



BERMUDA

MERCHANT SHIPPING (REPATRIATION) AMENDMENT REGULATIONS 2021

BR 108 / 2021

The Minister responsible for Maritime Administration, in exercise of the power conferred by sections 3 and 84 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Repatriation) Amendment Regulations 2021.

Amends regulation 2

2 Regulation 2 of the Merchant Shipping (Repatriation) Regulations 2013 (“the principal Regulations”) is amended by—

- (a) deleting the definition of “Loadline Convention” and “pleasure vessel”; and
- (b) inserting the following words and their definition in their proper alphabetical positions—

“ Load Line Convention” means the International Convention on Load Lines 1966;

“pleasure vessel” means—

- (a) a vessel which, at the time it is being used, is—
 - (i) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or immediate family or friends of the owner; or in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the passengers are employees or officers of the body corporate, or their immediate family or friends; and

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- (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by or on behalf of users of the vessel other than by the owner; or
- (b) any vessel wholly owned by or on behalf of a member's club formed for the purpose of sport or pleasure and which, at the time that it is being used, is used only for the sport or pleasure of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and no other payments are made by or on behalf of users of the vessel other than by the owner,

and for the purposes of this definition "immediate family" means in relation to an individual, the husband or wife of the individual and a relative of the individual and "relative" means brother, sister, ancestor or lineal descendant;".

Amends regulation 3

3 Regulation 3 of the principal Regulations is amended by deleting "(1)".

Inserts regulation 3A

4 The principal Regulations are amended by inserting the following regulation next after regulation 3—

"Ambulatory reference

3A (1) In these Regulations, any reference to the Maritime Labour Convention shall be construed as a reference to the Convention as modified from time to time and if that Convention is replaced by another instrument, as a reference to that instrument.

(2) For the purposes of paragraph (1), the Maritime Labour Convention is modified if—

- (a) omissions, additions or other alterations to the text, take effect in accordance with Article XIV of the Convention; or
- (b) supplementary provisions made under Article XIV of the Maritime Labour Convention take effect."

Amends regulation 5

5 Regulation 5 of the principal Regulations is amended by deleting paragraph (3) and substituting the following paragraphs—

"(3) The right to repatriation in paragraph (1) shall lapse in the event that a seafarer does not claim that right within three months of termination of the

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employment agreement, except where the seafarer is held captive on or off the ship as a result of an act of piracy or armed robbery against a ship.

(4) In this regulation, the terms piracy and armed robbery against ships shall have the same meaning as in the Maritime Labour Convention, Seafarers Employment Agreement A2.1, paragraph 7.”.

Made this 7th day of July 2021

Minister of Transport

[Operative Date: 08 July 2021]