



BERMUDA

MERCHANT SHIPPING (MINIMUM STANDARDS OF SAFETY
COMMUNICATIONS) REGULATIONS 2004

BR 55 / 2004

TABLE OF CONTENTS

1	Citation
2	Interpretation
3	Application
4	Duty to ensure safe communication
5	Offences and penalties
6	Inspection of ships
7	Detention of ships

The Minister of Transport, in exercise of the powers conferred by section 93(1) of the Merchant Shipping Act 2002, makes the following regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Minimum Standards of Safety Communications) Regulations 2004.

Interpretation

2 (1) In these Regulations—

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

“chemical tanker” means a ship constructed and used for the carriage in bulk of any liquid chemical listed in the “Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk” published by the International Maritime Organisation, in its up-to-date version;

MERCHANT SHIPPING (MINIMUM STANDARDS OF SAFETY
COMMUNICATIONS) REGULATIONS 2004

“company” includes an individual, and in relation to a ship means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by the Regulations annexed to the STCW Convention;

“liquefied gas tanker” means a ship constructed and used for the carriage in bulk of any liquefied gas listed in the “Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk” published by the International Maritime Organisation, in its up-to-date version;

“oil tanker” means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;

“passenger ship” means a sea-going ship which carries more than twelve passengers;

“pleasure vessel” has the meaning given by regulation 3 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers 1978, in its up-to-date version.

(2) Where a ship is managed by a person other than her owner (whether on behalf of the owner or some other person, or on his behalf), a reference in these regulations to the owner shall be construed as including a reference to that person.

[Regulation 2 paragraph (1) definitions “chemical tanker”, “liquefied gas tanker” and “STCW Convention” amended by BR 143 / 2020 reg. 2 effective 29 December 2020]

Application

- 3 (1) Subject to paragraph (2), these Regulations apply to—
- (a) Bermuda ships;
 - (b) Government ships within the meaning of section 4 of the Merchant Shipping Act 2002; and
 - (c) other passenger ships, carrying more than twelve passengers, which start or finish a voyage in Bermuda.
- (2) These regulations do not apply to—
- (a) warships, naval auxiliaries or other ships owned or operated by the Crown and engaged only on governmental non-commercial service;
 - (b) fishing vessels; or
 - (c) pleasure vessels.

Duty to ensure safe communication

- 4 (1) It shall be the duty of the company and master to ensure that on every ship—

MERCHANT SHIPPING (MINIMUM STANDARDS OF SAFETY
COMMUNICATIONS) REGULATIONS 2004

- (a) there are adequate means in place for effective oral communication related to safety between all members of the ship's crew, particularly with regard to the correct and timely reception and understanding of messages and instructions; and
 - (b) there are adequate means of communication between the ship and the shore-based authorities in the English language.
- (2) It shall be the duty of the company and master of every passenger ship carrying more than twelve passengers to ensure that—
- (a) for the purpose of ensuring effective crew performance in safety matters—
 - (i) a working language, determined by the company or master as appropriate, is established, and recorded in the ship's official log book;
 - (ii) each seaman is required to understand and, where appropriate, give orders and instructions and report back in that language; and
 - (iii) if the working language is not English, all plans and lists that must be posted include translations into the working language; and
 - (b) personnel nominated on muster lists to assist passengers in emergency situations are readily identifiable and have communication skills that are sufficient for that purpose, taking into account an appropriate and adequate combination of any of the following criteria—
 - (i) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
 - (ii) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance whether or not the passenger and crew member share a common language;
 - (iii) the possible need to communicate during an emergency by some other means such as by demonstration, or hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical;
 - (iv) the extent to which complete safety instructions have been provided to passengers in their native language or languages; and
 - (v) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.
- (3) It shall be the duty of the company and master of a Bermuda ship or a Government ship, which is an oil tanker, chemical tanker or liquefied gas tanker to ensure that the master, officers and ratings are able to communicate with each other in a common working language.

MERCHANT SHIPPING (MINIMUM STANDARDS OF SAFETY
COMMUNICATIONS) REGULATIONS 2004

Offences and penalties

5 (1) Any contravention of any provision of regulation 4 shall be an offence, punishable—

- (a) on summary conviction by a fine not exceeding \$10,000.00; or
- (b) on indictment by imprisonment for not more than six months or both such fine and imprisonment.

(2) It shall be a defence for a person charged with an offence under these Regulations to prove he took all reasonable steps to ensure the Regulations were complied with.

Inspection of ships

6 Any person duly authorised by the Minister may inspect any ship to which these Regulations apply and, if he is satisfied that there is a failure to comply in relation to that ship with any of the requirements of regulation 4, he may detain the ship until such requirements are met.

Detention of ships

7 Where a ship is liable to be detained under these Regulations, section 242 of the Merchant Shipping Act 2002 (which relates to the detention of ships) shall have effect in relation to the ship as if for the words “this Act” wherever they appear, there were substituted the words “the Merchant Shipping (Minimum Standards of Safety Communications) Regulations 2004”.

Made this 20th day of July, 2004.

Minister of Transport

[Amended by:

BR 143 / 2020]