



BERMUDA

MERCHANT SHIPPING (GAS CARRIERS) REGULATIONS 2020

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The Minister responsible for Maritime Administration, after consulting the persons referred to in section 94(3) of the Merchant Shipping Act 2002, in exercise of the powers conferred by section 93 of that Act, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Gas Carriers) Regulations 2020.

Interpretation

2 (1) In these Regulations—

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“anniversary date” means the day and month of each year which will correspond to the date of expiry of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;

“appropriate Certifying Authority” means the Minister or any person authorised by the Minister and includes (if so authorised), Lloyd’s Register of Shipping (LRS), Bureau Veritas (BV), Det Norske Veritas/ Germanischer Lloyd (DNV-Gl), American Bureau of Shipping (ABS), Registro Italiano Navale (RINA), and Nippon Kaisha Kokai (NKK);

“Cargo Ship Safety Construction Certificate”, “Cargo Ship Safety Equipment Certificate” and “Cargo Ship Safety Radio Certificate” mean respectively, the certificates so entitled, issued in conformity with the SOLAS Convention and in the case of a Bermuda ship, under or pursuant to the Merchant Shipping Act 2002;

“constructed” means in relation to a ship, having its keel laid or being at a similar stage of construction and “similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; or
- (b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

“1986-1994 gas carrier” means—

- (a) a gas carrier which was constructed on or after 1 July 1986 but before 1 October 1994;
- (b) a ship which was converted to being a gas carrier on or after 1 July 1986 but before 1 October 1994; or
- (c) to the extent that the Minister considers reasonable and practicable, a gas carrier which was constructed before 1st July 1986, but which underwent repairs, alterations or modifications of a major character in that period;

“gas carrier” means a self-propelled cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas listed in Chapter 19 of the IGC Code or any other substance so listed;

“IBC Code” means, in relation to 1986-1994 gas carriers, the 1983 IBC Code, and in relation to new gas carriers, the 1994 IBC Code;

“IGC Code” means, in relation to 1986-1994 gas carriers, the 1983 IBC Code as amended by Resolution MSC.17.(58) of the International Maritime Organization, adopted on 24th May 1990, and includes any further amendments adopted by the International Maritime Organization which are considered by the Minister to be relevant from time to time and are specified in a Merchant Shipping Notice, the 1993 Code as amended by Resolution MSC.17.(58) of the International Maritime Organization, adopted on 24th May 1990, and includes any further amendments adopted by the International Maritime

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Organization which are considered by the Minister to be relevant from time to time and are specified in a Merchant Shipping Notice;

“1983 IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“1994 IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“1983 IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“1993 IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“in bulk” means directly and without intermediate form of containment in a tank forming an integral part of, or permanently located on a ship;

“International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk” means a certificate which certifies compliance with the IGC Code;

“Merchant Shipping Notice” means a Notice described as such and issued by the Chief Marine Surveyor or the equivalent UK Merchant Shipping Notice, as applicable;

“new gas carrier” means—

- (a) a gas carrier which is constructed on or after 1st October 1994;
- (b) a ship which is converted to being a gas carrier on or after 1st October 1994; or
- (c) to the extent that the Minister considers reasonable and practicable, a gas carrier which was constructed before 1st October 1994, but underwent repairs, alterations or modifications of a major character after that date;

“proper officer” means a consular officer appointed by the Government of the United Kingdom and in relation to a port in a country outside the United Kingdom, which is not a foreign country, also any officer exercising in that port, functions similar to those of a superintendent;

“short international voyage” means a voyage from a port in one country to which the SOLAS Convention applies, to a port in another country, and—

- (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety; and
- (b) which does not exceed 600 nautical miles in distance between the last port of call in the country in which the voyage begins and the last port of call in the scheduled voyage, before beginning a return voyage, and which on the return voyage does not exceed 600 nautical miles in distance between the port of call in which the ship commences its return voyage and the first port of call in the country in which the voyage began,

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and for the purposes of this definition no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974/78;

- (2) In interpreting the IGC Code—
 - (a) the requirements of the IGC Code having been made mandatory under regulation 5, the language thereof shall be construed accordingly;
 - (b) the definitions set out in Chapter 1, paragraph 1.3 of the SOLAS Convention, shall apply;
 - (c) references to the Administration shall, in relation to Bermuda ships, be references to Bermuda and references to the Port Administration shall, in relation to all ships in Bermuda, be references to the Minister; and
 - (d) references to the SOLAS Convention mean references to the Convention as defined in these Regulations.
- (3) Any reference in these Regulations to—
 - (a) the IBC Code;
 - (b) the IGC Code; or
 - (c) the SOLAS Convention,

shall include a reference to any document amending it, which is considered by the Minister to be relevant from time to time and is specified in a Merchant Shipping Notice.

Application

3 (1) These Regulations apply, subject to this regulation, to 1986-1994 gas carriers and to new gas carriers.

(2) Where a ship is constructed or adapted to carry one or more of the substances listed both in Chapter 17 of the IBC Code and in Chapter 19 of the IGC Code and is not constructed or adapted to carry any substance listed only in Chapter 19 of the IGC Code, then these Regulations shall not apply to that ship.

(3) These Regulations apply to all ships specified in paragraph (1), which are Bermuda ships, wherever they may be and to other such ships while they are in inland waters or in the territorial waters of Bermuda.

(4) In the case of a ship registered in a State which is not a party to the SOLAS Convention, these Regulations shall not apply, by reason of the ship being in the inland waters or in the territorial waters of Bermuda, if the ship would not have been there, but for stress of weather or any circumstances which could not have been prevented by the owner, the master or the charterer (if any).

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Ambulatory reference

- 4 (1) In these Regulations, any reference to SOLAS Convention is to be construed—
- (a) as a reference to that convention as modified from time to time; and
 - (b) if that convention is replaced by another instrument, as a reference to that instrument.
- (2) For the purposes of paragraph (1), the SOLAS Convention is modified if—
- (a) omissions, additions or other alterations to the text, take effect in accordance with Article VIII of the Convention; or
 - (b) supplementary provisions made under Article VIII of the Convention take effect.

Compliance with the IGC Code

5 Every ship to which these Regulations apply shall be constructed, equipped and operated in accordance with the requirements relevant to it of Chapter 1, paragraphs 1.1.4.1 to 1.1.4.4 inclusive and Chapters 2-19 inclusive of the IGC Code.

Surveys

- 6 A Bermuda gas carrier shall be subject to the following surveys—
- (a) before the ship is put in service, or before an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk is first issued in relation to the ship, an initial survey as set out in section 1.5.2 of the IGC Code;
 - (b) within five years of the first issue of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk and thereafter, at intervals which, subject to regulations 9(3) and 10(3) to (6) shall be no more than five years, a renewal survey as set out in section 1.5.2 of the IGC Code;
 - (c) within three months before or after the second or third anniversary date of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk being issued, an intermediate survey as set out in section 1.5.2 of the IGC Code;
 - (d) within three months before or after each anniversary date of the issue of the ship's International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, other than when an intermediate survey is required to be carried out within that period, an annual survey as set out in section 1.5.2 of the IGC Code; and
 - (e) after a repair resulting from investigations prescribed in regulation 7(3) or whenever any important repairs or renewals are made, an additional survey as set out in section 1.5.2 of the IGC Code.

Responsibilities of owner and master

7 (1) The owner and master of every ship shall ensure that the condition of the ship and its equipment is maintained to conform—

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- (a) in the case of a Bermuda ship or any ship surveyed pursuant to these Regulations, with these Regulations; and
- (b) in the case of any other ship, with the requirements of the IGC Code,

so as to ensure that the ship in all respects will remain fit to proceed to sea without presenting an unreasonable threat of harm to the safety of ships or persons on them.

(2) The owner and master of every ship shall ensure that after any survey of the ship required by these Regulations or by the IGC Code (as applicable) has been completed, no change is made in the structure, equipment, systems, fittings, arrangements or material covered by the survey, without the approval of the appropriate Certifying Authority or of the Administration of the State which carried out the survey for that ship, except by direct replacement.

(3) The owner and master of every ship shall ensure that whenever an accident occurs on a ship or a defect is discovered which, in either case, substantially affects the integrity of the ship or the efficiency or completeness of its equipment—

- (a) if the ship is a Bermuda ship, it is reported at the earliest opportunity, to the Minister and to any other appropriate Certifying Authority;
- (b) if the ship is a Bermuda ship in a port outside Bermuda, it is also reported to the proper officer and to the appropriate authorities of the country in which the port is situated; and
- (c) if the ship is a non-Bermuda ship in a port in Bermuda, it is reported at the earliest opportunity, to the Minister.

(4) Whenever an accident or defect is reported—

- (a) to the Minister or a Certifying Authority under paragraph (3)(a); or
- (b) to the proper officer under paragraph (3)(b),

the Minister, Certifying Authority or proper officer shall cause investigations to be initiated to determine whether or not a survey by a surveyor is necessary, and if a survey is found to be necessary, require that survey to be carried out.

Issue and Endorsement of certificates

8 (1) Where the appropriate Certifying Authority is satisfied after the completion of an initial or renewal survey carried out in accordance with regulation 6(a) or (b) that the requirements of the IGC Code are being complied with, that Authority shall issue an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk to a gas carrier.

(2) Where the appropriate Certifying Authority is satisfied after the completion of an intermediate or annual survey carried out in accordance with regulation 6(c) or (d) that the requirements of the IGC Code are being complied with, that Authority shall so endorse the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.

(3) If any gas carrier which was previously under the flag of another State becomes a Bermuda ship, a Certifying Authority shall issue an International Certificate of Fitness

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for the Carriage of Liquefied Gases in Bulk only if it is fully satisfied that the ship is in compliance with the requirements of sections 1.5.3.1 and 1.5.3.2 of the IGC Code.

(4) The Minister may, through a proper officer or otherwise, request the Government of a Party to the SOLAS Convention to carry out a survey of a Bermuda ship and if satisfied that the survey has been completed in accordance with the requirements of the IGC Code—

- (a) issue or authorise the issue of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk to the ship, or endorse or authorise the endorsement of that certificate, in accordance with the requirements of the IGC Code;
- (b) include in the Certificate, a statement to the effect that it has been issued at the request of the Minister; and
- (c) transmit a copy of the survey report and the Certificate, to the Minister as soon as possible.

(5) A Certificate issued or endorsed in accordance with paragraph (4), shall have the same force and receive the same recognition as a Certificate issued or endorsed in accordance with paragraphs (1) to (3).

(6) The Minister may, at the request of the Administration of a Party to the SOLAS Convention, survey a ship registered in that State and if satisfied that the requirements of the IGC Code are complied with, issue or authorise the issue to the ship of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or endorse or authorise the endorsement of such a certificate.

(7) The Minister shall include or have included in any Certificate issued or endorsed in accordance with paragraph (6), a statement to the effect that it has been issued or endorsed at the request of the Administration, and shall transmit a copy of the survey report and the Certificate, to that Administration as soon as possible.

(8) A Certificate issued or endorsed in accordance with paragraph (6) shall have effect as if issued or endorsed by the Administration which requested the survey of the ship to be carried out.

(9) A Certificate issued or endorsed in accordance with paragraphs (1) to (3) and (6) to (8) shall be drawn up in a form corresponding to the model given in the Appendix to the IGC Code.

Duration and validity of certificates

9 (1) Subject to paragraphs (2) to (5), an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall be issued on the date of the completion of the relevant survey, as being valid from the date of issue, and for a period of validity not exceeding five years.

(2) Where a renewal survey required under regulation 6(b) has been completed within a period of three months before the expiry of an International Certificate of Fitness

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for the Carriage of Liquefied Gases in Bulk, the new Certificate shall be issued as being valid from the date of expiry of the existing Certificate.

(3) Subject to regulation 10(6), where a renewal survey required under regulation 6(b) has been completed after the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, the new Certificate shall be issued as being valid from the date of expiry of that expired Certificate.

(4) Where an annual or intermediate survey is completed before the period prescribed for such a survey in regulation 6(c) or (d)—

- (a) the anniversary date shown on the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- (b) subsequent annual or intermediate surveys required under regulation 6(c) or (d) shall be completed at the intervals prescribed by those regulations using the new anniversary date; and
- (c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 6 are not exceeded.

(5) An International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk shall cease to be valid—

- (a) if its period of validity has been exceeded and the validity of the certificate has not been extended by the appropriate Certifying Authority in accordance with regulation 10 or the period of any such extension has expired;
- (b) if the relevant surveys have not been completed within the periods specified in regulation 6, and the Certificate endorsed in accordance with regulation 8; or
- (c) upon transfer of the ship to the flag of another State.

Extension of validity of certificates

10 (1) Where an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk has been issued for a period of validity of less than five years and the intermediate and annual surveys required under regulation 6(c) and (d) have been completed, the appropriate Certifying Authority may extend the validity of that Certificate, so that the certificate is valid for a maximum period of five years.

(2) Where a renewal survey required under regulation 6(b) has been completed before the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, but the new certificate cannot be issued or placed on board the ship before the expiry of the existing Certificate, the appropriate Certifying Authority may endorse the existing Certificate as valid for a period not exceeding five months from its previous expiry date.

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(3) Where a renewal survey required under regulation 6(b) has not been completed before the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk and at the time of expiry, the ship is not in a port in which it is to be surveyed, the appropriate Certifying Authority may, where it appears to it proper and reasonable to do so, extend the validity of the Certificate, for a period of no more than one month, solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(4) Where no other extension has been granted, the appropriate Certifying Authority may extend the validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk of a ship used solely on short international voyages.

(5) An extension of validity under paragraph (3) or (4) shall be disregarded for the purposes of determining the date of expiry of an existing International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk under paragraph (2) or (3).

(6) In special circumstances as determined by the Chief Marine Surveyor, where a renewal survey required under regulation 6(b)—

- (a) has been completed after the expiry of an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
- (b) has been completed during the period for which the validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk has been extended in accordance with paragraph (3) or (5);
- (c) has been completed during the period for which the validity of the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk has been extended in accordance with paragraph (4),

the new Certificate may be issued as being valid from the date of completion of the renewal survey.

Equivalents

11 (1) Where the IGC Code requires that a particular fitting, material, appliance, apparatus, item of equipment or type thereof should be fitted or carried in a ship, or that any particular provision should be made, or any procedure or arrangement should be complied with, the Minister shall allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he is satisfied by trial thereof or otherwise, that such fitting, material, appliance, apparatus, item of equipment or type thereof, or that any particular provision, procedure or arrangement is at least as effective as that required by the IGC Code.

(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out—

- (a) in accordance with these Regulations or with a standard, code of practice, specification or technical description of a member State, other than Bermuda offering equivalent levels of safety, suitability and fitness for purpose; and

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- (b) by a body or laboratory of a member State other than Bermuda, offering suitable and satisfactory guarantees of technical and professional competence and independence.

Exemptions

12 The Minister may exempt any ship from any of the requirements of the IGC Code, subject to such conditions as he may specify, and may alter or cancel any exemption so granted.

Loading and carriage in bulk of dangerous substances

13 (1) No ship to which these Regulations apply shall load in bulk or carry in bulk any of the substances listed in Chapter 19 of the IGC Code, unless—

- (a) there is in force in respect of that ship, a valid International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk covering the substance which the ship is loading or carrying; or
- (b) the Minister has given approval to its carriage.

(2) Any approval in pursuance of this regulation shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

Penalties

14 (1) If there is a breach of regulation 5, 8 or 13 in relation to a ship, then the owner and master of the ship each commit an offence, punishable on summary conviction, by a fine not exceeding \$10,000 or on indictment, to an unlimited fine.

(2) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the Regulations were complied with.

Power to detain

15 In any case where—

- (a) a ship does not comply with the requirements of these Regulations;
- (b) an accident occurs to a non-Bermuda ship, or a defect is discovered in a non-Bermuda ship, either of which substantially affects the integrity of the ship or the efficiency or completeness of its equipment, and a full and proper report of that accident or defect has not been made to the appropriate authority for that ship; or
- (c) within a reasonable period of a report being made of an accident to or defect in a non-Bermuda ship, the Minister is not satisfied that action taken as respects that ship is sufficient to restore the integrity of the ship or the efficiency or completeness of its equipment,

the ship shall be liable to be detained and section 242 of the Merchant Shipping Act 2002 (detention of a ship) shall have effect in relation to that craft, as if for the words “this Act”

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wherever they appear, there were substituted the words “the Merchant Shipping (Gas Carriers) Regulations 2020”.

Made this 22nd day of December 2020

Minister of Transport

[Operative Date: 29 December 2020]