

Repealed - Interim Order No. 2 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)

From: Transport Canada

⚠ This interim order has been replaced by ***Interim Order No. 3 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)***.

Whereas the Minister of Transport is of the opinion that the annexed *Interim Order No. 2 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)* is required to deal with a direct or indirect risk to marine safety or to the marine environment;

And whereas the provisions of the annexed Order may be contained in a regulation made pursuant to subsection 120(1) ^a and paragraphs 136(1)(f) ^b and (h) ^b and 244(f) ^c of the *Canada Shipping Act, 2001* ^d;

Therefore, the Minister of Transport, pursuant to subsection 10.1(1) ^e of the *Canada Shipping Act, 2001* ^d, makes the annexed *Interim Order No. 2 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)*.

Ottawa, April 20, 2020

Approved by the Minister of Transport,
Marc Garneau
Minister of Transport

Interim Order No. 2 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)

Definitions

Definitions

1 The following definitions apply in this Interim Order.

arctic waters means

(a) the Canadian waters located north of the 60th parallel of north latitude; and

(b) the territorial sea of Canada in the vicinity of Nunatsiavut, Nunavik and the Labrador coast. (*eaux arctiques*)

COVID-19 means the coronavirus disease 2019. (*COVID-19*)

ferry vessel means any vessel, having provision only for deck passengers and for vehicles, that is operated on a short run on a schedule between two points over the most direct water route and offers a public service of a type normally attributed to a bridge or tunnel. (*transbordeur*)

Minister means the Minister of Transport. (*ministre*)

passenger vessel means a ferry vessel, or a vessel that is certified to carry more than 12 passengers as indicated on its inspection certificate or Passenger Ship Safety Certificate issued under the *Vessel Certificates*

Regulations or on an equivalent certificate issued by a foreign government.
(*bâtiment à passagers*)

passenger vessel that provides essential services means a passenger vessel that is set out in the schedule. (*bâtiment à passagers exploité pour fournir des services essentiels*)

Application

Application

2 This Interim Order applies in respect of

- (a) passenger vessels in arctic waters, until October 31, 2020; and
- (b) passenger vessels in any other Canadian waters, until June 30, 2020.

Prohibition

Prohibition — passenger vessels

3 (1) A passenger vessel must not navigate, moor or berth in Canadian waters.

Exceptions

(2) Subsection (1) does not apply to

- (a) a vessel that is in distress or providing assistance to a vessel or person in distress;
- (b) a vessel that is forced to navigate, moor or berth to avoid immediate danger;
- (c) a vessel that is engaged in research and that is operated by or under the authority of the Government of Canada, or at its request, or operated by a provincial government, a local authority or a government,

council or other entity authorized to act on behalf of an Indigenous group;

(d) a vessel that carries

(i) employees of the Government of Canada or a provincial or territorial government, or

(ii) peace officers who require a transportation service in the course of performing their duties or functions;

(e) a foreign vessel in Canadian waters that is exercising the right of innocent passage in accordance with international law and article 19 of the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982;

(f) a vessel that does not carry a passenger and that navigates in Canadian waters other than arctic waters for the purposes of repositioning or repair; and

(g) a vessel that is not in service.

Passenger Vessels That Provide Essential Services and Ferry Vessels

Permission

4 (1) Subsection 3(1) does not apply to a passenger vessel that provides essential services or a ferry vessel if

(a) the vessel, at all times, carries not more than 50 percent of the maximum number of passengers that it is certified to carry, as indicated on its inspection certificate or Passenger Ship Safety Certificate issued under the *Vessel Certificates Regulations* or on an equivalent certificate issued by a foreign government; or

(b) its authorized representative implements the measures to reduce transmission risks of COVID-19 set out in the Ship Safety Bulletin entitled Measures to Mitigate the Spread of COVID-19 on Passenger Vessels and Ferries, SSB No. 12/2020, published on April 17, 2020, by the Marine Safety Directorate of Transport Canada, as amended from time to time or as replaced.

Notice to the Minister

(2) The authorized representative of a vessel that implements measures in accordance with paragraph (1)(b) must notify the Minister, in writing, of the measures before implementing them and must keep a copy of the notice on board.

Guidelines

5 The authorized representative and master of a passenger vessel that provides essential services or a ferry vessel must make reasonable efforts to implement and put in place the measures contained in the guidelines that are set out in the document entitled COVID-19: Guidance Material for Passenger Vessel and Ferry Operators published on April 17, 2020 by the Marine Safety Directorate of Transport Canada, as amended from time to time.

Arctic Waters

Foreign vessels in arctic waters

6 (1) At least 60 days before the expected date of arrival in arctic waters of a vessel referred to in paragraph 3(2)(e), the master of the vessel must give written notice to the Minister of the arrival of the vessel in those waters.

Conditions

(2) The Minister may impose, in respect of a vessel for which notice has been given, any conditions that the Minister considers appropriate.

Responsibility of master

(3) The master must ensure that the vessel and its crew comply with any conditions that the Minister imposes.

Prohibition – Authorized Representative and Master

Prohibition

7 The authorized representative and master of a passenger vessel must not permit the vessel to contravene any of the restrictions or prohibitions set out in this Interim Order.

Ministerial Exemptions

International obligations and external affairs of Canada

8 (1) The Minister may, in writing, exempt a passenger vessel from any of the restrictions or prohibitions set out in this Interim Order if

(a) after consulting with the Minister of Foreign Affairs, the Minister is of the opinion that the exemption is necessary to ensure

(i) that Canada meets its international obligations, or

(ii) the proper conduct of the external affairs of Canada; and

(b) the Minister is of the opinion that public health and safety and the protection of the marine environment will, to the extent possible, be maintained.

Particular circumstances – Canadian vessels

(2) The Minister may, in writing, exempt a passenger vessel that is a Canadian vessel from any of the restrictions or prohibitions set out in this Interim Order if

(a) it is not practical under the circumstances for the vessel to comply with the prohibition or restriction; and

(b) the Minister is of the opinion that public health and safety and the protection of the marine environment will, to the extent possible, be maintained.

Application for exemption

9 (1) An application to the Minister for an exemption under section 8 may be made by the authorized representative of the passenger vessel.

Conditions of exemption

(2) An exemption is subject to any conditions that the Minister considers appropriate.

Amending conditions

(3) The Minister may add, amend or remove conditions if the Minister determines that it is necessary to do so for public health or safety or the protection of the marine environment.

Exemption on board

(4) The exemption must be kept on board the vessel.

Suspension or revocation

(5) The Minister may suspend or revoke an exemption if

(a) the authorized representative knowingly provides false or misleading information to obtain the exemption;

- (b)** a condition that was attached to the exemption is not complied with, and the non-compliance constitutes a risk to public health or safety or to the marine environment; or
- (c)** it is necessary to do so for public health or safety or the protection of the marine environment.

Notice

(6) If the Minister suspends or revokes an exemption, the Minister must give notice in writing of the suspension or revocation.

Enforcement

Persons ensuring compliance

10 (1) The following persons may ensure compliance with this Interim Order:

- (a)** a marine safety inspector;
- (b)** a member of the Royal Canadian Mounted Police;
- (c)** a member of any harbour or river police force; and
- (d)** a member of any provincial, county or municipal police force.

Powers and duties

(2) A person who may ensure compliance with this Interim Order may

- (a)** prohibit the movement of any vessel or direct it to move;
- (b)** stop and board any vessel at any reasonable time and
 - (i)** direct any person to answer reasonable questions and provide reasonable assistance, and

(ii) require any person to provide, for examination, any document that the person is required to have in their possession or that is required to be kept on board; and

(c) verify by any means that the requirements of this Interim Order are met.

Obligation to comply

11 A person or vessel must comply with any direction, requirement or prohibition referred to in subsection 10(2).

Violations

Violations

12 A person or passenger vessel that does not comply with this Interim Order commits a violation and is liable to a penalty in the amount of

(a) in the case of an individual, \$5,000; and

(b) in the case of any other person or vessel, \$25,000.

Repeal

13 The *Interim Order Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)*, made on April 4, 2020, is repealed.

SCHEDULE

(Section 1)

Passenger Vessels That Provide Essential Services

Item Vessels

- 1 A vessel operating to protect public health or safety or the marine environment including a vessel that is involved in
 - (a) search and rescue operations; or
 - (b) emergency or environmental response.

 - 2 A vessel that supports the activities of any of the following at their request:
 - (a) the Minister;
 - (b) the Minister of Fisheries and Oceans;
 - (c) a member of the Canadian Coast Guard; or
 - (d) a peace officer in the performance of their duties.
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* medical equipment, testing and laboratory services.

** primary health care services and pharmacies.

- 3 A vessel that operates when it is the most practical means to
- (a) give passengers access to their domicile or residence or their place of employment;
 - (b) give passengers access to essential goods and services, including
 - (i) goods or services directly related to the response to COVID-19*,
 - (ii) essential health services**, and
 - (iii) food, clean water, pharmaceuticals and fuel.
 - (c) transport cargo to resupply communities, businesses or industry; or
 - (d) give passengers access to services that are declared to be essential services by the Government of Canada, a provincial government, a local authority or a government, council or other entity authorized to act on behalf of an Indigenous group.

* medical equipment, testing and laboratory services.

** primary health care services and pharmacies.

a S.C. 2018, c. 27, s. 694

b S.C. 2005, c. 29, s. 18

c S.C. 2014, c. 29, s. 75(1)

d S.C. 2001, c. 26

e S.C. 2018, c. 27, s. 690

i Did you find this information helpful?

i Transport Canada is closely monitoring the COVID-19 situation. In response, we have issued some **transportation-related measures and guidance**. Please check if any of these measures apply to you.

You may experience longer than usual wait times or partial service interruptions. If you cannot get through, please **contact us by email**.

For information on COVID-19 updates, please visit **Canada.ca/coronavirus**.

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