



BERMUDA

MERCHANT SHIPPING (FIRE PROTECTION: LARGE SHIPS)  
REGULATIONS 2021

BR 177 / 2021

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Classification of Ships

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:

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PART 1  
PRELIMINARY

Citation

1 These Regulations may be cited as the Merchant Shipping (Fire Protection: Large Ships) Regulations 2021.

Interpretation

2 In these Regulations—

“Chapter II-2” means Chapter II-2 in the Annex to the Convention (relating to Construction - Fire protection, fire detection and fire extinction);

“Convention” means the International Convention for the Safety of Life at Sea 1974;

“Yacht Code” means the Red Ensign Group Yacht Code for large commercial yachts.

Application

3 (1) Chapter II-2 of the Annex to the Convention (relating to Construction - Fire protection, fire detection and fire extinction) applies to—

- (a) Bermuda ships of Classes I, II, Class II(A) of 21.34 m in length or over, and Classes VII, VII(A), VII(T), VIII, VIII(A), VIII(T), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII of 500 tons or over, wherever they may be;
- (b) other such ships while they are within Bermuda waters, when engaged on international voyages; and
- (c) other such ships when not engaged on international voyages, while they are within Bermuda national waters.

(2) Where any requirement of Chapter II-2 in the Annex to the Convention relates to ships constructed on or after a certain date, then to the extent the Minister deems reasonable and practicable, the requirement shall also apply in respect of any major repairs, alterations and modifications commenced on or after the date, to ships constructed before that date.

(3) In the case of ships constructed before 1 October 1994 carrying more than 36 passengers, of Classes I, II and Class II(A) of 21.34 m in length or over, which undergo repairs, alterations, modifications or outfitting, any materials introduced into such ships by reason of such repairs, alterations, modifications or outfitting shall comply with the requirements with regard to such material prescribed for such ships constructed on or after 1st October 1994.

(4) These Regulations shall not apply to—

- (a) fishing vessels;
- (b) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 2010 apply; and

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- (c) the following non-Bermuda ships—
  - (A) troopships;
  - (B) ships not propelled by mechanical means; and
  - (C) a ship, by reason of her being in Bermuda or the territorial waters of Bermuda if she would not have been there, but for stress of weather or any other circumstances that neither the master, owner or charterer (if any) could have prevented.

Classification of ships

4 For the purposes of these Regulations ships shall be arranged in Classes as specified in the Schedule.

Ambulatory reference

- 5 (1) In these Regulations, any reference to Chapter II-2 is to be construed—
- (a) as a reference to Chapter II-2 as modified from time to time; and
  - (b) if Chapter II-2 is replaced, as a reference to the replacement.
- (2) For the purposes of paragraph (1), Chapter II-2 is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.
- (3) A modification or replacement of Chapter II-2 has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

PART 2

EXEMPTIONS, EQUIVALENTS AND APPROVALS

Exemptions

- 6 (1) The Minister may grant exemptions as provided for in the Convention and from all or any of the provisions of these Regulations (as may be specified in the exemption) for individual cases or classes of cases on such terms (if any) as he may specify, if he is satisfied that—
- (a) compliance with such provision is either impracticable or unreasonable in that case or classes of cases; and
  - (b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equivalent to that provided by the provision from which exemption is being granted.
- (2) The Minister may, on giving reasonable notice, alter or cancel any exemption granted under paragraph (1).

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(3) An exemption granted under paragraph (1) or an alteration or cancellation under paragraph (2) shall be given in writing and shall specify the date on which it takes effect and the terms (if any) on which it is given.

Equivalentents

7 (1) The Minister may approve any other equivalentents as provided for in the Convention.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that the approval referred to in paragraph (1) or a continuation, alteration or cancellation in paragraph (2), be in writing, is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Approvals

8 (1) The Minister, or any person authorised by the Minister, may grant an approval in relation to a Bermuda ship for anything in Chapter II-2 required to be—

- (a) approved by the Administration of the State whose flag the ship is entitled to fly;
- (b) done to the satisfaction of such Administration; and
- (c) acceptable to that Administration.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

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(4) The requirement that the approval referred to in paragraph (1), or the continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

PART 3

CONTROL AND ENFORCEMENT

Offences and penalties

9 (1) Any contravention of these Regulations in respect of a ship, other than a matter to which paragraph (3) applies, shall be an offence by both the owner and the master of that ship, punishable on summary conviction, by a fine not exceeding \$10,000 and on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both.

(2) In paragraph (1), “owner” includes any person or organisation, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship, from the owner.

(3) Any contravention of these Regulations which is a matter contained in Part G, regulation 19 of SOLAS 2002 Chapter II-2 shall be an offence punishable on summary conviction, by a fine not exceeding \$10,000 and on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both.

(4) It shall be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.

Detention

10 In any case where a ship does not comply with the requirements of these Regulations, the ship is liable to be detained, and section 242 of the Merchant Shipping Act 2002 (which relates to the detention of a ship) shall have effect in relation to that ship, as if for the words “this Act” wherever they appear, there were substituted, the words “the Merchant Shipping (Fire Protection: Large Ships) Regulations 2021”.

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SCHEDULE

(regulation 4)

CLASSIFICATION OF SHIPS

1. Passenger Ships

(a) Class I	Passenger ships engaged on voyages any of which are long international voyages;
(b) Class II	Passenger ships engaged only on short international voyages; and
(c) Class II(A)	Passenger ships engaged on voyages of any kind other than international voyages.

2. Ships other than passenger ships

(a) Class VII	Ships (other than ships of Classes I, VII(A), VII(T), XI and XII) engaged on voyages, any of which are long international voyages;
(b) Class VII(A)	Ships employed as fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the fish processing or canning industries;
(c) Class VII(T)	Tankers engaged on voyages any of which are long international voyages;
(d) Class VIII	Ships (other than ships of Classes II, VIII(T), IX, XI and XII) engaged only on short international voyages;
(e) Class VIII(A)	Ships (other than ships of Classes II(A) to VI(A) inclusive, VIII(A)(T), IX, IX(A), IX(A) (T), XI and XII) engaged on voyages which are not international voyages;
(f) Class VIII(T)	Tankers engaged only on short international voyages;
(g) Class VIII(A)(T)	Tankers engaged only on voyages which are not international voyages;
(h) Class IX	Tugs and tenders (other than ships of Classes II, II(A), III, VI and VI(A)) which proceed to sea but are not engaged on long international voyages;
(i) Class IX(A)	Ships which do not proceed to sea;
(j) Class IX(A)(T)	Tankers which do not proceed to sea;

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(k) Class XI	Sailing ships (other than ships of Class XII) which proceed to sea; and
(l) Class XII	Pleasure vessels (other than passenger ships) of 13.7 metres in length or over to which the Red Ensign Group Yacht Code for large commercial yachts applies.

Made this 29th day of December 2021

Minister of Transport

[Operative Date: 29 December 2021]