



## GOVERNMENT OF BERMUDA

### MINISTRY OF TOURISM, TRANSPORT AND MUNICIPALITIES

#### THE BERMUDA SHIPPING AND MARITIME AUTHORITY

#### PATI Information Statement

**Name of Public Authority: Bermuda Shipping and Maritime Authority**

#### **Introduction:**

The Public Access to Information Act became law on the 10<sup>th</sup> of August 2010 and is intended to foster a culture of openness in government. With the exception of a limited range of exemptions, the Act sets aside a path of access for recorded information held by public authorities and obligates them to disclose it.

The Bermuda Shipping and Maritime Authority (formerly known as the Department of Maritime Administration) is dedicated to fostering and promoting a culture of transparency and openness in its operations and remains committed to helping the public understand our work.

The Information Statement given in this document is intended for the benefit of the public to understand the functions and duties undertaken by the Bermuda Shipping and Maritime Authority, the services delivered to the public and the records maintained relating to the functions undertaken. The Maritime Authority being a regulatory organisation dealing with matters relating to registration of ships, their ownership, mortgages on ships, safety and security certification etc., some of the records held in its possession are of confidential nature and protected by law, hence the public must be aware of the fact that certain confidential information and data may not be readily available. However, if the requirement of information is for valid reasons, especial arrangements and approvals can be obtained from the relevant authorities for releasing of such information.

#### **Section A: Structure, Organization and Legislation [s5(1)a]**

The Bermuda Shipping and Maritime Authority (Authority) is established as a Quasi Non-Governmental Organization (QUANGO) which operates as a Body Corporate under the Ministry of Tourism, Transport and Municipalities. The Body Corporate is administered by a Board of Directors consisting 7 Directors appointed by the Minister. The composition of the Board includes persons from Business Management, Ship Management and Operations, Ship Owners, Maritime Lawyers, Accountants, Shipping Industry, Port Operations etc.,

The Minister is responsible for the Constitutional obligations with regards to implementation of the Memorandum of Understanding (MoU) between the UK Government and the Bermuda Government in relation to administrative and the quality standards of the Bermuda Maritime Administration.

Also the Minister is responsible for the Statutory functions conducted by the Authority in relation to the International Maritime Conventions extended to Bermuda by the UK Government including the introduction of national Merchant Shipping legislation through the auspices of the Attorney General, to give force to such international instruments.

The Minister shall be responsible for the review and submission of the Annual Budget to the Minister of Finance for his written approval, and at the end of the financial year to lay before both Houses of Legislature a copy of the Audited Financial Statement, and the Financial Audit Report for its scrutiny.

The Board of Directors of the Authority is responsible for the general operations of the Authority and providing guidelines to the Chief Executive Officer on the implementation of the Authority's Business Plan. The Board is chaired by the Chairman who is assisted by a Deputy Chairman and respective Sub-Committees.

The Board appoints and employs the Chief Executive Officer of the Authority.

The Authority is headed by the Chief Executive Officer. The Authority is comprised of three divisions, Shipping Registry, Ship Survey Division, and Quality Assurance Division. Each of these divisions plays an integral role in the functioning of the Authority. The Authority's operational functions are governed by the provisions of the Board of Directors' Governance Charter, the Employees Hand Book and the Memorandum of Understanding (MoU) between the United Kingdom (UK) and the Government of Bermuda for the operation of a - Category One - Red Ensign Group (REG) Shipping Register- and the applicable International Conventions and Treaties concerning operation of ships engaged in international trade and plying the international waters.

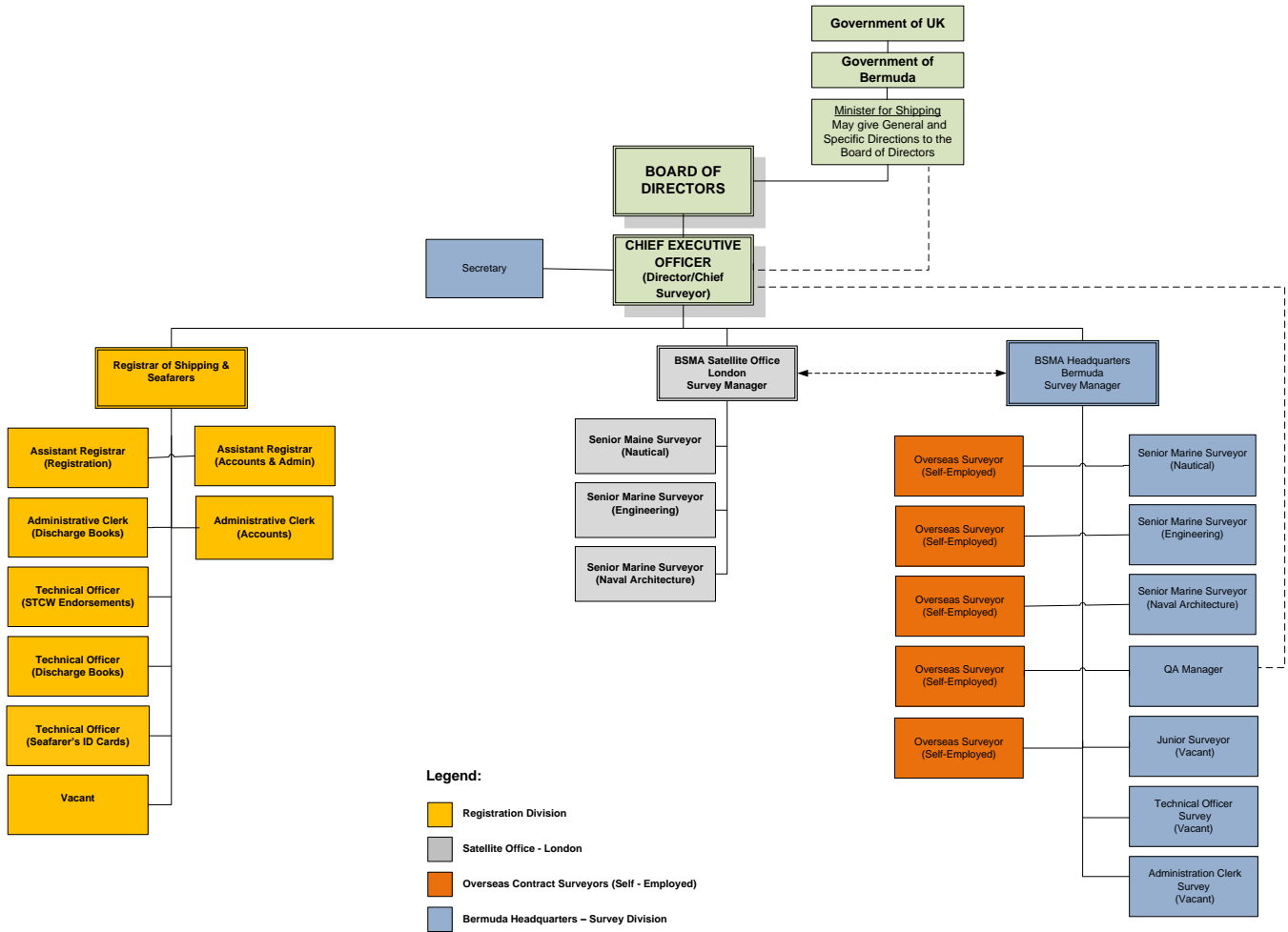
### **International Conventions**

The principal International Conventions being, the United Nations Convention on the Law of the Sea, 1982 (UNCLOS 82), International Maritime Organization (IMO) - Safety of Life at Sea, 1974 (SOLAS 74), Prevention of Marine Pollution, 1973 (MARPOL 73), Load Lines Convention 1966, International Convention on Tonnage Measurement of Ships, 1969 (ITC 69), Standards of Training, Certification and Watch-keeping for Seafarers, 1978 (STCW 78), International Convention on Liability for Bunker Oil Pollution Damage, 2001, International Labour Organization (ILO) – Maritime Labour Convention, 2006 (MLC 2006) and The Nairobi International Convention on the Removal of Wrecks, 2007.

# Organizational Chart

## BERMUDA SHIPPING AND MARITIME AUTHORITY ORGANIZATION STRUCTURE 15<sup>th</sup> August 2016

CABINET Approved



### Governing Legislation

The “Primary Legislation” governing the activities of the Authority is the Merchant Shipping Act, 2002, as amended, and the Bermuda Shipping and Maritime Authority Act, 2016. There are several ‘subsidiary legislation’ made under the above Acts, designated as “Merchant Shipping Regulations” to facilitate the statutory maritime operations conducted by the Authority.

Some of the existing maritime legislation dates back to 1894 and these have been amended from time to time to address social and economic changes and the continuous advancements of the maritime industry. Currently there are approximately 140 sets of Merchant Shipping Regulations in force in Bermuda.

The Bermuda Government facilitates, and oversees the operation of the Bermuda Shipping and Maritime Authority and its Shipping Register. Additionally, the statutory functions of the Authority are also subject to International Maritime Conventions, Treaties and Standards, promulgated by the United Nations (UN) through its Executive Agencies; the International Maritime Organization (IMO) and the International Labour Organization (ILO).

The UK is the Signatory to all International Maritime Conventions and treaties. Once the above conventions are Ratified by the UK they are formally extended to Bermuda by the UK Government, when requested. Much of the primary and secondary merchant shipping legislation enacted by the Parliament of Bermuda, are for the purpose of giving effect to relevant International Maritime Conventions and Treaties applicable to shipping. Also, the UK being the signatory to relevant maritime conventions, the UK Government has an oversight of the operations conducted by the Bermuda Maritime Administration through the provisions of the Memorandum of Understanding executed between the two Governments. The oversight of the Bermuda Administration by the UK is carried out by conducting periodic monitoring audits of the Administration, by the Maritime and Coastguard Agency (MCA), Department for Transport (DfT) of UK, on behalf of the UK Government.

The official text of the Bermuda laws relating to registration of ships, safety of life at sea, prevention of pollution from ships, maritime security, seafarers qualifications, seafarers' living and employment conditions on board ships, and safe operation of Bermuda ships are available on the Attorney General's web-site at:

<http://www.bermudalaws.bm>

The laws relating to international shipping operations are designated as 'Merchant Shipping' (Acts/Regulations) and these can be located in alphabetical order of the subject matter.

A search of the above website, under the 'Consolidated Laws' using letter 'M' will provide a quick access to the relevant Merchant Shipping legislation.

The above Website contains some of the earlier legislation made by the Bermuda Legislature, and those Statutory Instruments made from 1998 onwards to present day.

Certain Merchant Shipping legislation which had been enacted before 1993 may not have been published in the above "Bermuda Laws" website but may be available from this Authority.

Bermuda has also adopted certain UK Merchant Shipping legislation some of which are still in force. The list of these regulations is available from the Authority, and the relevant regulations can be obtained from Her Majesty's Stationery Office, UK or its website.

## **Section B: 1) Functions, powers, duties of the Authority [s5(1)b]**

### **Powers**

The authority and powers for the functions carried out by the Authority are derived from the provisions of the Merchant Shipping Act, 2002 and Statutory Instruments made there under, and the Bermuda Shipping and Maritime Authority Act, 2016, Orders in Council, Merchant Shipping Regulations and Bermuda Shipping Notices.

The enforcement powers include the right to inspect Bermuda ships wherever they may be, and foreign ships when in the Bermuda waters. Also, it includes the right for inspection of premises ashore for violation of any marine safety or marine pollution or maritime security laws.

The Authority has the powers to conduct inquiries into accidents, incidents, security breaches and serious crimes and death on board ships registered in Bermuda. Some of these functions are carried out in conjunction with the Bermuda Police Services where criminal matters are involved.

### **Functions**

The Bermuda Shipping and Maritime Authority is responsible for the administration of the following functions under the International Conventions (IMO & ILO) in force to which Bermuda is a Party, and the relevant Bermuda national legislation:

- Providing advice to the Minister on matters relating to shipping and seafarers
- In consultation with the Attorney General's Chambers, introduce national Merchant Shipping legislation giving effect to International Maritime Conventions and Treaties to which Bermuda is a Party
- Registration of Ships in Bermuda
- Survey and Certification of Ships
- Conducting of Safety Management Audits on shipping companies and ships
- Conducting Maritime Security Audits
- Conducting Maritime Labour Inspections
- Issuing of seafarer's certificates and Bermuda Endorsements
- Issuing seafarers discharge books and Identity cards
- Conducting Port State Control Inspections on foreign ships arriving in Bermuda ports
- Conducting Marine Accident Investigations
- Maritime Search and Rescue Operations
- Inquiries into deaths at sea
- Providing information and advice to marine industry
- Attending Red Ensign Group conferences and IMO, ILO technical forums

### **Duties**

The duties carried out by the Authority are primarily regulatory functions to ensure, safety of navigation, shipping operations, maritime security, prevention and control of pollution from ships, seafarers' standards

and qualifications, living and working conditions are maintained up to International Convention standards on board the Bermuda Ships and foreign ships arriving in the Bermuda waters.

These duties are concerned with the implementation of the Maritime Conventions which are developed and introduced by the International Maritime Organization (IMO), International Labour Organization (ILO) and the World Health Organization (WHO).

- The Safety of Life at Sea,
- Prevention and Control of Pollution from Ships,
- Maritime Security,
- Maritime Search and Rescue,
- Maritime Safety Communication,
- Seafarers Qualification and Certification,
- Seafarers' living and working conditions on board ships,

The above regulatory and enforcement functions are carried out by conducting verification surveys, technical inspections and audits on Bermuda ships wherever they are, and auditing the operations of shipping companies which own the Bermuda ships, at their place of business, at regular intervals.

Where serious deficiencies are found on ships during inspections and audits, such ships are subject to sanctions which may include legal actions and fines, withdrawal of statutory certification, detainment of ships in ports, and in very serious cases deregistration of a noncompliant ship from the Bermuda Registry.

These regulatory functions are carried out by appropriately qualified marine surveyors and auditors who are specialized in their area of expertise, such as Nautical Science, Marine Engineering, Naval Architecture, Marine Safety Management, Maritime Security, and Maritime Labour laws. Most of these personnel have previously served on board ships as Captains, Chief Engineers or at Senior Management level and additionally gained experience in Ships Surveying, Inspections and Audit functions.

In order to provide the legitimate enforcement powers, the Minister responsible for shipping issues warrants to each surveyor, auditor and inspector under the provisions of the Merchant Shipping Act, 2002.

### **Mission**

*The mission of the Bermuda Shipping and Maritime Authority is to operate a world class, quality shipping registry for the benefit of the Bermuda ship owners and other entities who qualify under the Merchant Shipping Legislation for registering ships under the Bermuda flag. The Authority will develop policies and procedures that promote safety and security at sea, help control and prevent marine pollution, improve Seafarers' Standards and provide an efficient, responsible and user friendly ship registration and survey services to the shipping community.*

The Maritime Administration operates as an Authority under the Ministry of Tourism, Transport and Municipalities. With regards to Statutory Functions of the Authority in relation to ships registered under the Bermuda flag, the Chief Executive Officer/ Chief Marine Surveyor reports Directly to the Minister Responsible for Shipping, through the proper channels. He also attends the Heads of Department meetings

at the Ministry, and at other Government and non – Governmental organizations.

The Marine Surveyors, Auditors, Inspectors and Registrar of Shipping report to the Chief Executive Officer/Chief Marine Surveyor. The administration and clerical staff report to the Registrar of Shipping.

The Authority has established a satellite office in the UK, at the Bermuda Government Office in London. There are four surveyors employed in the UK, operating from different locations and meet at the satellite office monthly. The proceedings of the meetings are minuted and recorded in the Authority's computer server and available for review by the Authority staff.

The survey and audit schedules and work programs are programmed into the Authority's common database which is accessible to all surveyors through the protected access system.

The UK office Survey Manger reports directly to the Chief Executive Officer/Chief Marine Surveyor.

Survey Manager of the Bermuda office, and the Survey Manager of the UK Satellite Office communicate with each other on daily basis and coordinate on survey, inspection and audit matters.

The Chief Executive Officer/Chief Surveyor attends the official meetings at the Maritime and Coastguard Agency, UK Government for regular consultation, and attend the annual Red Ensign Group Conference with the Registrar of Shipping.

## **Section B: 2) Obligations under PATI Act [s5(1)b]**

### **Obligations under the Public Access to Information Act, 2010 as amended**

The Bermuda Shipping and Maritime Authority, will:

1. Pro-actively publish and release information.
2. Encourage better information management.
3. Strive to answer requests that are reasonable and specific.
4. Give a clear explanation of our decision if information cannot be published or released.

### **PATI Duties**

The Bermuda Shipping and Maritime Authority, will ensure that:

All staff are aware of our obligations under PATI and the contents of this Information Statement,

All staff are aware of the correct procedures and processes involved in fulfilling our PATI obligations,

Records and information are managed and produced internally to allow for their retrieval and possible disclosure under PATI,

Requests for information are addressed expeditiously and in a fair manner,

Requests for information and the outcome of these requests are recorded.

Authority, maintains its budgetary and financial record as required under Part III (FINANCE AND BUDGET) of the Bermuda Shipping and Maritime Authority Act, 2016, and the Financial Instructions of the Authority.

The Authority will undergo an annual financial audits by the Auditor General and on completion of the financial audit, the Auditor General will provide the Audit Report to the Authority. The Authority in turn will submit to the Minister a copy of the audited Financial Report along with relevant Audit Report.

Following his review the Minister shall cause the Annual Audited Financial Statement, and the Annual Audit Report to be laid before both Houses of Legislature.

### **Section C: Services and Programmes [s5(1)c]**

#### **Services:**

Authority provides following services:

Develops maritime legislation in consultation with the Attorney Generals Chambers,

Develops processes and procedures for registration of ships, survey and inspection of ships,

Provide facilities for registration of ships and pleasure craft,

Undertakes survey and inspection of ships, conducts safety management and maritime security audits on ships, and Document of Compliance Audits on shipping companies and issue relevant statutory certificates,

Conducts Maritime Labour Convention audits on ships and issue Maritime Labour Certificates,

Conducts Port State Control Inspections on foreign ships arriving in Bermuda waters and detain unsafe or dangerous ships,

Prosecute with the assistance of the DPP any persons or ships that violates the Bermuda maritime laws,  
Conduct Search and rescue at sea,

Provide the industry with expert knowledge on maritime affairs,

Publish Shipping Notices giving latest information on regulatory requirements to ship owners,

Provide relevant information to the Minister and the Government on developments in the maritime and shipping



industry,

Provide guidance to young Bermudians who wish to secure employment at sea,

Provide training to Authority's staff for continuous improvement of their career path,

Attends national and international fora relating to maritime safety and security, pollution prevention and standards of seafarers qualification, living and employment on board ships,

The information provided to public and the shipping industry is based on the latest developments in the International Maritime and Labour Conventions and research and development carried out in the maritime industry.

#### **Section D: Records and documents held [s5(1)d]**

The Bermuda Shipping and Maritime Authority being a regulatory Authority it maintains many records relating the ownership of ships and boats, mortgages, liens etc., and records of various inspections and audits carried out on ships and documents issued to such ships. Some of the records are maintained for the lifetime of a vessel and others are maintained for the maximum statutory validity of such documents varying from 3 years to 7 years.

While some of the records are held as hard copies others are maintained in electronic format on computer databases on Government Electronic Servers.

Official Log Books, Radio Log Books forwarded to Authority by the ships are recorded and held in the Authority for future reference, and to be produced in a Court of Law as official evidence if needed.

Following is a brief list of records held:

#### **Shipping Register**

Each ship registered in the Bermuda Shipping Register holds an individual file which contains:

- Record of name approval
- Application to Register
- Declaration of Eligibility
- Certificate of Company Registration
- Bill of Sale or Builder Certificate
- Carving & Marking Notes
- Documents of Mortgages
- Certificate of Registry
- Transcripts of Register
- Register of Ships (A large bound book which contains all particulars of ships on the Register)
- Continuous Synopsis Records (CSR)
- Seafarers Discharge Books
- Records of Seafarer's Identity Cards
- Record of deaths on board ships

## Survey Division

Each ship holds a file under its own name and Official Number allocated to it and contains:

- Record of Inspections
- List of Navigation and Safety Equipment
- Declaration of Survey, Inspection, Audit
- Passenger Ship Safety Certificate
- Cargo Ship Safety Equipment Certificate
- Cargo Ship Radio Certificate
- International Tonnage Certificate
- International Load Line Certificate
- Oil Pollution Prevention Certificate
- Maritime Labour Certificate
- Certificate of Liability for Pollution by Bunker Fuel
- Certificate of Liability for Pollution by Oil
- International Safety Management Certificate
- International Ship Security Certificate
- Minimum Safe Manning Certificate
- Seafarers Certificates of Competency, and Endorsements
- Accident Investigation Reports
- List of Bermuda Approved Doctors
- Drawings and Plans of ships on the register (electronic documents)

## Section E: Administration (all public access) manuals [s5(1)e]

### Authority's Quality Assurance (QA) System

- Authority conducts its business under the International Quality Assurance Standards **ISO 9002: 2008**. The Authority has been accredited with the above QA standards by the accrediting body American Bureau of Shipping (ABS). The operational procedures, check lists, forms and documents are described in the ISO Procedure Manual.
- **ISO 9002: 2008** Procedure Manual is available to all Authority employees in printed format in the library, and electronically in the Authority's common electronic folder.

### Bermuda Maritime Laws:

- (a) Printed documents – Merchant Shipping Act, 2002, Bermuda Merchant Shipping Regulations, Bermuda Shipping Notices
- (b) Bermuda Shipping and Maritime Authority Act, 2016
- (c) AUTHORITY Website ([www.bermudashipping.gov.bm](http://www.bermudashipping.gov.bm))
- (d) Bermuda Government Website ([www.bermudalaws.bm](http://www.bermudalaws.bm))
- (e) UK Authority for Transport Website ([www.mcga.gov.uk](http://www.mcga.gov.uk))
- (f) Internet

## **International Maritime Laws:**

### Printed Publications:

- IMO Publications available in the Authority's Library
- ILO Publications available in the Authority's Library
- Marine Medical Guidance
- Search and Rescue Manuals
- Instruction and Guidance to Surveyors
- Instructions to Registrar of Ships

### Electronic Publications:

- IMO Website ([www.imo.org](http://www.imo.org))
- ILO Website ([www.ilo.org](http://www.ilo.org))
- Lloyd's Register Rulefinder

## **Section F: Decision-making documents [s5(1)f]**

The Bermuda Shipping and Maritime Authority is a multifunctional organization. Its functions involve administration of safety of life at sea, prevention and control of pollution from ships, maritime security and seafarer's working and living conditions on board ships, both locally in Bermuda as well as on ships registered under the Bermuda flag and operating outside of Bermuda.

Decision making on ship regulatory matters in local waters is administered from the Authority's Office in Bermuda by the Headquarters staff headed by the Chief Marine Surveyor, assisted by the senior surveyors, safety management auditors and the Registrar of Shipping and Authority support staff.

The administration of local craft operating in Bermuda ports and coastal waters is the responsibility of the Department of Marine and Ports Services. Decision-making documents relating to local craft operating in Bermuda waters are subject to the laws and regulations developed and promulgated by this Department. The Authority assists the Department of Marine and Ports Services in cases where advice and assistance on matters concerning foreign vessels when operating in Bermuda waters.

The process involves inspection and auditing of ships under the provisions of the Merchant Shipping Act 2002 and other relevant regulations. There are several supporting documents used to implement the regulatory regime, such as inspection reports, check lists, aid memoire, Warning Letters, Improvement Orders, Preventive Orders, and Prohibition Notices. Each of these instruments used is based on the circumstance of the case.

Decision making on Bermuda ships engaged on foreign voyages at different parts of the world is carried out by the Senior Surveyors from the Authority who attend the ship. It is the responsibility of the Senior surveyor to make the appropriate decision to address a certain situation in accordance with the requirements of the Merchant Shipping Act 2002 and the guidance of the Chief Marine Surveyor. There are clear instructions given in the Bermuda Law, and in the applicable International Conventions relating to regulatory matters and decisions on such matters.

There are also procedures given in the ISO 9002: 2008 Quality Assurance Manual to assist decision making process in a consistent and uniform manner.

Decisions relating to office administration matters are dealt with by the Chief Executive Officer in accordance with the provisions of the Employees' Hand Book, Authority's Financial Instructions, and the guidance from the sub-committees of the Authority. For those matters relating to conditions of employment under contracts, reference to individual Employment Agreements should be made.

## **Section G: The Information officer [s5(1)g]**

### **Contact Information**

Bermuda Shipping and Maritime Authority,  
PO Box HMI 628  
Hamilton, HM GX, Bermuda.

### **Information Officer**

Warren Simmons  
Technical Officer  
Bermuda Shipping and Maritime Authority,  
3/F Global House, 43 Church Street  
Hamilton HM 12, Bermuda.  
Telephone: +1441 295 7251, Fax number: +1441 295 3718

### **Deputy Information Officer**

Margaret R. Benn  
Quality Manager  
Bermuda Shipping and Maritime Authority,  
3/F Global House, 43 Church Street, Hamilton HM 12, Bermuda.  
Telephone: +1441 295 7251, Fax number: +1441 295 3718

### **Main Office**

Telephone No.: +1441 295 7251,  
Fax Number: +1441 295 3718  
**Email:** [enquiries@bermudashipping.bm](mailto:enquiries@bermudashipping.bm)

(Enquiries about ship registration in Bermuda and general information)

**Website:** [www.bermudashipping.bm](http://www.bermudashipping.bm)

### **Complaints:**

Complaints about the service we provide or relating to any safety matters concerning any Bermuda ships, or other ships in Bermuda waters may be made to the Bermuda Shipping and Maritime Authority using above contact particulars. Such complaints are recorded and followed up promptly.

## **Section H: Any Other Information [s5(1)h]**

The Bermuda Shipping and Maritime Authority operates a modern website which carries a wide range of information that includes maritime legislation, marine circulars, registration and survey procedures, official forms, fees and charges for services rendered.

**Section I: Any Other Information To be Provided? [s5(1)i]**

The public is cordially invited to contact our office if you need any information relating to functions we carry out or records we maintain in our office.

Telephone: : +1441 295 7251  
Fax number: +1441 295 3718  
Email: [enquiries@bermudashipping.bm](mailto:enquiries@bermudashipping.bm)

The Bermuda Shipping Registry has been in existence for the last 290 years. The old Register Books going back to the early stages of the Registry have been preserved and maintained in the Bermuda Government Archives. Please visit the Archives and see the history of the old ships that Bermuda had in its registry.

The Bermuda Shipping and Maritime Authority was established under the Bermuda Shipping and Maritime Act 2016 which came in to effect on 1st October 2016. Currently, the Authority is going through its stabilization phase which is expected to last for approximately 12 months.

**Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]**

Every public Authority shall update its information statement at least once a year, and make it available for inspection by the public at reasonable times by [s5(1-5), PATI Act]:

**Date Information Statement was updated: 1st November 2016.**

**Locations of Information Statement:**

- Your principal office: **(3/F, Global House, 43 Church St. Hamilton HM12)** **Y**
- The Bermuda National Library; **Y**
- The Bermuda Archives; **Y**
- Available electronically, **(PDF)** **Y**
- Website for public Authority (**www.bermudashipping.bm**). **Y**
- Have you published a notice in the Gazette indicating the places where the information statement is available for the public? **Y**
- With the Information Commissioner. **Y**



Captain G.P.A. Nawaratne  
Chief Executive Officer  
Chief Marine Surveyor  
Bermuda Shipping and Maritime Authority

**1st November 2016**