



2016-029

Government of Bermuda
Department of Maritime Administration



BERMUDA INFORMATION NOTICE

ESTABLISHMENT OF

“ BERMUDA SHIPPING AND MARITIME AUTHORITY ”

Notice: The purpose of this Information Notice is to inform the Ship Owners, Ship Managers, Masters, Officers, Crew members, Crewing agents and Recognised Organizations (RO) of Bermuda registered ships and yachts, the Bermuda International Shipping Association, Shipping Agents and Shipping industry in general, and members of the Red Ensign Group (REG) of the impending change of status of the Bermuda Department of Maritime Administration, to an Authority to be known as “Bermuda Shipping and Maritime Authority”.

The above change of status will come into effect from 1st October 2016

Summary

The following legislation is relevant:

- Merchant Shipping Act, 2002 as amended (2002 : 35);
- Bermuda Shipping and Maritime Authority Act, 2016 (2016 : 29);
- Bermuda Shipping and Maritime Authority Act, 2016 - Commencement Day Notice 2016 (BR 90/2016).

1. Introduction

1.1 The Government of Bermuda appointed a commission in April 2013, known as Spending and Government Efficiency (SAGE) Commission to undertake an independent review of the Bermuda Government. The Final Report of the SAGE Commission was published in October 2013;

1.2 Inter alia, the Report of the SAGE Commission recommended that the Department of Maritime Administration should be considered for establishing as a Quasi-Autonomous Non-Governmental Organization (QUANGO) with the status as an independent Authority to allow for more autonomous and flexible growth of the shipping register;

1.3 Having considered the advantages and benefits that could be gained from the above recommendation, the Bermuda Government took the necessary steps to establish a Quango to be named as ‘**Bermuda Shipping and Maritime Authority**’ which would continue with the functions relating to the Maritime Administration and Registry of Shipping of Bermuda.

1.4 The Bermuda Shipping and Maritime Authority (**Authority**) was established by the Bermuda Shipping and Maritime Authority Act, 2016 on 12th July 2016. With the above Commencement Day Notice 2016 (BR 90/2016) coming into force, the Authority will commence its statutory functions on 1st October 2016.

2. Existing Status

2.1 The ‘Maritime Administration’ of Bermuda is currently administered by the Department of Maritime Administration, functioning under the Ministry of Tourism, Transport and Municipalities. The Minister is responsible for the affairs of the Maritime Administration under the provisions of the Merchant shipping Act 2002.

2.2 The Minister has the general superintendence of all matters relating to the merchant shipping and seamen, and is authorised to carry into execution the provisions of the above Merchant Shipping Act, 2002 and is responsible for implementing the provisions of the International Maritime Conventions ratified by the UK on behalf of Bermuda.

3. Change of Status from 1st October 2016

- 3.1 The new **Bermuda Shipping and Maritime Authority** will commence operations on 1st October 2016:-
- as a Body Corporate conducting its corporate and operational affairs under the responsibility of a Board of Directors and the Chief Executive Officer, and
 - as Bermuda's Statutory 'Maritime Administration' having the responsibility for Maritime Safety, Prevention of Pollution from ships, Maritime Security and Standards of Seafarers on Bermuda registered ships, under the oversight of the Minister responsible for Shipping, under the provisions of the Merchant Shipping Act 2002.

4. Future operations of the Authority

- 4.1 The physical location of the Authority will remain same as that of the Department of Maritime Administration:

**Bermuda Shipping and Maritime Authority
Global House, 3rd Floor, 43 Church Street
Hamilton HM 12, Bermuda.
Tel: +1 441 295 7251, Fax: +1 441 295 3718**

- 4.2 There will be no changes to the UK operations. Survey and Audit functions will be continued as usual by the UK based Bermuda Surveyors operating from the London Office;
- 4.3 There will be no changes to Technical and support personnel at the Headquarters in Hamilton. The existing Surveyors, Auditors, Technical Officers and support staff will continue their services with the Authority, in the same ranks and capacity as before.
- 4.4 The current telephone numbers, cellular phone numbers and e-mail address will remain unchanged but they will be changed at a future date and the details will be notified in advance.
- 4.5 The existing Registrar of Shipping will continue to hold the same office under the Authority,
- 4.6 The existing Chief Marine Surveyor will continue to hold the same office under the Authority
- 4.7 The existing Director will assume the position of Chief Executive Officer (CEO) of the Authority,
- 4.8 The CEO will be responsible to the Board of Directors for the day to day operations of the Authority,
- 4.9 The CEO will be responsible to the Minister for the statutory functions of the Bermuda Maritime Administration, through the Authority;

5. Continuity of Register of ships

- 5.1 Anything done by or in relation to the Register of Ships and having effect immediately before the commencement date shall, so far as is required for continuing its effect hereafter, be treated as if it had been done by or in relation to the Authority.
- 5.2 The Authority shall continue to maintain the Register of Ships that has been kept under the Merchant Shipping Act 2002.
- 5.3 The Register of Ships shall continue to contain the information that is set out in the Merchant Shipping Act, 2002.

6. Transfer of Register of Ships

- 6.1 The Register of Ships shall transfer to the Authority together with all powers and functions vested in the appointments under the Merchant Shipping Act, 2002 and references in enactments and instruments to the Register of Ships shall be construed accordingly.

For more information please contact the Authority at the above address.

Capt. G P A Nawaratne
(M.Sc, B.Sc.(Hon), C.Eng, M.R.I.N.A, M.N.I.)
Chief Marine Surveyor

Chief Executive Officer
Bermuda Shipping and Maritime Authority