



BERMUDA

MERCHANT SHIPPING (SEAFARERS' EMPLOYMENT) AMENDMENT
REGULATIONS 2021

BR 109 / 2021

The Minister responsible for Maritime Administration, in exercise of the power conferred by sections 38 and 39 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Seafarers' Employment) Amendment Regulations 2021.

Inserts regulation 3A

2 The Merchant Shipping (Seafarers' Employment) Regulations 2013 ("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."

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Amends regulation 13

3 Regulation 13 of the principal Regulations is amended by inserting the following paragraphs next after paragraph (3)–

“(4) A seafarer’s employment agreement shall continue to have effect while a seafarer is held captive on or off a ship as a result of acts of piracy or armed robbery against a ship, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it.

(5) For the purposes of this regulation, the term–

- (a) piracy shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982; and
- (b) armed robbery against a ship means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters or territorial sea, or any act of inciting or of intentionally facilitating an act described in this sub-paragraph.”.

Amends regulation 15

4 Regulation 15 of the principal Regulations is amended by inserting the following paragraph next after paragraph (8)–

“(9) Where a seafarer is held captive on or off a ship as a result of acts of piracy or armed robbery against a ship, wages and other entitlements under the seafarer’s employment agreement, relevant collective bargaining agreements and these Regulations, in particular, the remittance of any allotments in regulation 4, shall continue to be paid during the entire period of captivity, until the seafarer is released and repatriated in accordance with the Merchant Shipping (Repatriation) Regulations 2013 or, where the seafarer dies while in captivity, until the date of death.”.

Made this 7th day of July 2021

Minister of Transport

[Operative Date: 08 July 2021]