



BERMUDA

MERCHANT SHIPPING (LIMITATION OF LIABILITY FOR MARITIME CLAIMS)
AMENDMENT ORDER 2020

BR 142 / 2020

The Minister responsible for Maritime Administration, in exercise of the powers conferred by section 254(4A) of the Merchant Shipping Act 2002, makes the following Order:

Citation

1 This Order may be cited as the Merchant Shipping (Limitation of Liability for Maritime Claims) Amendment Order 2020.

Amends Schedule 6

2 Schedule 6 to the Merchant Shipping Act 2002 is amended in Part I Chapter II by deleting Article 6 and substituting the following Article—

“ARTICLE 6

The General Limits

1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows—

(a) in respect of claims for loss of life or personal injury—

(i) 3.02 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i)—

for each ton from 2,001 to 30,000 tons, 1,208 Units of Account;

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for each ton from 30,001 to 70,000 tons, 906 Units of Account;

for each ton in excess of 70,000 tons, 604 Units of Account; and

(b) in respect of any other claims—

(i) 1.51 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i)—

for each ton from 2,001 to 30,000 tons, 604 Units of Account;

for each ton from 30,001 to 70,000, 453 Units of Account; and

for each ton in excess of 70,000 tons, 302 Units of Account.

2. Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).

3. The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, according to a tonnage of 1,500 tons.

4. The references in paragraph 1 to relevant limits in this Convention have effect as follows—

(a) the references to the relevant limits are to be construed as references to those limits as modified from time to time pursuant to Article 8 of the 1996 Protocol;

(b) a modification of a reference to a relevant limit by virtue of sub-paragraph (a) has effect at the time that the modification of that limit pursuant to Article 8 of the 1996 Protocol comes into force in accordance with paragraph 8 of that Article;

(c) no modification of a reference to a relevant limit by virtue of sub-paragraph (a) affects any rights or liabilities arising out of an occurrence which took place before the day on which the modification has effect; and

(d) sub-paragraph (a) does not apply to a modification pursuant to Article 8 of the 1996 Protocol which reduces a relevant limit.”.

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Made this 22nd day of December 2020

Minister of Transport

[Operative Date: 29 December 2020]