



BERMUDA

MERCHANT SHIPPING (REGISTRATION OF SHIPS) AMENDMENT
REGULATIONS 2019

BR 18 / 2019

TABLE OF CONTENTS

| | |
|----|------------------------|
| 1 | Citation |
| 2 | Amends Regulation 2 |
| 3 | Amends Regulation 3 |
| 4 | Amends Regulation 9 |
| 5 | Amends Regulation 34 |
| 6 | Amends Regulation 35 |
| 7 | Amends Regulation 44 |
| 8 | Amends Regulation 46 |
| 9 | Amends Regulation 48 |
| 10 | Amends Regulation 49 |
| 11 | Amends Regulation 61 |
| 12 | Amends Regulation 66 |
| 13 | Amends Regulation 73 |
| 14 | Amends Regulation 74 |
| 15 | Inserts Regulation 78A |
| 16 | Amends Regulation 81 |
| 17 | Amends Regulation 83 |
| 18 | Amends Regulation 85 |

The Minister responsible for Maritime Administration, in exercise of the powers conferred by sections 25 and 32(6) of the Merchant Shipping Act 2002, makes the following Regulations:

MERCHANT SHIPPING (REGISTRATION OF SHIPS) AMENDMENT
REGULATIONS 2019

Citation

1 These Regulations may be cited as the Merchant Shipping (Registration of Ships) Amendment Regulations 2019.

Amends Regulation 2

2 Regulation 2 of the Merchant Shipping (Registration of Ships) Regulations 2003 (in these Regulations referred to as “the principal Regulations”) is amended in paragraph (1)—

(a) by inserting the following definition in its proper alphabetical position—

“ “Authority” means the Bermuda Shipping and Maritime Authority (BSMA); ”; and

(b) in the definition of “surveyor of ships” by deleting “Department of Maritime Administration” and substituting “Authority”.

Amends Regulation 3

3 Regulation 3 of the principal Regulations is amended in paragraph (4) by deleting “Department of Maritime Administration” and substituting “Authority”.

Amends Regulation 9

4 Regulation 9 of the principal Regulations is amended in paragraph (1) by deleting “Department of Maritime Administration” and substituting “Authority”.

Amends Regulation 34

5 Regulation 34 of the principal Regulations is amended by deleting paragraph (1)(c) and substituting the following—

“(c) where an original is provided, endorse on the bill of sale the fact that the entry has been made, together with the date and time when it was made.”.

Amends Regulation 35

6 Regulation 35 of the principal Regulations is amended in paragraph (2)(a) by deleting “an office copy” and substituting “a copy”.

Amends Regulation 44

7 Regulation 44 of the principal Regulations is amended in paragraph (1)(h) by deleting “Department of Maritime Administration” and substituting “Authority”.

Amends Regulation 46

8 Regulation 46 of the principal Regulations is amended by deleting sub-paragraph (b) and substituting the following—

“(b) where an original is provided, endorse on it the date and time it was registered.”.

MERCHANT SHIPPING (REGISTRATION OF SHIPS) AMENDMENT
REGULATIONS 2019

Amends Regulation 48

9 Regulation 48(b) of the principal Regulations is amended by deleting “an office copy” and substituting “a copy”.

Amends Regulation 49

10 Regulation 49 of the principal Regulations is amended by deleting sub-paragraph (b) and substituting the following—

“(b) in respect of a transfer, where an original is provided, endorse on the instrument of transfer, the date and time the entry was made.”.

Amends Regulation 61

11 Regulation 61 of the principal Regulations is amended in paragraph (1) by deleting “Department of Maritime Administration” and substituting “Authority”.

Amends Regulation 66

12 Regulation 66 of the principal Regulations is amended by deleting paragraph (3) and substituting the following—

“(3) Upon registering a ship, the Registrar shall retain in his possession a certified copy of the charterparty, a certified copy of any certificate of survey and copies of all declarations of eligibility, and, if applicable, copies of any declarations required by Regulation 14.”.

Amends Regulation 73

13 Regulation 73 of the principal Regulations is amended in paragraph (1) by deleting “Department of Maritime Administration” and substituting “Authority”.

Amends Regulation 74

14 Regulation 74 of the principal Regulations is amended in paragraph (4) by deleting “Department of Maritime Administration” and substituting “Authority”.

Inserts Regulation 78A

15 The principal Regulations are amended by inserting the following next after Regulation 78—

“Copies of documents

78A (1) Where any document listed in paragraph (2) is to be provided by or to the Registrar, the Registrar may provide or receive a copy of that document, including a copy provided or received by means of an electronic communication.

(2) The documents referred to in paragraph (1) are—

(a) a transcript of the entries in the Register referred to in Regulation 3(3);

MERCHANT SHIPPING (REGISTRATION OF SHIPS) AMENDMENT
REGULATIONS 2019

- (b) an appointment of a representative person referred to in Regulation 7(4)(a);
 - (c) a certified extract in respect of the ship referred to in Regulation 11(2);
 - (d) proof of incorporation in accordance with the laws of a foreign country referred to in Regulation 14(c);
 - (e) a certificate from one of the Registrars of Companies referred to in Regulation 14(c);
 - (f) a builder's certificate referred to in Regulation 18 and 47(4)(f);
 - (g) a bill of sale referred to in Regulations 18(b)(i) and 32;
 - (h) a certificate of survey or measurement specifying a ship's tonnage and build referred to in Regulations 19(3), 40(3), 66(1) and 86;
 - (i) a carving and marking note referred to in Regulations 21(2), 23, 25 and 66;
 - (j) a certificate of permanent defacement referred to in Regulation 21(4);
 - (k) a renewal notice referred to in Regulation 30;
 - (l) a grant of representation or an extract from that grant in Regulation 35(2) or 48(b);
 - (m) such evidence of proof of title referred to in Regulation 35(2)(b) or 48(c);
 - (n) a signed notification referred to in Regulation 38, 68 or 69(1);
 - (o) a marking note referred to in Regulations 41(3), 53, 42 and 58;
 - (p) a copy of certificate of registry, and any other document evidencing registration referred to in Regulation 47(4);
 - (q) an instrument of transfer of a registered mortgage in Regulation 49;
 - (r) a mortgage deed referred to in Regulation 50(1);
 - (s) a certificate of registry or other document referred to in Regulation 61(3); and
 - (t) a notarised translation in the English language, of any other document, referred to in Regulation 76.
- (3) For the purposes of paragraph (1)—
- “electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

MERCHANT SHIPPING (REGISTRATION OF SHIPS) AMENDMENT
REGULATIONS 2019

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form; and

“electronic communications network” has the meaning set out in section 2 of the Electronic Communications Act 2011.”.

Amends Regulation 81

16 Regulation 81 of the principal Regulations is amended by deleting paragraphs (4) and (5) and substituting the following—

“(4) On being notified of the event and being satisfied that the ship is entitled to be issued with a duplicate certificate, the Registrar shall authorise the appropriate person to issue a provisional certificate, endorsed with a statement of the circumstances under which it is granted.

(5) The provisional certificate shall within 10 days of the ship arriving in a port in Bermuda or in a foreign port nominated by the Registrar, be surrendered to the Registrar, and a duplicate certificate shall be issued.”.

Amends Regulation 83

17 Regulation 83 of the principal Regulations is amended by deleting “Department of Maritime Administration” and substituting “Authority”.

Amends Regulation 85

18 Regulation 85(1) of the principal Regulations is amended by deleting “lodged with” and substituting “provided to”.

Made this 14th day of February 2019

Minister of Tourism and Transport

[Operative Date: 18 February 2019]