



BERMUDA

MERCHANT SHIPPING (TONNAGE) AMENDMENT REGULATIONS 2021

BR 107 / 2021

The Minister responsible for Maritime Administration, in exercise of the powers conferred by section 33 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

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

Amends regulation 2

2 Regulation 2 of the Merchant Shipping (Tonnage) Regulations 2008 (“the principal Regulations”) is amended by deleting the definition of “Load Line Rules” and substituting the following definition—

“Load Line Rules” means—

- (a) the Merchant Shipping (International Load Line Convention) Regulations 2020; and
- (b) in relation to a ship not registered in Bermuda, the corresponding rules of the country in which the ship is registered;”.

Substitutes regulation 3

3 The principal Regulations are amended by deleting regulation 3 and substituting the following regulation—

“Application

3 (1) Subject to paragraphs (2) and (3), this Part applies to ships, 24 metres in length or over, registered or to be registered in Bermuda under Part IV of the Act

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and for which the ascertainment of tonnage is required under Regulations made under section 33 of the Act.

(2) A ship which is not subject to the Convention at the time of its departure on any voyage will not become subject to the Convention on account of any deviation from its intended voyage due to stress of weather or any other circumstances beyond the control of the owner or the master of that ship.

(3) In applying these Regulations, the Minister must give due consideration to any deviation or delay caused to any ship owing to stress of weather or any other circumstances beyond the control of the owner or the master of that ship.”.

Inserts regulation 3A

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

“Ambulatory provisions

3A (1) Any reference in these Regulations to a specific provision in an international instrument is to be construed as a reference to the provision in that instrument as modified from time to time, and if the instrument is replaced by another instrument, as a reference to the provision in that other instrument.

(2) In this regulation, “international instrument” means the International Convention on Tonnage Measurement of Ships or an instrument, including a code or guidance, made under that Convention.”.

Inserts regulation 15A

5 The principal Regulations are amended by inserting the following regulation next after regulation 15—

“Inspection

15A (1) Subject to paragraph (2), a non-Bermuda ship is subject to inspection by the Minister when it is in a Bermuda port, for the purpose of verifying that—

(a) a valid International Tonnage Certificate (1969) has been issued in relation to the ship; and

(b) the main characteristics of the ship correspond with the information contained in the certificate.

(2) The inspection shall not cause any delay to the ship.

(3) In the event that the inspection reveals that the main characteristics of the ship do not correspond with the information contained in its International Tonnage Certificate (1969) to the effect that the gross tonnage or net tonnage exceeds the value recorded in the certificate, the Minister must without delay notify in writing, the Government of the State whose flag the ship is flying, of this determination.

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- (4) The requirement that the notification referred to in paragraph (3) should be in writing is satisfied, where the text of a notification is—
- (a) transmitted by electronic means;
 - (b) received in legible form; and
 - (c) capable of being used for subsequent reference.”.

Made this 7th day of July 2021

Minister of Transport

[Operative Date: 08 July 2021]