) pleasure yachts not engaged in trade; (f) fishing vessels.

There are six exceptions and a Government passenger ship is none of them. The five-hundred-ton exception is expressly confined to cargo ships. A mechanically propelled steel passenger ferry in commercial service falls within Part X.

Section 298 — the power to write a domestic ferry code

298. The Minister may make regulations prescribing safety requirements and providing the survey and issue of local safety certificates in respect of any ship or class of ship to which the Safety Convention does not apply.

This is the provision under which a domestic passenger vessel safety code would be made. No instrument made under it has been identified.

Section 339 — detention of an unseaworthy ship

339. (1) Where, whether on a complaint or representation made to him or otherwise, the Director or a surveyor has reason to believe that any Guyana ship, or any foreign ship at a port in Guyana, is an unseaworthy ship, he shall, if the complaint or representation is made in sufficient time before the sailing of the ship, ascertain whether or not the ship ought to be detained.

(2) Where the Director or surveyor is satisfied that the ship is an unseaworthy ship, he may — (a) in the case of any ship, cause the ship to be detained; and (b) in the case of a Guyana ship, cause its Safety Certificates to be suspended, until he is satisfied that the ship is fit to proceed to sea.

(3) Where the ship is detained pursuant to subsection (2), the Director may adopt any measure or means he thinks suitable or necessary to prevent the ship from sailing while it is an unseaworthy ship.

(8) Any complaint in respect of the seaworthiness of a ship shall be in writing, stating the name and address of the complainant, and shall be given to the owner or master of the ship if action is taken under this section.

The duty to ascertain is mandatory. The decision to detain is discretionary. Section 340(1) makes the Government liable for the owner's costs and for compensation where there was no reasonable and probable cause for the detention; section 340(2) makes the owner liable for the Government's costs where the ship was in fact unseaworthy.

Where the owner is the Government and the detaining officer is a public officer, section 340 makes the State liable to itself, and the financial incentive structure that Parliament built for a private owner does not operate at all.

Section 398 — passenger ships

398. (1) The Minister may make regulations — (a) respecting accommodation, facilities and provisions on board passenger ships which carry passengers from a port in Guyana; (b) requiring the preparation and furnishing of particulars as to all passengers to or from a port in Guyana; (c) regulating the number of passengers which a ship may carry from a port in Guyana whether or not the ship is a passenger ship; and (d) prescribing the terms and conditions upon which ships may carry passengers between ports in Guyana.

(2) In making regulations pursuant to subsection (1), the Minister shall have due regard to the International Convention on the Carriage of Passengers and their luggage on Board Ships, 1974.

(3) The Minister may waive or vary the regulations referred to in subsection (1) in respect of their application to licensed Guyana passenger ships operating solely within Guyana waters.

Since 1998 the Minister has held power to require particulars of all passengers and to regulate the number a ship may carry, in terms wide enough to reach any vessel whether or not she is a passenger ship. No instrument made under section 398 has been identified. The manifest and capacity requirements whose absence is at the centre of this casualty are regulations that were never written under a power that has existed for twenty-eight years.

Section 399 creates offences by passengers, including at section 399(1)(c) an offence committed by a person who, on account of the ship being full, refuses to leave her. The Act punishes a passenger who will not disembark from a full ship while leaving unwritten the regulation that would determine when a ship is full.

The unexercised powers of Cap. 49:01

Section	Power conferred	Subject it would govern
3(2)	Manner and extent of application to non-commercial Government ships	Application of the Act
3(3)	Registration of Government ships as Guyana ships by Gazette notification	Application of the Act

Section	Power conferred	Subject it would govern
10(4)	Manner of evidence of financial responsibility against third-party risks	Compulsory cover
51	Licensing of ships: manning, life-saving, fire-fighting, examination and certification of skippers, mechanics and deckhands, surveys, appointment of surveyors, records, fees, discipline	Domestic licensing
105(2)	Safe manning and certification	Crewing
251	Safety at sea generally and to give effect to SOLAS; breach penalty up to \$50,000	General safety
275	Cargo ship construction and survey	Construction
290	Stability information as may be prescribed	Stability
298	Safety requirements and local safety certificates for non-Convention ships	A domestic ferry code
302	Load Line Regulations including local Load Line Certificates	Freeboard and loading
316	Deck cargo	Securing and stowage
331	Dangerous goods	Hazardous cargo
398	Passenger particulars, number of passengers, terms of carriage	Manifest and capacity
431	Rules for preliminary inquiries, formal investigations and rehearings	Casualty procedure
452(e)	Control of ships, regulation of maritime traffic and administration of maritime search and rescue within Guyana waters	SAR and traffic

There is no offences-by-bodies-corporate provision anywhere in Cap. 49:01. Where an offence is committed by a company, there is no mechanism in the Act for attributing it to a director, manager or officer.

2.2 Cap. 49:04 — the Transport and Harbours Act

Act 30 of 1931. The authorised text is L.R.O. 1/2012 and runs to 123 pages. This is the chapter that establishes the Transport and Harbours Department, and it is properly understood as an operator's charter rather than a safety statute.

A warning on section numbering

An older edition of Cap. 49:04 in general circulation carries systematically different section numbers. The authorised L.R.O. 1/2012 numbering is: s. 3(1) establishment of the Department; s. 3(1A) charging the Maritime Administration Department with

control, improvement, lighting and regulation of the harbours and with the pilotage service; s. 4 General Manager; ss. 5–6 Advisory Council; s. 14 management of the railway and Government vessels; s. 22 suits; s. 23 notice of action and limitation; s. 32 harbour master; s. 33 harbour master subject to the General Manager's direction; s. 34 compulsory pilotage; s. 45 the General Manager's nullification power; s. 49 regulations; s. 51 default penalty; s. 53 exemption from personal responsibility. Citations to s. 3(1) for harbour authority, to ss. 30 or 31 for the harbour master, and to s. 48 for regulations use the superseded numbering.

The structural defect

Section 3(3) collapses the roles of owner and regulator inside the Director's office. The Department operates the State's vessels; the same statutory chain supervises them. Section 45 confers on the General Manager a nullification power. Section 53 exempts officers from personal responsibility.

This is the central structural defect in the Guyanese maritime framework, and no subsidiary regulation can cure it. It requires primary legislative intervention.

Section 49 — the regulation-making power

Section 49(1) empowers the Minister to make regulations for carrying the Act into effect. Section 49(2), paragraphs (a) to (w), empowers the General Manager, with the approval of the Minister who may make any alterations he thinks fit, to make regulations on an enumerated list. The material heads are:

- s. 49(2)(i) — the removal of obstructions to navigation;
- s. 49(2)(j) — the regulation of traffic in the harbours for securing the safety of vessels and the prevention of accidents;
- s. 49(2)(w) — the general administration and management of Government shipping services, which appears never to have been exercised.

Section 49(4) permits a penalty of up to \$48,750 to be annexed to any regulation. Section 51 sets a default penalty of \$9,750.

Every safety subject in Cap. 49:04 is located in section 49 as a power to make regulations, and nowhere else. The Act imposes no duty to regulate any of them, sets no standard against which a regulation must be measured, and provides no consequence if the power is never exercised. The first task of any inquiry is therefore not to ask whether the law was broken, but to establish what law there was.

The Harbours Regulations 1939

Made under section 49(2) and (j) as Reg. 18/4/1939, amended by 15/1970, 11/1982 and 11/1984. These contain a live Certificate of Seaworthiness regime:

- Regulation 3 — application, Harbour Master survey, twelve months' validity, and conditions stating the permitted purposes, the maximum number of persons, the minimum freeboard and the required equipment;
- Regulation 4 — re-survey and revocation;

- Regulation 5 — nullity;
- Regulation 6(1) — no vessel to enter, leave or navigate a harbour without a certificate;
- Regulation 7 — a public register;
- Regulations 8 to 12 — the Harbour Licence for masters, with suspension or cancellation for overloading or reckless conduct.

The Third Schedule fixes capacity: the maximum number of persons equals length in feet multiplied by breadth in feet, less the engine-room area in square feet for machinery-propelled vessels, divided by eight, provided the load line is never submerged. The Fifth Schedule sets freeboard rules.

Regulation 6(2)(a) exempts "vessels belonging to the State".

Deleting the words "vessels belonging to the State" from regulation 6(2)(a) is the single highest-value immediate reform available in the whole statute book. It requires a regulation made by the General Manager with the approval of the Minister under section 49(2). It requires no primary legislation and no parliamentary step.

The Harbours and Pilotage Regulations 1924

Regulation 42(2) is the entire search and rescue provision of Guyanese maritime law:

42. (2) In case of information being received at any time, that there is a vessel on the coast in distress, it shall be the duty of the Harbour Master immediately to send such vessel a competent pilot ... and to render her every assistance in his power.

Regulation 15 is the entire casualty provision. It requires notice within twelve hours to the Harbour Master, requires nothing to be reported about the persons on board, requires nothing to be preserved, and empowers the Harbour Master to raise, remove, destroy or sell the vessel with a personal immunity from suit.

Section 23 — notice of action and limitation

Section 23 requires one month's notice of action and imposes a six-month limitation period in respect of Part II. Six months from 18 July 2026 expires on or about 18 January 2027. This is the highest-urgency procedural item in the entire legal landscape of this casualty.

2.3 Cap. 49:03 — the Passengers Act

Act 4 of 1864, amended by Act 7 of 1998. Seven pages.

Section 3 applies the Act to regional voyages, defined as a voyage from any place in Guyana to any other place whatever where the distance does not exceed four hundred miles or the duration three days.

Section 6 — the capacity ceiling

6. (1) No passenger ship shall carry more than one statute adult for every ton of registered tonnage, including in the computation every individual on board.

A statute adult is a person of twelve years or more. Two persons between one and twelve count as one statute adult. A child under one year is not counted.

Section 6(2) fixes a penalty of not less than \$4,875 and not more than \$19,500 for every person carried in excess. That is the largest per-person financial exposure for overcrowding anywhere in the statute book.

The expression "registered tonnage" is not defined in Cap. 49:03. The ceiling on the number of persons a Guyanese passenger vessel may lawfully carry therefore rests on an undefined term.

Regulation 11(4) of the Coasting and Passenger Trade Regulations caps the coasting number at "the number allowed by section 6". Read with regulation 12, the effect is that the section 6 cap is the ceiling on every inspector's certification for every passenger-carrying vessel on a coasting voyage other than a punt, regardless of whether Cap. 49:03 applies directly.

Section 7 — the manifest

7. (1) [The master shall] declare the number, names, sex and age of every person on board, in writing in a form appointed by the Director, signed and affirmed before the principal officer of customs, and delivered before clearance.

A false declaration is a misdemeanour punishable by one year's imprisonment.

Section 8 — the sailing prohibition

Section 8(1) provides that no passenger ship shall clear or proceed to sea until the master has obtained from the principal officer of customs a certificate of clearance that the number of persons on board does not exceed the statutory limit. Section 8(2) forfeits the ship to the State if she sails without that certificate, or if additional persons are taken on after it is obtained.

Where the ship belongs to the State, forfeiture to the State is nugatory, and no substituted sanction is provided.

Section 12 excludes from the Act ships of war of Commonwealth governments and steam vessels employed in the conveyance of public mails under contract with the State. There is no general State-vessel exemption. A vessel carrying mail under the statutory compulsion of section 36 of the Post and Telegraph Act does not carry it "under contract" and is therefore not excluded.

2.4 Cap. 49:07 — the Shipping Casualties Act

Act 4 of 1883, amended by 2/1895, 3/1914, 32/1914, 11/1978 and 7/1998.

Section 3 — the exclusion

Section 3 provides that nothing in Part I applies to a ship belonging to or in the service of the State. The casualty investigation machinery of Guyanese maritime law does not reach the State's own vessels.

Section 5(4) still directs reports to the Board of Trade of the United Kingdom, an authority that ceased to exist in that form decades ago.

Section 26 creates the offence of sending an unseaworthy ship to sea, punishable by two years, and requires the consent of the Director of Public Prosecutions.

Section 27 requires all reasonable means to be provided for the master and seamen throughout the voyage, notwithstanding any agreement to the contrary. That is a stronger obligation than the due-diligence standard substituted by section 3 of Cap. 49:02.

Section 25(1) — the reform power that does reach State vessels

Section 25(1) empowers the Director, subject to affirmative resolution of the National Assembly, to make regulations for vessels on coasting voyages. That power is not subject to the section 3 exclusion, and it is therefore one of the few routes by which a State vessel can be reached without primary legislation.

The Coasting and Passenger Trade Regulations 1896

Reproduced in the Cap. 49:07 volume. The material provisions are:

- Regulation 2 — annual survey of the vessel, her boats and equipment; where anything is found insufficient, in bad order or unseaworthy, the inspector gives a written statement of particulars and requires the defects to be made good before the next voyage; it is then unlawful for the vessel to proceed until they are;
- Regulation 3(1) — no licence under the Tax Act shall be issued until a certificate from an inspector is produced to the Treasury showing that the vessel, with her boats and equipment, has been duly surveyed during the twelve months immediately preceding the application, and that any requisition made on that survey has been complied with;
- Regulation 3(2) — the Treasury officer marks the licence number on the certificate of survey;
- Regulation 3(3) — the licence number to be painted on each side of the bow and on the stern, in letters not less than three inches, white on a black ground;
- Regulation 3(4) — the total number of persons which the vessel is certified to carry shall also be painted on the vessel;
- Regulations 11 to 13 — the inspector's certification of the number of persons, capped by section 6 of the Passengers Act.

2.5 Cap. 49:02 — the Carriage of Goods by Sea Act

Act 8 of 1927. Enacts the Hague Rules of 1924, unamended. Neither the Visby Protocol of 1968 nor the SDR Protocol of 1979 has been adopted.

The Act applies from any Guyanese port to any other port whether in or outside Guyana, and therefore expressly includes the domestic coasting trade.

Section 5 modifies the Rules for the coasting trade: Article VI operates for goods of any class rather than particular goods, and the proviso confining it to non-ordinary shipments is omitted. The effect is that in the domestic coasting trade there is full freedom of contract as to liability and seaworthiness wherever no bill of lading is issued and the terms are contained in a non-negotiable receipt marked as such. The anti-exclusion rule in Article III(8) can therefore be displaced.

Article IV(1) places on the carrier the burden of proving due diligence where loss results from unseaworthiness. Article IV(2)(a) preserves the nautical fault exception. Article IV(5) limits liability to £100 gold value per package or unit; Article IX provides that monetary units are gold value.

Article I excludes from the definition of "goods" both live animals and deck cargo stated as such and so carried — which are the principal cargo categories on a Region One ferry.

In the domestic coasting trade, Guyanese law widens rather than restricts the freedom to contract out of liability, and excludes from the protective regime the very cargo categories the trade actually carries.

2.6 Cap. 49:05 — the Government Wharves Act

Act 5 of 1903, amended by Act 7 of 1998. Thirteen pages.

Section 4, subject only to negative resolution, empowers the Minister to regulate, among other things: (a)(iv) the manner in which passengers shall land and embark at any government wharf; (b) the safety and preservation of the structure and the prevention of collisions and other accidents on it or in its vicinity; and (c) generally, the safety and convenience of persons and vessels using government wharves.

None of the four subsidiary instruments printed under this chapter exercises section 4(b) or section 4(c).

Section 4A(1), inserted by Act 7 of 1998, provides:

Notwithstanding any provision in this Act and in any subsidiary legislation made thereunder, it shall be the duty of the Director and the Maritime Administration Department to enforce or cause to be enforced the provisions thereof.

That is a clean, unqualified enforcement duty. It is worth contrasting with the deeming provision inserted into Cap. 49:04 by the same 1998 Act, which is self-cancelling. The 1998 draftsman was capable of drafting a clean provision, which sharpens rather than excuses the defect in the other chapter.

The Schedule lists thirty-nine wharves. Morawhanna and Kumaka are listed. Mabaruma and Port Kaituma are not, and therefore fall outside the section 2 definition, outside the chapter's reach and outside the section 4A enforcement duty. The Minister may add them by Gazette notice under section 3.

2.7 Cap. 49:06 — the Government and Contract Steamer (Traffic) Act

Act 18 of 1914. Nine pages.

"Steamer" includes any vessel mechanically propelled. "Government steamer" means any steamer the property of or chartered by the Government — a wider formulation than the "owned and worked" of the 1924 Rules and than the "belonging to" of the Harbours Regulations exemption.

Section 3 empowers the Minister to make by-laws for the proper regulation of traffic on or by any Government steamer "and generally for the purposes of this Act". Section 10(1) provides that a by-

law approved by the Minister and published in the Gazette has the same effect as if expressed in an Act and is binding on all persons.

This is the fastest reform instrument in the statute book: the Minister alone, with no parliamentary control of any kind, and the resulting by-law has the force of an Act. The Government Steamers (Carriage of Dangerous Goods) By-Laws 1920 were made under section 3 for a cargo-safety subject, which is evidence that the power is read widely.

Section 11 creates a statutory ferry monopoly on the Demerara River between Kingston fort and La Penitence, with a penalty of \$9,750 and seizure and sale of the offending boat within eight days.

2.8 Cap. 50:01 — the River Navigation Act

Act 17 of 1891. The Regulations have been in force since 1918.

Regulation 19(1) is the machinery rule: one passenger per five square feet of clear deck, excluding machinery spaces, hatches, skylights, fuel and deck cargo. Regulation 18 is the corresponding rule for non-machinery vessels. Regulation 8's waterline scale excludes machinery-propelled vessels.

2.9 Cap. 48:01 — the Common Carriers Act

Act 18 of 1916, in force 2 September 1916, amended only by Act 4 of 1972. Eleven sections, no Schedules and no subsidiary legislation.

Section 2 expressly makes the State capable of being a common carrier. Section 3 protects the carrier only in respect of an enumerated list of high-value articles exceeding \$100 in value and not declared. Section 5 is an anti-disclaimer rule barring a carrier from limiting common-law liability by public notice or declaration. Section 7 preserves special contracts. Section 9 preserves liability for the felonious acts of servants.

The \$100 threshold is unchanged since at latest the 1972 amendment. At modern values almost any consignment of the listed articles exceeds it, and the protection section 3 was designed to give has been hollowed out by inflation.

2.10 Cap. 63:01 — the Maritime Zones Act

Act 18 of 2010, in force 16 September 2010. Fifty-five sections in fourteen Parts, with no subsidiary legislation printed. It repealed and replaced the Maritime Boundaries Act 1977, so any citation to the former Cap. 100:01 is obsolete.

The Schedule of Amended Laws, made operative by section 54(1) and listed in the Arrangement of Sections, is physically absent from the authorised L.R.O. 1/2012 print, which ends at section 55 on page 39. Recovered from the as-enacted Act, it amends six laws: the Customs Act, the Defence Act, the Fisheries Act 2002, the Mining Act 1989, the Environmental Protection Act, and the Petroleum (Exploration and Production) Act 1986.

2.11 Cap. 80:01 s. 33 — the vessel licence, and the second route into survey

33. (1) Every person not being an Amerindian, who uses, or permits to be used for coastal or river trade any vessel or boat being twenty-five feet or over in length over all shall take out an annual licence for the same and shall pay licence duty on the basis of the length of such vessel or boat ...

The scale is: over 30 feet not exceeding 40 feet, \$300; over 40 not exceeding 60, \$810; over 60 not exceeding 80, \$1,500; over 80 feet, \$3,000. A proviso exempts vessels not exceeding forty feet overall which are not mechanically propelled. Subsection (2) excludes vessels used only within the confines of a plantation, estate or village, and ballahoos used by wood-cutters within creeks.

Section 33 contains no exemption for a State vessel. The same Act expressly exempts Government carriages, carts, horses, ponies and mules at section 34 proviso (ii), and steam boilers owned and used by the Government at section 38 proviso (a). It exempts the President at section 65 and a police or prison canteen at section 67.

The draftsman knew precisely how to exempt the State and did so repeatedly — for a Government cart, a Government mule and a Government steam boiler. He did not do so for a Government vessel.

The chain

Step	Provision	Source	Reaches a State vessel?
1	A vessel of 25 ft or over used for coastal or river trade must hold an annual licence	Cap. 80:01 s. 33(1)	Yes
2	That licence cannot issue without a survey certificate dated within the preceding twelve months	Coasting Regs reg. 3(1)	Yes
3	The survey covers the vessel, her boats and her equipment	Coasting Regs regs. 2 and 3(1)	Yes
4	Defects must be made good before the next voyage, and it is unlawful to sail until they are	Coasting Regs reg. 2(3)–(4)	Yes
5	The certified number of persons must be painted on the vessel	Coasting Regs reg. 3(4)	Yes

The Harbours Regulations exempt a State vessel from the Certificate of Seaworthiness. The Tax Act does not exempt her from the trading licence, and the trading licence cannot lawfully issue without a current survey. This is a second and independent route into the same safety regime, and it was open on 18 July 2026.

Section 33(1) also excludes Amerindians from its operation. Region One is Guyana's most heavily Amerindian region. The effect is that the survey and capacity chain built on the section 33 licence does not reach a vessel operated by an Amerindian on the rivers where most such vessels work.

Part III — The Capacity Rules

The number of persons a Guyanese vessel may lawfully carry is addressed by ten separate provisions enacted between 1864 and 1998. Eight are operative. Two are unexercised powers. They are not consistent with one another.

No.	Rule	Source	Reaches a State vessel?
1	Length in feet × breadth in feet, less engine-room area in square feet, divided by 8, provided the load line is never submerged	Harbours Regs 1939, Third Schedule	No — reg. 6(2)(a)
2	By registered tonnage for sailing vessels	Coasting Regs 1896, reg. 13(1)	Yes
3	Board of Trade survey standard for steam vessels	Coasting Regs 1896, reg. 13(3)	Reference standard no longer issued
4	Deduction of one person per square yard occupied by cargo	Coasting Regs 1896, reg. 13(4)	Yes
5	The inspector's specified number, capped at the Passengers Act figure	Coasting Regs 1896, regs. 11(4) and 12	Yes — every coasting passenger vessel other than a punt
6	The number stated on the annual survey certificate	Coasting Regs 1896, reg. 2(2)	Yes
7	One passenger per five square feet of clear deck, excluding machinery spaces, hatches, skylights, fuel and deck cargo	River Navigation Regs, reg. 19(1), in force since 1918	Yes
8	One statute adult per ton of registered tonnage, counting every individual on board	Passengers Act, Cap. 49:03, s. 6(1)	Yes — THE CEILING
9	Regulation of the number of passengers a ship may carry, whether or not a passenger ship	Cap. 49:01 s. 398(1)(c)	UNEXERCISED
10	Regulation of the manner in which passengers land and embark at a government wharf	Cap. 49:05 s. 4(a)(iv)	UNEXERCISED

3.1 Gross tonnage is not a capacity measure

Gross tonnage is a dimensionless index derived from the total enclosed volume of a ship. It is a regulatory threshold device: it decides which rules apply. It is not a weight, and it says nothing about how much a ship may carry.

Deadweight tonnage is the weight measure of lawful carrying capacity. The two are routinely conflated in public discussion of this casualty. Where a published cargo figure and a published

gross tonnage figure coincide numerically, that coincidence is analytically meaningless until the primary load line and stability documents are produced, and it should not be treated as establishing anything.

3.2 What follows for any inquiry

Because eight operative rules exist and produce different answers, the first question in any inquiry into the number of persons carried is not what the number was, but which rule was treated as governing and by whom that determination was made. That question is answerable from documents and should be put early.

Part IV — Road

4.1 Cap. 51:02 — the Motor Vehicles and Road Traffic Act

Act 22 of 1940, in force 20 December 1940, amended by thirty-eight Acts down to Act 12 of 2014. The authorised text is L.R.O. 1/2012 and runs to 130 pages.

A numbering warning. The Cap. 51:02 text in general circulation is the L.R.O. 3/1998 edition, and its section numbers run one higher than the authorised text throughout the offence provisions. In the authorised text: certificates of fitness are s. 14; driving an unfit vehicle s. 15; causing death by reckless or dangerous driving s. 35; reckless or dangerous driving s. 36; careless driving s. 37; drink or drugs s. 39; hours of duty s. 42; duty to give name and address and power of arrest s. 43; rule of the road s. 46.

The chapter's Index of Subsidiary Legislation states that it contains none, and is immediately followed by a note recording that a considerable number of items were being revised and all have been omitted from the publication. The chapter also carries a note that the Act has been revised up to 31 December 2012.

Section 42 — hours of duty

42. (1) It shall not be lawful for any person to drive or cause or permit any person employed by him or subject to his orders to drive any motor bus, motor lorry, motor tractor or any motor vehicle constructed to carry goods other than passengers — (a) for any continuous period of more than five hours and one-half; or (b) for continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours commencing two hours after midnight; or (c) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving.

A proviso permits nine consecutive hours of rest in one period of twenty-four provided the driver has twelve consecutive hours in the next.

(2) ... (a) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half-an-hour in which the driver is able to obtain rest and refreshment; (b) any time spent by a driver on other work in connection with a vehicle or the load carried thereby ... shall be reckoned as time spent in driving.

Subsection (3) creates the offence, with a defence of unavoidable delay in the completion of a journey arising out of circumstances the person could not reasonably have foreseen.

This is a complete hours-of-service regime: a continuous driving ceiling, a daily aggregate, a minimum daily rest with a compensated derogation, a break rule, the counting of loading and other work as driving time, and a foreseeability defence. It binds the employer as well as the driver. Guyana has regulated driver fatigue since 1940. No hours-of-duty, rest or watchkeeping provision applicable to the master or crew of a vessel has been identified anywhere in the maritime statute book.

Section 34(6) — schedule pressure

34. (6) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time-table or schedule or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time and it is not practicable in the circumstances of the case for that journey ... to be completed in the specified time without an infringement of this section, the publication or issue of the said time-table or schedule or the giving of the directions may be produced as prima facie evidence that the employer ... procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

Where an operator publishes a schedule that cannot lawfully be met, the schedule itself is evidence against the operator. No provision of that kind exists anywhere in the maritime statute book. There is nothing making a sailing schedule that cannot safely be met evidence against the operator of a vessel, and nothing addressing the relationship between service frequency and pressure to load.

Sections 39 to 39G — alcohol and drugs

Section 39 punishes driving, attempting to drive, or being in charge of a motor vehicle while under the influence of drink or a drug to such an extent as to be incapable of proper control: \$30,000 to \$60,000 or twelve months, rising to \$40,000 to \$80,000 on a second or subsequent conviction, with twelve months' disqualification.

Section 39A creates the excess-alcohol offence. Section 39G fixes the prescribed limit at thirty-five microgrammes of alcohol in 100 millilitres of breath, or eighty milligrammes in 100 millilitres of blood.

Section 39B empowers a constable to require a roadside breath specimen on reasonable suspicion, or from any person believed to have been driving at the time of an accident, and to arrest without warrant on a failed test. Section 39C provides for evidential breath analysis: two separate specimens, an interval of not less than two and not more than ten minutes, and the lower reading taken as the result, with a written statement delivered to the person. Section 39D provides for a blood specimen where physical condition prevents a breath test, taken only with consent, at a hospital, by a registered medical practitioner or qualified laboratory technician. Section 39E permits refusal to be treated as supporting the prosecution.

Penalties escalate to permanent disqualification on a third conviction. Analysts are authorised and certifying officers appointed by Gazette notice; the most recent were published on 16 May 2026.

For the master, engineer or crew of a vessel there is no prescribed limit, no test, no analysis, no arrest power and no disqualification. Intoxication is an offence only for pilots, only on an observed standard, under regulations made in 1924.

Sections 14 and 15 — certificate of fitness

Application is made to a certifying officer with the prescribed fee. Section 14(2) requires the certificate to issue where the officer is satisfied on inspection that the vehicle conforms to the prescribed conditions as to fitness. Section 14(3) permits the Licensing Authority at any time to revoke or suspend the certificate on the advice of a certifying officer. Section 15 makes it an offence to drive a vehicle for which no certificate is in force or whose prescribed conditions are not fulfilled.

The proviso to section 14(1) exempts a vehicle which is the property of Government from the inspection fee only. It does not exempt it from the certificate.

Section 18(1) requires an application for a vehicle licence to be accompanied by the certificate of registration, the certificate of fitness and the certificate of insurance.

A Government road vehicle must hold a certificate of fitness and is exempted only from the fee. A vessel belonging to the State is exempted from the Certificate of Seaworthiness altogether.

Sections 33 and 33A to 33H — age and demerit points

A person under sixteen shall not drive a motor vehicle; a person under seventeen shall not drive anything but a motor cycle or invalid carriage; a person under eighteen shall not drive a hire car, motor bus, motor lorry or motor tractor.

The demerit points system, introduced by Act 12 of 2014, brings six months' disqualification at ten to fifteen points, and one year at twelve or more within twelve months or at sixteen or more. Points are expunged after three clear years and appeal lies to the High Court.

A person may not lawfully drive a bus in Guyana at seventeen. The 1896 Coasting Regulations set no minimum age at all for a certificate of competency as master of a coasting vessel.

Section 35 — causing death

Causing the death of another by driving recklessly, or at a speed or in a manner dangerous to the public, is a misdemeanour punishable on indictment by ten years' imprisonment. Section 21 of the Coroners Act applies to it as it applies to manslaughter.

There is no offence of causing death by reckless navigation anywhere in the maritime statute book. The nearest analogue is section 26 of Cap. 49:07 — sending an unseaworthy ship to sea, two years, with the consent of the Director of Public Prosecutions required.

4.2 Cap. 51:03 — Motor Vehicles Insurance (Third Party Risks)

Act 22 of 1937, in force 1 April 1938, amended by 6/1959, 24/1961, 4/1972, 6/1985, 16/1997 and 17/1998. Thirty-eight pages.

Section 2 defines "Government" as including the Transport and Harbours Department. Section 3(1) makes it unlawful to use, or cause or permit another to use, a motor vehicle on a public road without third-party cover complying with the Act; section 3(2) fixes a penalty of \$25,000 to \$50,000 and six months' imprisonment, with twelve months' disqualification.

Section 3(4) exempts a motor vehicle owned by Government, or by the Georgetown City Council or the New Amsterdam Town Council, when used exclusively upon Government or municipal service.

But the exemption carries machinery

- Regulation 6(b) and Form E — a Certificate of Ownership by a Government or Municipal Authority, produced to a police officer on demand in lieu of a certificate of insurance;
- Regulation 9(2) — the authorities mentioned in section 3(4) shall keep a record of the motor vehicles owned by them in respect of which a policy or security has not been obtained, and of any certificates issued and of their withdrawal or destruction;
- Regulation 9(3) — that record shall, without charge, be furnished to the Commissioner of Police on request;
- Regulation 7 — the Form E certificate must be destroyed before the vehicle is sold or otherwise disposed of.

A State road vehicle is exempt from insurance, but the State must hold a certificate for it, register it as uninsured, and produce that register to the police on demand. A State vessel is exempt from the certificate of seaworthiness, and there is no substitute certificate, no register of exempt vessels, and no duty to produce anything to anyone. That is the same legislative technique applied to two modes and completed in only one.

Passengers, overloading and contracting out

The proviso to section 4(1)(b) permits a policy not to cover persons carried in the vehicle, "except in the case of a motor vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment". Where passengers are carried for hire or reward, cover is compulsory.

Section 14(1) provides that so much of a policy as purports to restrict the insurance by reference to any of the following shall be of no effect: the age or physical or mental condition of the driver; the condition of the vehicle; the number of persons that the vehicle carries; the weight or physical characteristics of the goods carried; the times or areas of use; horsepower or value; particular apparatus; particular identification marks.

Section 14(2) provides that any contract for the conveyance of a passenger in a vehicle in which passengers are carried for hire or reward shall be void so far as it purports to negative or restrict liability for the death of or bodily injury to the passenger.

A Guyanese insurer cannot avoid a fare-paying passenger's claim on the ground that the vehicle was overloaded, or unroadworthy, or that the driver was unfit; and a contract restricting liability for that passenger's death is void by statute. In the domestic coasting trade at sea, section 5 of Cap. 49:02 widens the freedom to contract out.

Enforcement machinery: section 8 obliges the insurer to satisfy a judgment notwithstanding that it may be entitled to avoid or cancel the policy; section 10 transfers the insured's rights against the insurer to the third party on insolvency; section 13 preserves the section 4(1)(b) liability notwithstanding insolvency.

Limits, all set by Act 6 of 1985 and unchanged in forty-one years: an excess of \$25; \$25,000 per person per claim; \$125,000 for the total claims arising from any one accident for each vehicle;

\$20,000 and \$100,000 respectively for property damage; hospital expenses to \$500 per person treated; emergency treatment \$25 per person plus \$1 per mile beyond two miles.

4.3 Cap. 51:01 — the Roads Act

Act 11 of 1910, in force 1 April 1909. Twenty-seven pages.

Section 24 provides:

24. Subject to affirmative resolution of the National Assembly, the Chief Officer may make by-laws for — (a) regulating the traffic over any bridge; (b) the times during which a swing-bridge or draw-bridge may be opened; (c) the passing of boats and vessels going through or under a bridge, and the payment of tolls by those boats or vessels; and (d) for the determination of the amount of compensation payable by the owner of any boat or vessel for damage done to the bridge by the boat or vessel, or by anyone employed therein.

A navigation power — when a bridge opens for shipping, and what a vessel pays and owes — sits in the Roads Act, is exercised by the Chief Works Officer, and is subject to affirmative resolution of the National Assembly, the highest level of parliamentary control found in any transport chapter.

Section 23 permits a road officer, where a bridge over a creek or canal is under repair and it is necessary to establish a ferry, to prohibit anyone from crossing within one hundred yards of the bridge except by that ferry, on penalty of \$975. Nothing in Cap. 51:01 addresses that ferry's capacity, equipment, survey or master.

Section 25(1), subject to negative resolution, empowers the Minister to make regulations regulating the weight of any vehicle and the load carried in it, the size of wheels and tyres, the speed of vehicles, and generally the better management of the public roads, canals and bridges.

Section 39 permits the Minister, by negative-resolution regulation, to amend any fine prescribed or annexed by the Act or by any regulation made under it.

The Roads Act carries a standing power to uprate every fine it contains. Cap. 49:04 s. 49(4) caps regulation penalties at \$48,750 with no uprating mechanism, which is why the 1920 dangerous goods by-law penalty remains \$75, the 1924 Rules \$150, the 1939 certificate fee \$1 and the 1896 inspection fee \$5.

The subsidiary legislation, and where the bridge rules are not

The Index of Subsidiary Legislation states that the chapter contains none, and the adjacent note records that all subsidiary legislation made under the Act was being revised and has been omitted.

The Demerara Harbour Bridge Regulations 1978 and the Roads (Demerara Harbour Bridge) By-Laws 1978 are made under Cap. 51:01 and omitted from its print. Cap. 51:05 section 9(2) deems them to apply, and Cap. 51:05's own note records that that chapter contains no subsidiary legislation. The operating rules of the Demerara Harbour Bridge, including any duty to open for shipping, appear in neither chapter of the authorised Laws of Guyana.

The Schedule of public roads is itself omitted, with the note that a revised list was being compiled and that the Schedule is omitted but still in force. The definition of "road", and therefore the operation of every offence in Cap. 51:02, depends upon it.

Two Orders printed with the Schedule record the transport history of the country. Order 30 of 2001 declared the railway embankment road on the East Coast of Demerara, from Sheriff Street to the Enmore Estate Road, a public road. Order 3 of 2009 declared the Linden to Lethem road, running approximately 530 kilometres from Wisroc to the Takutu River, a public road.

4.4 Caps. 51:05 and 51:06 — the bridge corporations

Cap. 51:05, Act 2 of 2003, establishes the Demerara Harbour Bridge Corporation. The Act contains no express duty to open the bridge for navigation; section 4(2)(b) lists among the Corporation's functions the collection of marine tolls for ocean-going vessels, trawlers and coastal vessels for their passage through the bridge, which presupposes opening but is drafted as a revenue function.

Cap. 51:06, Act 3 of 2006, establishes the Berbice River Bridge. Section 12 imposes a duty to maintain and section 13 governs closure; neither imposes a duty to open. The qualified duty to open is in the Berbice River Bridge (Commencement of Operations) Regulations, Reg. 9/2009: thirty-six hours' notice, "subject to the requirements of the road traffic", scheduled published openings for tall shallow-draught vessels, priority for deep-draught vessels, and a discretion to refuse an unseaworthy vessel or one in arrears. Regulation 10 provides for MARAD to investigate damage to the bridge.

Neither Act allocates liability for delay to a vessel caused by a failure or refusal to open.

Part V — Rail

There is no Railways Act in the Laws of Guyana. Railway law sits inside Part II of the Transport and Harbours Act, Cap. 49:04, headed "The Railway and Government Vessels", at sections 13 to 23, together with the Government Railway and Steamer Services Rules (Reg. 23/1/1924).

5.1 The railways are closed

Guyana's two public railway lines were the Demerara–Berbice line from Georgetown to Rosignol, 97.4 kilometres, closed in 1972, and the Demerara–Essequibo line from Vreed-en-Hoop to Parika, 29.8 kilometres, closed in 1974. The industrial railways, including the bauxite lines at Linden and the Port Kaituma to Matthew's Ridge line in Region One, are gone. Road transport replaced rail on the coast and at Linden.

Order 30 of 2001 declared part of the East Coast railway formation a public road. The physical conversion of rail into road is recorded in the statute book as an Order under the Roads Act.

5.2 The consequence for the maritime mode

Part II of Cap. 49:04 governs the railway and Government vessels together, and the Government Railway and Steamer Services Rules 1924 are a joint railway-and-steamer instrument. When the railway was abolished between 1972 and 1974, the operating rule-book was never disentangled from it. The instrument that governs the operation of the State's vessels in 2026 is the rule-book of a railway that has not run for fifty-two years, unamended.

Part VI — Air

6.1 The regulator and the legislation

The Guyana Civil Aviation Authority was established in March 2002 under the Civil Aviation Act 2000, having previously been the Civil Aviation Department within the former Ministry of Public Works and Communications. It sits under the Minister of Public Utilities and Aviation and has been an independent regulatory authority for twenty-four years. Its headquarters are at Lot 1 Craig and Middleton Streets, Campbellville, Georgetown, with a twenty-four-hour safety hotline.

The current principal statute is the Civil Aviation Act 2018, Act No. 21 of 2018, gazetted on 3 December 2018 at Official Gazette (Extraordinary) 202/2018, Legal Supplement A, pages 439 to 557, as amended by the Civil Aviation (Amendment) Act 2024, Act No. 4 of 2024, gazetted 15 May 2024.

6.2 The subsidiary code

A complete subsidiary code exists in Regulations, Requirements and Directives, of which the following are identified with their Gazette numbers: the Civil Aviation (Operations) Regulations 2024 (Regulations No. 5 of 2024); the Civil Aviation (Aviation Accident and Serious Incident Investigations) Regulations 2024 (Regulations No. 6 of 2024); the Civil Aviation (Security) Regulations 2025 (Regulations No. 8 of 2025, 31 July 2025); and four sets of Requirements gazetted on 1 June 2026, being Requirements Nos. 1 to 4 of 2026 covering Air Operator Certification and Administration, Aeronautical Information Services, Air Traffic Services, and Operations.

Further Regulations and Requirements dated 2024 cover general provisions, air navigation services, personnel licensing, airworthiness, aerodromes and ground aids, rules of the air, registration of civil aircraft, aeronautical charts, communication navigation and surveillance, instruments and equipment, aerial works, approved maintenance organisations, approved training organisations, and search and rescue.

A citation discrepancy. The Authority's own legislation page titles the accident investigation instrument the "Civil Aviation (Accident and Serious Incident investigations) Regulations 2024". The Official Gazette titles it the "Civil Aviation (Aviation Accident and Serious Incident Investigations) Regulations 2024". The regulator's website and the Gazette give the same instrument different names.

6.3 The Aeronautical Search and Rescue Plan

The Aeronautical Search and Rescue Plan, 2nd Edition of 20 October 2019, issued 23 November 2020 and amended on 15 March 2021, is document number GCAA/ANS/AERONAUTICALSEARCHANDRESCUEPLAN/2019/ATS. It is a controlled document: numbered copies to eleven named holders, a signed register of authorised copyholders, an express statement that any other copy is uncontrolled, and a mandatory review at least once every six months.

Its features have no counterpart in maritime law:

- The Civil Aviation Act Cap. 53:01 contains a Part X headed Search and Rescue, providing that the Authority shall arrange for the establishment and provision of search and rescue services within its search and rescue region;
- A Guyana National SAR Plan and a Guyana National SAR Committee exist and are referred to throughout as operative instruments, the aeronautical plan being subordinate to the national one;
- The service is provided in accordance with the Civil Aviation Act, ICAO Annex 12, the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR) Volumes I to III, ICAO Doc. 7030, the Guyana Aeronautical Information Publication, the National SAR Plan and the Manual itself;
- The Guyana Search and Rescue Region is coincident with the Georgetown Flight Information Region, is delineated by stated coordinates, and expressly includes those portions of the Atlantic Ocean extending to the limits of Guyana's territorial waters, running from Punta Playa in the north-west;
- The Maritime Administration Department is a member of the National SAR Committee, a signatory to a Letter of Agreement with the Ministry, and is assigned to provide personnel and equipment to support search over water and access along the waterways;
- Where an aircraft wreck is located in the sea, the Authority and MARAD coordinate;
- Three phases of emergency — Uncertainty, Alert and Distress — are declared on objective criteria with time triggers of five, ten, twenty, thirty, sixty and ninety minutes;
- A Rescue Coordination Centre operates twenty-four hours at the Control Tower Complex, Cheddi Jagan International Airport, with dedicated telephone, fax, email and AFTN addresses;
- A COSPAS-SARSAT arrangement with the United States Mission Control Centre covers the Georgetown region, the point of contact being Timehri Control Tower, and detects 406 MHz beacons including maritime EPIRBs;
- Coordination exercises are required at least once a year and a full-scale or field exercise at least once in two years, with initial, recurrent and specialised training programmes and maintained training records;
- Wreckage and its surroundings are not to be disturbed except to assist recovery of survivors; access is to be controlled as soon as possible; a photographer is designated; medical evidence is to be preserved; and human remains are not to be moved without first notifying the mission coordinator;
- A wash-up meeting is mandatory after every operation, convened at least two weeks after conclusion, to identify areas for improvement and recommend amendments;
- The mission coordinator is to advise the relatives of missing persons that a search has been suspended.

6.4 Two provisions that reach outward to shipping

The Plan provides that rescue boats are designated search and rescue units, that any vessel near the distress scene may be used for rescue, and that "when such vessels are sent to the scene, lifesaving appliances shall accompany those boats". It does not assume that a Guyanese vessel called to a rescue already carries them.

It further provides that in the case of an aircraft accident at sea, commercial boats are to be informed by radio communication with the Coastal Station at Georgetown Light House on the international maritime distress frequency. A coastal radio station and a watched maritime distress frequency therefore exist, and neither appears anywhere in Cap. 49:01, Cap. 49:04, Cap. 49:07 or their subsidiary legislation.

6.5 Region One is served by both modes

Mabaruma Airport and Port Kaituma Airport are served by scheduled operators, with approximately two daily flights to Mabaruma and a flight time to Ogle of about one hour on aircraft carrying thirteen passengers and one pilot. The ferry, on published reporting, has run as infrequently as once every three to four weeks.

The regulatory effort of the Guyanese State has tracked the number of passengers per vehicle, not the number of passengers per mode. The mode that moves thirteen people at a time was comprehensively re-regulated between 2018 and 2026. The mode that moves several hundred at a time, to the same destinations, was not.

Part VII — Cross-Cutting Chapters

7.1 Cap. 19:03 — the Commissions of Inquiry Act

Act 5 of 1933, in force 15 April 1933, amended by Act 4 of 1972, Act 6 of 1997 and O. 80/1980. Seventeen sections and one Schedule; the chapter contains no subsidiary legislation. It repealed the Commissioners (Examination of Witnesses) Ordinance, 1929 Edition Cap. 258. The authorised short title is the Commissions of Inquiry Act, in the plural; the Ministry's index renders it in the singular.

Long title: "An Act to enable the President to issue Commissions of Inquiry with special powers."

The powers

10. Commissioners acting under this Act shall have the powers of a judge of the High Court to summon witnesses, and to call for the production of books, plans, and documents, and to examine witnesses and parties concerned on oath, and no commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner.

Section 12(2) makes it an offence, punishable by a fine of \$32,500 and six months' imprisonment, to refuse or omit without sufficient cause to attend; to leave without permission; to refuse to answer, or to answer fully and satisfactorily to the best of one's knowledge and belief; to refuse or omit to produce books, plans or documents in one's possession or control; to insult a commissioner or the secretary; or wilfully to interrupt the proceedings. Section 11 makes wilfully false evidence perjury.

The privilege, and what it does not give

12. (3) A person giving evidence before the commission shall not be compellable to incriminate himself, and every such person shall, in respect of any evidence given by him before the commission, be entitled to all privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such court.

That is a privilege, not a protection. It entitles a witness to refuse. It does not provide that evidence given to a Commission is inadmissible in other proceedings. Where criminal proceedings run in parallel, any person implicated may decline to answer, and the Commission's section 10 powers stop at that point. There is no mechanism in Cap. 19:03 for obtaining evidence in exchange for immunity. Section 12(3) does not appear in the chapter's own Arrangement of Sections.

Section 13 entitles any person whose conduct is the subject of inquiry, or who is in any way implicated or concerned in the matter under inquiry, to be represented by counsel or solicitor at the whole of the inquiry, and permits others to be represented by leave. Nothing provides for the cost of that representation.

Publication

Section 7 requires the commissioners to make a full, faithful and impartial inquiry and to report to the President in writing, and when required to furnish a full statement of the proceedings and of

the reasons leading to the conclusions. Section 16 requires all commissions and all revocations to be published in the Gazette and provides that they take effect from the date of publication.

The Act requires the commission to be published. There is no duty anywhere in Cap. 19:03 to publish the report, to lay it before the National Assembly, or to disclose it to anyone.

Section 2(2) requires every commission to specify the subject, nature and extent of the inquiry, and permits it to direct the manner of execution, the chairman, the quorum, the place and time within which the inquiry shall be made and the report rendered, and whether or not the inquiry shall be held in public, with a reservation to the commissioners to exclude any person if they think fit.

Section 17 provides that no proceedings for any penalty under the Act shall be commenced except by the direction of the commissioners. Section 8 gives the chairman a casting vote. Section 9 permits the commissioners to make their own rules. Section 14 requires the Commissioner of Police to detail constables to attend.

The shared ancestry with the maritime casualty Act

The Schedule to Cap. 19:03 is a summons to witnesses in the same words as the Schedule to Cap. 49:07, including the formula "Therefore fail not at your peril", the difference being that Cap. 19:03 names the President and Cap. 49:07 names the Minister. The two instruments descend from the same Colonial Office template. Cap. 19:03 has what Cap. 49:07 lacks: High Court powers, commissioner immunity, a right to counsel, the privilege against self-incrimination, constables in attendance, and Gazette publication — and, decisively, it applies to State ships.

7.2 Cap. 47:01 — the Post and Telegraph Act

Section 36 provides that every master of a vessel outward bound, or passing coastwise between ports within Guyana, shall receive every mail bag tendered by the Post Office and deliver it on arrival, on penalty of \$97,500. That is a statutory duty, not a contract, and a State ferry carrying mail under it does not thereby fall within the exclusion in section 12 of the Passengers Act for vessels carrying mail under contract.

Sections 37, 38, 41 and 42 regulate vessel and aircraft in identical terms within the same provisions. This is the only integrated multimodal statute identified in Guyanese transport law, and its subject is letters rather than people.

A note at page 2 of the chapter records that at the time of publication all subsidiary legislation made under the Act was being revised and has been omitted. The L.R.O. footer reads 1/2011 on fifty-seven of sixty-eight pages although the Current Authorised Pages block certifies all sixty-eight as 1/2012.

Part VIII — The Four Modes Compared

	SEA / RIVER	ROAD	AIR
Principal Act	Ten chapters, 1864–1998	Cap. 51:01 (1910); Cap. 51:02 (1940), 38 amendments to 2014	Civil Aviation Act 2018, am. 2024
Latest subsidiary code	1896–1939, with 2005 regulations	Revised, and omitted from the print	2024–2026
Regulator	MARAD and T&HD; operator and regulator not separated	The Minister as Licensing Authority, s. 3	Independent GCAA since 2002
Fitness of conveyance	1939 Certificate of Seaworthiness; vessels belonging to the State exempt	Certificate of fitness, s. 14; State exempt from the fee only	Airworthiness Regulations 2024
Capacity	Eight incompatible rules, 1864–1939; s. 398 power unexercised	Licensed capacity; ATV limit at s. 55A	Type certification
Hours of duty	None identified	s. 42 — 5½ hours continuous, 11 in 24, 10 consecutive hours' rest	Flight time limitations
Schedule pressure	None	s. 34(6) — the timetable is evidence against the employer	—
Alcohol	Pilots only; observed standard; no testing power	35 µg/100ml breath, 80 mg/100ml blood; roadside test; evidential analysis; arrest without warrant; permanent disqualification on third conviction	Regulated
Causing death	No offence	s. 35 — ten years on indictment	Accident Regulations 2024
Minimum age	Master 23, mate 20 (home trade); no minimum in the 1896 coasting certificate	16 to drive; 17 for a car; 18 for a bus, lorry or hire car	Licensing regulated
Compulsory insurance	Cap. 49:01 s. 10(4) — never prescribed	Cap. 51:03 — dedicated Act; passengers for hire covered; overloading and unroadworthiness cannot void the claim; contracting out void	Not examined
Register of exempt State assets	None	Reg. 9(2), produced to police on demand	—
Accident investigation	Cap. 49:07 (1883); Part I excludes State ships;	Police; Coroners Act s. 21	Dedicated unit; Regulations 2024

	SEA / RIVER	ROAD	AIR
	reports directed to the Board of Trade of the UK		
Search and rescue	Reg. 42(2) of 1924 — the Harbour Master to send a competent pilot	Not applicable	Act Part X; RCC; phased triggers; mandatory exercises
Penalty uprating	None	Cap. 51:01 s. 39	—

Part IX — Consolidated Deficiency Schedule

The following schedule consolidates the deficiencies identified in this analysis. Severity is the author's assessment and is offered only as an aid to prioritisation.

No.	Category	Deficiency	Provision	Severity
1	Application and exemption	The Guyana Shipping Act excludes Government ships only when operated for non-commercial purposes; the Harbours Regulations exempt them on ownership alone. Two statutes administered within one Ministry apply two different tests and nothing reconciles them.	Cap. 49:01 s. 3(1)(a); Harbours Regs reg. 6(2)(a)	Critical
2	Application and exemption	Neither "commercial purposes" nor "non-commercial purposes" is defined anywhere in Cap. 49:01. The application of the Act to the whole Government fleet turns on an undefined phrase.	Cap. 49:01 s. 3	Critical
3	Application and exemption	Where a State vessel is exempted from the Certificate of Seaworthiness there is no substitute certificate, no register of exempt vessels and no duty of production, although the identical technique is completed in the road mode.	Harbours Regs reg. 6(2)(a); cf. Cap. 51:03 reg. 9(2)	Critical
4	Application and exemption	Where a passenger ship belonging to the State sails without a certificate of clearance, the sanction is forfeiture to the State, which is nugatory, and no substituted sanction is provided.	Cap. 49:03 s. 8(2)	High
5	Institutional	Owner and regulator are collapsed inside the Director's office. No subsidiary regulation can cure this; it requires primary legislation.	Cap. 49:04 s. 3(3)	Critical
6	Institutional	No qualification is prescribed anywhere for the office of Harbour Master.	Cap. 49:04 s. 32	High
7	Institutional	Section 340 makes the State liable to itself for a detention without reasonable cause, so the incentive structure Parliament built for a private owner does not operate where the State is the owner.	Cap. 49:01 s. 340	High
8	Casualty investigation	Part I of the Shipping Casualties Act does not apply to a ship belonging to or in the service of the State.	Cap. 49:07 s. 3	Critical
9	Casualty investigation	Reports are still directed to the Board of Trade of the United Kingdom.	Cap. 49:07 s. 5(4)	High
10	Casualty investigation	The only casualty provision applicable in a harbour requires notice within twelve hours to the Harbour Master, requires nothing to be reported about the persons on board, requires nothing to be preserved, and empowers the	Harbours and Pilotage Regs 1924, reg. 15	Critical

No.	Category	Deficiency	Provision	Severity
		Harbour Master to raise, remove, destroy or sell the vessel with personal immunity from suit.		
11	Casualty investigation	There is no protection for a witness giving evidence to a marine casualty investigation, and no use immunity for a witness before a Commission of Inquiry.	Cap. 49:07; Cap. 19:03 s. 12(3)	Critical
12	Casualty investigation	There is no duty to publish the report of a Commission of Inquiry.	Cap. 19:03 ss. 7 and 16	High
13	Capacity	Eight operative capacity rules, enacted between 1864 and 1939, produce different answers and no provision states which governs.	See Part III	Critical
14	Capacity	The ceiling on the number of persons a passenger vessel may carry rests on "registered tonnage", which Cap. 49:03 does not define.	Cap. 49:03 s. 6(1)	Critical
15	Capacity	The power to regulate the number of passengers a ship may carry has existed since 1998 and has never been exercised.	Cap. 49:01 s. 398(1)(c)	Critical
16	Capacity	The power to regulate the manner in which passengers land and embark at a government wharf has never been exercised, and the powers to regulate the safety of the structure and of persons using it have never been exercised.	Cap. 49:05 s. 4(a)(iv), (b), (c)	High
17	Capacity	Mabaruma and Port Kaituma are not listed in the Schedule of government wharves and therefore fall outside the chapter and outside the enforcement duty.	Cap. 49:05 Schedule; s. 4A	High
18	Manifest	The power to require particulars of all passengers has existed since 1998 and has never been exercised.	Cap. 49:01 s. 398(1)(b)	Critical
19	Manifest	The declaration required before clearance depends on a form appointed by the Director, and no such form has been identified.	Cap. 49:03 s. 7(1)	Critical
20	Manifest	An Advance Passenger Information and Passenger Name Record Act was enacted in May 2025 and commenced in November 2025, and its application to domestic maritime carriage is unresolved.	Act 7 of 2025; Order 63 of 2025	Critical
21	Survey and fitness	Every safety subject in the Transport and Harbours Act exists only as a power to make regulations; the Act imposes no duty to regulate, sets no standard and provides no consequence for inaction.	Cap. 49:04 s. 49	Critical
22	Survey and fitness	The power to prescribe safety requirements and local safety certificates for non-Convention ships	Cap. 49:01 s. 298	Critical

No.	Category	Deficiency	Provision	Severity
		has never been exercised, so there is no domestic ferry safety code.		
23	Survey and fitness	The power to prescribe stability information has never been exercised.	Cap. 49:01 s. 290	Critical
24	Survey and fitness	The Load Line power, including local Load Line Certificates for non-Convention ships, has never been exercised.	Cap. 49:01 s. 302	Critical
25	Survey and fitness	The deck cargo power has never been exercised, and no modern securing or stowage standard applies to a domestic vessel.	Cap. 49:01 s. 316	Critical
26	Crewing and fatigue	No hours-of-duty, rest or watchkeeping provision applicable to a vessel has been identified anywhere in the maritime statute book, although one has applied to lorry and bus drivers since 1940.	cf. Cap. 51:02 s. 42	Critical
27	Crewing and fatigue	There is no prescribed alcohol limit, no testing power and no analysis procedure for any master, engineer or crew member. Intoxication is an offence only for pilots and only on an observed standard.	Harbours and Pilotage Regs 1924, regs. 37(1)(f), 38	Critical
28	Crewing and fatigue	The 1896 certificate of competency for a coasting master prescribes no minimum age.	Coasting Regs 1896	High
29	Offences and penalties	There is no offence of causing death by reckless navigation.	Absent from Cap. 49:01 and Cap. 49:07	Critical
30	Offences and penalties	There is no offences-by-bodies-corporate provision anywhere in the Guyana Shipping Act.	Cap. 49:01	Critical
31	Offences and penalties	There is no penalty-uprating mechanism in the maritime statute book, so figures set in 1896, 1920, 1924 and 1939 remain unaltered, in contrast with the standing power in the Roads Act.	cf. Cap. 51:01 s. 39	High
32	Offences and penalties	The compounding power permits regulatory breaches to be resolved without prosecution, adjudication or public record, and is not excluded for safety-of-life offences.	Cap. 49:01 s. 445	High
33	Liability and insurance	The duty to provide evidence of financial responsibility against third-party risks is unenforceable for want of the prescribing instrument, although the section creates an offence, a \$100,000 penalty and a power of detention.	Cap. 49:01 s. 10(4) and (5)	Critical
34	Liability and insurance	In the domestic coasting trade the Act widens rather than restricts the freedom to contract out of liability for goods of any class, and excludes	Cap. 49:02 ss. 3 and 5; Art. I	High

No.	Category	Deficiency	Provision	Severity
		live animals and deck cargo from the protective regime.		
35	Liability and insurance	The limitation of liability remains at £100 gold value per package, neither the Visby nor the SDR Protocol having been adopted.	Cap. 49:02 Arts. IV(5), IX	High
36	Liability and insurance	Four overlapping and unreconciled cargo liability regimes apply to a Government coastal vessel and no provision states their priority.	Caps. 48:01, 49:02, 49:04, 49:06	High
37	Search and rescue	The entire maritime search and rescue provision is a 1924 regulation directing the Harbour Master to send a competent pilot; there is no defined region, no phases, no time triggers and no coordination centre in law.	Harbours and Pilotage Regs 1924, reg. 42(2)	Critical
38	Search and rescue	The power to provide for the administration of maritime search and rescue within Guyana waters has never been exercised, and the Maritime Rescue Coordination Centre has no statutory basis.	Cap. 49:01 s. 452(e)	Critical
39	Search and rescue	A Guyana National SAR Plan and National SAR Committee are referred to as operative in the aeronautical plan; no maritime arm of either has been located in the statute book.	Aeronautical SAR Plan, 2nd Edn.	Critical
40	Search and rescue	The aeronautical plan directs that lifesaving appliances shall accompany vessels sent to a distress scene, which does not assume that a Guyanese vessel carries them.	Aeronautical SAR Plan, §3.5.13	High
41	Rail legacy	The operating rule-book for State vessels is a joint railway-and-steamer instrument of 1924, and the railway closed between 1972 and 1974.	Cap. 49:04 Part II; Reg. 23/1/1924	Critical
42	Bridges and navigation	The operating rules of the Demerara Harbour Bridge, including any duty to open for shipping, appear in neither the chapter under which they are made nor the chapter that deems them to apply.	Cap. 51:01 s. 24; Cap. 51:05 s. 9(2)	High
43	Bridges and navigation	No provision allocates liability for delay to a vessel caused by a failure or refusal to open a bridge, and the Acts tend to exclude liability.	Caps. 51:05, 51:06	Medium
44	Bridges and navigation	The texts do not state which authority's direction prevails where a bridge operator and the harbour authority conflict.	Cap. 49:04 s. 49(2)(j); Caps. 51:05, 51:06	Medium
45	Bridges and navigation	A ferry established by a road officer under the Roads Act falls outside every maritime safety regime.	Cap. 51:01 s. 23	High

No.	Category	Deficiency	Provision	Severity
46	The consolidation itself	Five chapters state that they contain no subsidiary legislation and then record that it has been omitted from the publication.	Caps. 20:05, 47:01, 51:01, 51:02, 63:01	Critical
47	The consolidation itself	The Schedule of public roads, on which the definition of "road" and every road traffic offence depends, is omitted from the print.	Cap. 51:01, Schedule	Critical
48	The consolidation itself	The Schedule of Amended Laws made operative by section 54(1) is physically absent from the authorised print.	Cap. 63:01	High
49	The consolidation itself	Two maritime Acts of 2025 appear in none of the maritime chapters, so the chapter series is not a complete statement of maritime law.	Acts 6 and 7 of 2025	Critical
50	The consolidation itself	The L.R.O. footer reads 1/2011 on the majority of pages of at least two chapters certified as 1/2012, including the page carrying the capacity ceiling.	Caps. 47:01, 49:03	High
51	The consolidation itself	Section numbering in the editions of Cap. 49:04 and Cap. 51:02 in general circulation differs from the authorised text, and published commentary has relied on the superseded numbering.	Caps. 49:04, 51:02	High
52	Discrimination	Section 33 of the Tax Act excludes Amerindians from its operation, so the survey and capacity chain built on the vessel licence does not reach a vessel operated by an Amerindian on the rivers where most such vessels work.	Cap. 80:01 s. 33(1)	Critical

Part X — Document Demand Schedule

Each document below is identified by the provision that requires it to exist. Each is answerable from the records of the Transport and Harbours Department, the Maritime Administration Department, the Treasury, the Guyana Revenue Authority or the Office of the President.

Ref	Document	Provision requiring it
D1	Certificate of Seaworthiness, or the record of the exemption relied on	Harbours Regs 1939, regs. 3, 6(2)(a)
D2	Tax Act vessel licence for 2026	Cap. 80:01 s. 33
D3	The survey certificate produced to the Treasury to obtain that licence	Coasting Regs reg. 3(1)
D4	The record of the licence number marked on the certificate of survey	Coasting Regs reg. 3(2)
D5	The record of the number of persons painted on the vessel	Coasting Regs reg. 3(4)
D6	Form 5 application for registration of a Government ship, and the Register Book entry	Registration of Ships Regs reg. 11
D7	The answer given in Form 5 to "Ship to carry paying passengers?"	Registration of Ships Regs, Form 5
D8	Survey following the works scoped in the March 2026 docking tender	Cap. 49:01 s. 260(1)
D9	All periodic survey certificates for the preceding five years	Cap. 49:01 s. 257(b)
D10	Passenger Ship Safety Certificate and Inspection Certificate	Cap. 49:01 s. 261
D11	Declaration of the number, names, sex and age of every person on board	Cap. 49:03 s. 7(1)
D12	Certificate of clearance	Cap. 49:03 s. 8(1)
D13	The form appointed by the Director for declarations under s. 7(1)	Cap. 49:03 s. 7(1)
D14	Every written complaint as to seaworthiness, and every ascertainment whether the vessel ought to be detained	Cap. 49:01 s. 339(1), (8)
D15	Load line and stability documents, including any stability information book	Cap. 49:01 ss. 290, 302
D16	Terms and conditions of carriage made by the Minister	Cap. 49:04 s. 15
D17	Every by-law made under Cap. 49:06 s. 3 since 1922, with Gazette publications	Cap. 49:06 ss. 3, 10

Ref	Document	Provision requiring it
D18	Every regulation made under Cap. 49:05 s. 4 since 1964, and any Gazette notice under s. 3	Cap. 49:05 ss. 3, 4
D19	Transport and Harbours Department Advisory Council membership and minutes from the February 2026 re-appointment	Cap. 49:04 ss. 5–6
D20	MARAD Advisory Board membership and minutes from the April 2025 appointments	Gazette, 1 and 17 April 2025
D21	The Guyana National Search and Rescue Plan, and the constitution, membership and minutes of the National SAR Committee	Referred to in the Aeronautical SAR Plan
D22	Letter of Agreement between the Ministry and the Maritime Administration Department	Aeronautical SAR Plan, App. 3(j)
D23	Records of SAR exercises required annually and biennially, and RCC training records	Aeronautical SAR Plan, §1.9
D24	The Extraordinary Gazette constituting the Commission, and any revocation or alteration	Cap. 19:03 ss. 3, 16
D25	Any rules made by the Commissioners for the conduct of proceedings	Cap. 19:03 s. 9
D26	Any regulation ever made under Cap. 49:01 s. 398, and any waiver or variation under s. 398(3)	Cap. 49:01 s. 398
D27	Any regulation ever made under Cap. 49:01 s. 10(4)	Cap. 49:01 s. 10(4)
D28	The compounding record for the Transport and Harbours Department fleet	Cap. 49:01 s. 445
D29	The 2022 Revised Edition volumes of the maritime and transport chapters	Law Revision Act, Cap. 2:02
D30	The text of Act No. 6 of 2025 and Act No. 7 of 2025 and any commencement or application orders	Gazette, 28 May 2025; Order 63 of 2025

Part XI — Reform

The routes below are graded by the parliamentary control each requires, so that the reader may see which are available immediately and which are not.

Route A — the Minister alone, no parliamentary control

Section 3 of Cap. 49:06 empowers the Minister to make by-laws for the regulation of traffic on or by any Government steamer and generally for the purposes of that Act, and section 10(1) gives a gazetted by-law the force of an Act. "Steamer" includes any mechanically propelled vessel and "Government steamer" includes any steamer the property of or chartered by the Government. The 1920 Dangerous Goods By-Laws were made under this power for a cargo-safety subject, which is evidence that it is read widely.

Route B — General Manager with the Minister's approval, no parliamentary control

Section 49(2) of Cap. 49:04 permits amendment of the Harbours Regulations. The single highest-value immediate step available in the whole statute book is the deletion of the words "vessels belonging to the State" from regulation 6(2)(a). An alternative, if the exemption is to be retained, is to impose upon it the machinery of regulation 9(2) of the Motor Vehicles (Third-Party Risks) Regulations: a substitute certificate, a register of exempt vessels, and a duty of production.

Section 49(2)(w), covering the general administration and management of Government shipping services, appears never to have been exercised.

Route C — Minister, negative resolution

Section 4 of Cap. 49:05 permits regulation of the manner in which passengers land and embark at any government wharf, of the safety and preservation of the structure and the prevention of accidents on it or in its vicinity, and generally of the safety and convenience of persons and vessels using government wharves. Morawhanna and Kumaka are listed wharves; Mabaruma and Port Kaituma may be added by Gazette notice under section 3.

Route D — Ministerial regulations under the Guyana Shipping Act

Sections 251, 290, 298, 302, 316 and 398 are between them sufficient to carry a complete domestic passenger vessel safety code covering general safety, stability, local safety certificates, load lines, deck cargo, passenger particulars, capacity and terms of carriage. Section 398(2) requires due regard to the Athens Convention of 1974.

Route E — the Director, affirmative resolution

Section 25(1) of Cap. 49:07 empowers the Director, subject to affirmative resolution, to make regulations for vessels on coasting voyages, and that power is not subject to the State-ship exclusion in section 3 of the same Act.

Route F — Chief Works Officer, affirmative resolution

Section 24 of Cap. 51:01 governs the times at which a swing-bridge or draw-bridge may be opened and the passing of vessels through or under a bridge.

Interim measures achievable by regulation

The following are, in the author's assessment, achievable under the routes above without waiting for the conclusion of any inquiry:

- A binding maximum number of persons for each vessel, expressed as a single figure, displayed at the point of embarkation and on the bridge, and reconciled between the operating department and the maritime administration.
- A duty of passenger accounting: a named officer responsible for the tally at embarkation, a physical count reconciled against tickets before the brow is landed, and a signed and timed manifest lodged ashore before departure and preserved.
- A prohibition on departure where the number of persons on board exceeds the number of lifejackets or the aggregate capacity of survival craft, whichever is the lesser.
- A cargo securing requirement, including a duty to secure against the accelerations reasonably to be expected on the intended route, a stowage plan lodged before departure, and a prohibition on deck cargo stowed so as to impede access to survival craft.
- A fitness-for-duty regime, including a prohibition on the performance of safety-critical duties under the influence of alcohol or controlled substances, a testing power exercisable without notice, and an unambiguous power to stand a person down.
- An hours-of-duty and rest regime for masters, deck officers and engine-room watchkeepers, taking the structure of section 42 of Cap. 51:02 as its model.
- A pre-departure safety briefing to passengers and a periodic drill requirement for crew, with records of both.
- A written authority to sail, signed by a named officer, certifying that the count has been taken, the cargo secured, the machinery reported fit and the weather assessed, and preserved as a record.
- A register of every vessel exempted from any survey or certification requirement, and a duty to produce it on demand.

Matters requiring primary legislation

- Separation of the operator and regulator functions presently combined under Cap. 49:04 s. 3(3).
- Repeal and replacement of Cap. 49:07, removing the State-ship exclusion in s. 3 and the reference in s. 5(4) to the Board of Trade of the United Kingdom, and giving effect to the IMO Casualty Investigation Code.

- A statutory basis for a maritime search and rescue authority and a Maritime Rescue Coordination Centre, and accession to or implementation of the SAR Convention 1979.
- An offences-by-bodies-corporate provision.
- A penalty-uprating mechanism on the model of s. 39 of Cap. 51:01.
- Protection of witnesses giving evidence to a marine casualty investigation, including use immunity.
- An offence of causing death by reckless navigation.
- Compulsory passenger liability insurance, or the prescription required by Cap. 49:01 s. 10(4).
- Removal of the exclusion of Amerindians from Cap. 80:01 s. 33.

Part XII — Questions Proposed

The following are offered as questions that may assist any inquiry. Each is answerable from documents.

1. Was the vessel a Guyana Government ship operated for commercial purposes within section 3(1)(a) of the Guyana Shipping Act? If so, on what basis was that Act treated as inapplicable to her?
2. Was she registered under regulation 11 of the Guyana Shipping (Registration of Ships) Regulations, and what answer was given in Form 5 to the question whether the ship was to carry paying passengers?
3. Was a licence held under section 33 of the Tax Act for 2026, and if so what survey certificate was produced to the Treasury to obtain it?
4. What number of persons was painted on the vessel under regulation 3(4) of the Coasting and Passenger Trade Regulations?
5. Which of the eight operative capacity rules was treated as governing, and by whom was that determination made and recorded?
6. Was a survey carried out under section 260(1) of the Guyana Shipping Act following the works scoped in the March 2026 docking tender, and what did it certify?
7. When was the last periodic survey under section 257(b), and was a Passenger Ship Safety Certificate issued under section 261?
8. Was any declaration made under section 7(1) of the Passengers Act, and any certificate of clearance issued under section 8(1)? Does the form appointed by the Director exist?
9. Has any regulation ever been made under section 398 of the Guyana Shipping Act, and if not, why not?
10. Has any regulation ever been made under section 10(4), and if not, against what fund may a claim arising from this casualty be met?
11. Was any written complaint made under section 339(8), and did the Director or any surveyor ascertain under section 339(1) whether the vessel ought to be detained?
12. What hours had the master, mates and engine-room watchkeepers worked in the seventy-two hours before departure, and against what standard was that assessed?
13. Does the Advance Passenger Information and Passenger Name Record Act 2025, commenced on 20 November 2025, apply to domestic maritime carriage?
14. Does the Oil Pollution Prevention, Preparedness, Response and Responsibility Act 2025 contain any marine emergency response or preparedness provision engaged by this casualty?
15. What is the Guyana National Search and Rescue Plan referred to in the Aeronautical Search and Rescue Plan, and what does it provide for maritime casualties?

- 16.** Is there a Letter of Agreement covering maritime as well as aeronautical search and rescue, and what facilities and services does its Attachment A commit?
- 17.** By what statutory authority does the Maritime Rescue Coordination Centre operate?
- 18.** Which subsidiary instruments made under the maritime chapters were omitted from the L.R.O. 1/2012 publication, and where may their texts be obtained?
- 19.** Does the 2022 Revised Edition alter the numbering or the text of any provision relied upon in this analysis?
- 20.** What is the Transport and Harbours Department's record of exercises of the section 339 detention power over the preceding ten years?

Conclusion

Guyana's transport statute book is not uniformly antiquated. Aviation was comprehensively re-regulated between 2018 and 2026 and now carries a modern principal Act, a full subsidiary code, an independent regulator, a dedicated accident investigation function and a documented search and rescue system built on international standards. Road law has limited driver fatigue since 1940, compelled third-party insurance since 1938, prescribed a numerical alcohol limit with a testing and analysis procedure, operated a demerit points system since 2014, and carries a standing power to uprate its own penalties.

The maritime mode has none of these. Its principal safety instruments were made in 1896, 1918, 1924 and 1939. Its casualty investigation Act of 1883 does not reach the State's own vessels and still reports to a British department. Its operating rule-book is that of a railway abolished more than fifty years ago. The modern Act of 1998 contains the powers that would remedy almost all of it, and those powers have not been exercised.

Region One is reached by two modes and no road. The mode that carries thirteen people at a time is governed by instruments dated 2024 to 2026. The mode that carries several hundred at a time, to the same destinations, is governed by instruments dated 1896 to 1939.

Every instrument described in this document was consolidated into the 2022 Revised Edition of the Laws of Guyana, laid before the National Assembly on 19 June 2026 — twenty-nine days before the loss of the MV Barima.

Nothing in this analysis establishes what caused that loss. What it establishes is what law there was, and that is the necessary first step in deciding what law there ought to be.

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