



BERMUDA

MERCHANT SHIPPING (OIL POLLUTION PREPAREDNESS, RESPONSE AND
CO-OPERATION CONVENTION) AMENDMENT REGULATIONS 2021

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The Minister responsible for Maritime Administration, in exercise of the powers conferred by section 122 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Amendment Regulations 2021.

Amends regulation 2

2 Regulation 2 of the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 2019 (“the principal Regulations”) is amended by inserting the following words and their definitions in their proper alphabetical positions—

“ “Convention” means the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990;

“Organization” means the International Maritime Organization (IMO).”

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Amends regulation 3

3 Regulation 3 of the principal Regulations is amended by inserting the following paragraph next after paragraph (2)–

“(3) These Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.”.

Inserts regulation 5A

4 (1) The principal Regulations are amended by inserting the following regulation next after regulation 5–

“Action on receiving an oil pollution report

5A (1) On receipt of an oil pollution report from any source, the Minister shall–

- (a) assess the event, to determine whether it is an oil pollution incident;
- (b) assess the nature, extent and possible consequences of the oil pollution incident; and
- (c) without delay, inform all States whose interests are affected or likely to be affected by such oil pollution incident, together with–
 - (i) details of his assessments and any action he has taken, or intends to take to deal with the incident; and
 - (ii) any further information as appropriate,

until the action taken to respond to the incident has been concluded or until joint action has been decided by such States.

(2) When the severity of such oil pollution incident so justifies, the Minister shall provide the Organization directly or as appropriate, through the relevant regional organisation or arrangements, with the information referred to in paragraph (1)(b) and (c).

(3) When exchanging information and communicating with other States and with the Organization, the Minister shall, insofar as it is practicable, comply with the reporting system contained in the Manual on Oil Pollution, Section II - Contingency Planning, appendix 2, developed by the Marine Environment Protection Committee of the Organization.

(4) Parties should use, as far as practicable, the oil pollution reporting system developed by the Organization when exchanging information and communicating with other States and with the Organization.”.

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Inserts regulations 6A and 6B

5 The principal Regulations are amended by inserting the following regulations next after regulation 6—

“Reporting of incidents: maritime officials

6A (1) This regulation applies to—

- (a) an inspector appointed under section 217 of the Act;
- (b) a member of the Royal Bermuda Regiment Coastguard;
- (c) a customs officer; and
- (d) a police officer.

(2) A person to whom this regulation applies shall report without delay any observed event at sea or at a sea port or oil handling facility involving a discharge of oil into, or the presence of oil in, the sea or water, to the Bermuda Maritime Operations Centre.

International co-operation in pollution response

6B (1) Upon the request of any Party affected or likely to be affected by an oil pollution incident, the Minister shall—

- (a) when, in the opinion of the Minister, the severity of the incident so justifies; and
- (b) subject to the capabilities of the Government and the availability of relevant resources,

co-operate and provide advisory services, technical support and equipment, for the purpose of responding to the incident.

(2) The financing of the costs for such assistance shall be based on the provisions set out in the Annex to the Convention.”.

Amends regulation 7

6 Regulation 7 of the principal Regulations is amended by deleting paragraph (2) and substituting the following paragraph—

“(2) Any person required to make a report under regulation 5, 6 or 6A who, without reasonable cause, fails to comply with all the requirements in the relevant regulation, commits an offence, punishable on summary conviction, to a fine not exceeding \$10,000 or on conviction on indictment, to a fine.”.

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Made this 29th day of December 2021

Minister of Transport

[Operative Date: 29 December 2021]