



BERMUDA

MERCHANT SHIPPING (CARRIAGE OF PACKAGED IRRADIATED NUCLEAR
FUEL ETC.) (INF CODE) REGULATIONS 2021

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The Minister responsible for Maritime Administration, in exercise of the powers conferred by section 93 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations 2021.

Interpretation

2 (1) In these Regulations—

“Bermuda ship” means a ship which—

- (a) is registered under Part IV of the Merchant Shipping Act 2002;
- (b) is a Government ship within the meaning of section 4(3) of the Merchant Shipping Act 2002, used for commercial purposes; or

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(c) is not registered under the law of any country but is wholly owned by persons each of whom is—

(i) a British citizen or a British Overseas Territories citizen; or

(ii) a body corporate which is established under the laws of Bermuda and has its principal place of business in Bermuda;

“Certificate of Fitness” means the International Certificate of Fitness for the Carriage of INF Cargo, as provided for in the INF Code;

“high-level radioactive wastes” means liquid wastes resulting from the operation of the first stage extraction system or the concentrated wastes from subsequent extraction stages, in a facility for reprocessing irradiated nuclear fuel, or solids into which such liquid wastes have been converted;

“IMDG Code” means the 2000 Edition of the IMO International Maritime Dangerous Goods Code;

“IMO” means the International Maritime Organization;

“INF cargo” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes carried as cargo;

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships adopted on 27 May 1999 by the Maritime Safety Committee of the IMO by resolution MSC 88(71) and set out in the Annex thereto;

“irradiated nuclear fuel” means material containing uranium, thorium or plutonium isotopes which has been used to maintain a self-sustaining nuclear chain reaction;

“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;

“operator” in relation to a ship includes any owner, charterer, manager and agent of the ship;

“packaged” means contained in packagings complying with the requirements of Class 7 of the IMDG Code, schedules 10, 11, 12, 13 or 14;

“plutonium” means the resultant mixture of isotopes of that material extracted from the reprocessing of irradiated nuclear fuel;

“SOLAS Convention” means the Safety of Life at Sea Convention 1974.

(2) For the purpose of these Regulations, “competent authority” means, in relation to Bermuda ships, the Minister, and in relation to other ships, the relevant maritime authority of the State whose flag the ship is entitled to fly.

(3) Any reference in these Regulations to the IMDG Code, INF Code or the SOLAS Convention shall include a reference to any document amending that publication which is

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considered by the Minister to be relevant from time to time and is specified in a Merchant Shipping Notice.

(4) In interpreting the INF Code—

- (a) the requirements of the INF Code having been made mandatory under regulation 4, the language thereof shall be construed accordingly, and in particular “should” shall be construed as “shall”; and
- (b) references to the Administration shall, in relation to Bermuda ships, be construed as references to the Minister.

Application

3 (1) Subject to paragraph (2), these Regulations apply to ships carrying INF cargo.

(2) These Regulations apply to—

- (a) Bermuda ships wherever they may be; and
- (b) other ships which are in Bermuda waters.

Duty to comply with the INF Code

4 (1) Every ship to which these Regulations apply shall be constructed, equipped, inspected and surveyed in accordance with the requirements of the INF Code.

(2) The operator and master shall ensure that a ship carrying INF cargo, complies with the requirements of the INF Code.

(3) The Minister shall, on the application of the operator of a ship registered in Bermuda, if he is satisfied that the ship complies with the requirements of the INF Code, issue to the operator a Certificate of Fitness certifying compliance with the INF Code.

Duty to hold a Certificate of Fitness

5 An operator or master shall not accept INF cargo for carriage in a ship which has not been issued with a Certificate of Fitness by the Minister, as mentioned in regulation 4(3), or by the administration of the State whose flag the ship is entitled to fly.

Offences and penalties

6 (1) If there is a breach of regulation 4(2) or 5, the operator and master each commit an offence.

(2) A person found guilty of an offence under these Regulations is on summary conviction, to a fine not exceeding \$10,000 and on conviction on indictment, to imprisonment for a term not exceeding two years or a fine of \$50,000, or both.

(3) It shall be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.

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Power to detain

7 In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 242 of the Merchant Shipping Act 2002 (which relates to the detention of a ship) shall have effect in relation to the ship as if for the words “this Act”, wherever they appear in that section, there were substituted, the words “the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations 2021”.

Offences due to the fault of another person

8 Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be deemed to have committed that offence and the person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Made this 7th day of July 2021

Minister of Transport

[Operative Date: 08 July 2021]