



BERMUDA

MERCHANT SHIPPING (STABILITY) REGULATIONS 2020

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The Minister responsible for Maritime Administration, in exercise of the powers conferred by section 254(5) of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

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

Interpretation

2 In these Regulations—

“Authority” means the Bermuda Shipping and Maritime Authority (BSMA) established under section 3 of the Bermuda Shipping and Maritime Authority Act 2016;

“2008 IS Code” means the IMO Code of Intact Stability 2008 or any subsequent edition;

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“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;

“recognised organisation” means a classification society authorised by the Authority, to survey and classify ships and structures and issue certificates on the basis of their structure, design and safety standards, on behalf of the Government of Bermuda.

Application

3 These Regulations shall apply to—

- (a) a Bermuda ship operating on an international voyage; and
- (b) a non-Bermuda ship, whilst it is in the territorial waters of Bermuda.

Ambulatory reference

4 (1) In these Regulations, “SOLAS Convention” means the International Convention for the Safety of Life at Sea Convention 1974/78, as amended in accordance with its Protocol of 1988 and all IMO Maritime Safety Council (MSC) resolutions, including MSC 444(99) and if the 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;
- (b) supplementary provisions made under Article VIII of the Convention, take effect; or
- (c) the IMO Code of Intact Stability 2008 is modified.

Intact and damage stability

5 Ships to which these Regulations apply, shall meet the requirements for stability as defined in the SOLAS Convention Chapter II.

Assessment and approval of intact and damage stability

6 Assessment and approval of the arrangements for intact and damage stability shall be undertaken by the Authority, or by a recognised organisation approved and appointed by the Authority.

Merchant Shipping Notices

7 (1) The Authority may from time to time issue a Merchant Shipping Notice specifying any amendments to the SOLAS Convention Chapter II.

(2) A Merchant Shipping Notice issued under paragraph (1) may contain advice which relates to intact and damage stability.

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Exemption

8 The Minister may exempt any ship or description of ship from any of the requirements of these Regulations, subject to such conditions as he may specify, and may, on giving reasonable notice, alter or cancel any exemption so granted.

Offences

9 (1) If there is any contravention of these Regulations in respect of a ship, the owner of the ship commits an offence and is liable on summary conviction, to a fine not exceeding \$10,000.

(2) If a ship to which these Regulations apply, proceeds on any voyage without complying with any regulation, the owner and master of the ship, each commit an offence and is liable on summary conviction, to a fine not exceeding \$10,000 or on conviction on indictment, to imprisonment, for a term not exceeding two years or an unlimited fine, or to both.

(3) It shall be a good defence to a charge under this regulation, to prove that the person charged, took all reasonable steps to avoid committing the offence.

Made this 22nd day of December 2020

Minister of Transport

[Operative Date: 29 December 2020]