

Her Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to paragraphs 62(1)(d), 74(1)(d) and 98(1)(d) and section 129.03 of the *Canada Marine Act*, makes the annexed *Regulations Maintaining the Safety of Persons in Ports and the Seaway*.

¹ S.C. 2008, c. 21, s. 57

² S.C. 1998, c. 10

Regulations Maintaining the Safety of Persons in Ports and the Seaway

Overview

Purpose

1 These Regulations temporarily restrict the number of persons arriving by cruise ship at ports managed by port authorities, at public ports, at public port facilities and in the Seaway to reduce the risk of persons in those areas contracting infectious diseases, including severe acute respiratory syndrome coronavirus 2, also known as SARS-CoV-2.

Interpretation

Definition

2 In these Regulations, *Act* means the *Canada Marine Act*.

Application

Cruise ships

3 These Regulations apply to cruise ships capable of carrying 500 or more persons, including both passengers and crew members.

Restrictions — Port Authorities

Navigation

4 (1) A cruise ship must not navigate in a port.

Mooring

(2) A cruise ship must not moor in a port.

Berthing

(3) A cruise ship must not berth in a port.

Embarking

(4) A cruise ship must not embark persons in a port.

Disembarking

(5) A cruise ship must not disembark persons in a port.

Restrictions — Public Ports

Navigating

5 (1) A cruise ship must not navigate in a public port.

Mooring

(2) A cruise ship must not moor in a public port or at a public port facility.

Berthing

(3) A cruise ship must not berth in a public port or at a public port facility.

Embarking

(4) A cruise ship must not embark persons in a public port or at a public port facility.

Disembarking

(5) A cruise ship must not disembark persons in a public port or at a public port facility.

Restrictions — Seaway

Navigating

6 (1) A cruise ship must not navigate in the Seaway.

Mooring

(2) A cruise ship must not moor in the Seaway.

Berthing

(3) A cruise ship must not berth in the Seaway.

Embarking

(4) A cruise ship must not embark persons in the Seaway.

Disembarking

(5) A cruise ship must not disembark persons in the Seaway.

Restrictions — Master

Master

7 A master of a cruise ship must not permit that cruise ship to contravene any of the restrictions set out in section 4, 5 or 6.

Exception

International obligations

8 The Minister may permit an activity that contravenes any of the restrictions set out in section 4, 5 or 6 to be undertaken if

(a) the Minister, after consulting with the Minister of Foreign Affairs, is of the opinion that giving this permission is necessary to ensure that Canada meets its international obligations; and

(b) the activity is carried out in a manner that maintains, to the extent possible, the safety of persons in the affected port, public port or public port facility or in the Seaway.

Penalties

Designation

9 (1) The provisions of these Regulations set out in column 1 of the schedule are designated as provisions whose contravention may be proceeded with as a violation under sections 129.04 to 129.19 of the Act.

Separate violations

(2) The provisions of these Regulations set out in column 1 of the schedule are designated as provisions whose contravention, if continued for more than one day, constitutes a separate violation in respect of each day during which the violation is continued.

Maximum amounts

(3) The amounts set out in column 2 of the schedule are the maximum amounts of the penalty payable in respect of a contravention of the designated provisions set out in column 1.

Service of Documents

Individual

10 (1) A notice of violation under subsection 129.05(1) of the Act may be served on an individual

(a) personally, by leaving a copy of it

(i) with the individual, or

(ii) if the individual cannot conveniently be found, with someone who appears to be an adult member of the same household at the last known address or usual place of residence of the individual; or

(b) by sending a copy of it by registered mail, courier or electronic means to the last known address or usual place of residence of the individual.

Corporation

(2) A notice of violation under subsection 129.05(1) of the Act may be served on a corporation by

(a) sending a copy of it by registered mail or courier to the head office or place of business of the corporation or to the corporation's agent or mandatary;

(b) leaving a copy of it at the corporation's head office or place of business with an officer or other individual who appears to be in control of or to manage the head office or place of business or with the corporation's agent or mandatary; or

(c) sending a copy of it by electronic means to an individual referred to in paragraph (b).

Cruise ship

(3) A notice of violation under subsection 129.05(1) of the Act may be served on a cruise ship by

(a) delivering a copy of it personally to the master or any other person who is, or appears to be, in charge of the cruise ship;

(b) fixing a copy of it to a prominent part of the cruise ship;

(c) if the cruise ship's owner is an individual, sending a copy of it by registered mail or courier to the ship's owner; or

(d) if the cruise ship's owner is a corporation,

(i) sending a copy of it by registered mail or courier to the owner's head office or place of business,

(ii) leaving a copy of it at the owner's head office or place of business with an officer or other individual who appears to be in control of or to manage the head office or place of business or with the owner's agent or mandatary, or

(iii) sending a copy of it by electronic means to an individual referred to in subparagraph (ii).

Registered mail

(4) A notice of violation under subsection 129.05(1) of the Act that is served by registered mail is deemed to be served on the fourth day after the day on which it is mailed.

Repeal

11 These Regulations are repealed on June 30, 2020.

Coming into Force

Registration

12 These Regulations come into force on the day on which they are registered.

SCHEDULE

(Section 9)

Designated Provisions

Column 1 Designated Provision	Column 2 Maximum Amount of Penalty (\$)	
	Individual	Corporation or Ship
Subsection 4(1)	5,000	25,000
Subsection 4(2)	5,000	25,000
Subsection 4(3)	5,000	25,000
Subsection 4(4)	5,000	25,000
Subsection 4(5)	5,000	25,000
Subsection 5(1)	5,000	25,000
Subsection 5(2)	5,000	25,000
Subsection 5(3)	5,000	25,000
Subsection 5(4)	5,000	25,000
Subsection 5(5)	5,000	25,000
Subsection 6(1)	5,000	25,000
Subsection 6(2)	5,000	25,000
Subsection 6(3)	5,000	25,000
Subsection 6(4)	5,000	25,000
Subsection 6(5)	5,000	25,000
Section 7	5,000	