



BERMUDA

MERCHANT SHIPPING (SHIP INSPECTION AND SURVEY ORGANISATIONS) REGULATIONS 2021

BR 176 / 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 (Ship Inspection and Survey Organisations) Regulations 2021.

Interpretation

2 In these Regulations—

“Agreement” means an Agreement between the Authority and a recognised or authorised organisation governing the delegation of statutory certification and services;

“authorisation” means the delegation of authority to a recognised organisation or an authorised organisation to perform statutory certification and other services

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on behalf of the Authority as detailed in an Agreement or equivalent legal arrangement pursuant to section 217 of the Merchant Shipping Act 2002;

“authorised organisation” means a legal entity, its subsidiaries or any other entities under its control, appointed to perform statutory certification and other services on behalf of the Authority as detailed in an Agreement or equivalent legal arrangement or appointed pursuant to section 217 of the Merchant Shipping Act 2002;

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

“Bermuda ship” has the meaning given by section 16(3) of the Merchant Shipping Act 2002;

“Chief Marine Surveyor” means the Chief Marine Surveyor appointed under section 10 of the Merchant Shipping Act 2002 and includes a person authorised by the Chief Marine Surveyor to perform his functions;

“Code for recognised organisations” or “RO Code” means the Code adopted by IMO resolutions MSC.349(92) and MEPC.237(65);

“IMO” means the International Maritime Organization;

“international conventions” include—

- (a) the International Convention on Load Lines 1966;
- (b) the International Convention for the Prevention of Pollution from Ships and its Protocol of 1978; and
- (c) the International Convention for the Safety of Life at Sea 1974 and the Protocol of 1988 relating thereto,

together with amendments to these Conventions and related Codes of mandatory status which relate to all or any of the purposes set out in section 93(1) of the Merchant Shipping Act 2002 or are contained in a document considered by the Minister to be relevant from time to time;

“recognised organisation” or “RO” means an organisation which has been assessed by the Authority and found to be compliant with the RO Code;

“ship” means a ship falling within the scope of the international conventions;

“ship of their class” in relation to a recognised organisation, means a ship which that organisation has certified to be in compliance with its rules.

Ambulatory reference

3 In these Regulations, when the RO Code is modified or replaced by another instrument, the RO Code shall be construed as a reference to the modified or replaced instrument.

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Duties of recognised organisations

4 (1) In performing functions for which they are authorised under the Merchant Shipping Act 2002 and instruments made under the Act, relating to any Bermuda ship, recognised organisations shall ensure that for a ship of their class, the relevant requirements of Convention standards are applied by the rules of the recognised organisations.

(2) Without prejudice to any requirements of a statutory instrument, made under the Merchant Shipping Act 2002, relating to the issue of certificates, the RO shall issue statutory certificates to a ship de-classed or changing class for safety reasons, after consulting with the Authority to determine whether a full inspection is required, as may be specified in an Agreement.

(3) Recognised organisations shall consult with each other periodically, with a view to maintaining equivalence of their technical standards and the implementation of their technical standards.

(4) Recognised organisations shall provide all relevant information to the Authority about changes of class or declassing of vessels.

Duties of authorised organisations

5 (1) In performing functions for which they are authorised under the Merchant Shipping Act 2002 and instruments made pursuant to it, relating to any Bermuda ship, an authorised organisation shall conform to Bermuda legislation as specified in an Agreement.

(2) The Authority shall periodically consult with authorised organisations, with a view to maintaining equivalence of their technical standards, in compliance with the Merchant Shipping Act 2002 and Regulations made under the Act.

Oversight by the Authority

6 (1) The Authority shall participate in oversight activities of all RO's as detailed in the Agreement and as required under the RO Code.

(2) The Authority shall maintain oversight of authorised organisations as specified in an Agreement.

Merchant Shipping Notices

7 (1) The Chief Marine Surveyor may from time to time issue a Merchant Shipping Notice indicating amendments to the RO Code.

(2) A Merchant Shipping Notice issued under this regulation may contain advice which relates to recognised or authorised organisations.

Withdrawal of recognition

8 (1) If the Chief Marine Surveyor is satisfied that the recognised or authorised organisation no longer fulfils the obligations under an Agreement with the Authority, he may withdraw recognition.

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(2) Where recognition is withdrawn under paragraph (1), that organisation ceases to be authorised to perform any function under the Merchant Shipping Act 2002 or any instrument made under that Act, until recognition is restored.

Made this 29th day of December 2021

Minister of Transport

[Operative Date: 29 December 2021]