



BERMUDA

MERCHANT SHIPPING (EMERGENCY INFORMATION FOR PASSENGERS) REGULATIONS 2020

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The Minister responsible for Maritime Administration, 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 (Emergency Information for Passengers) Regulations 2020.

Interpretation

2 (1) In these Regulations—

“Annex” means an Annex of IMO Maritime Safety Committee (MSC) Circular.681 Guidelines for Passenger Safety Instruction on Ro-Ro Passenger Ships;

“passenger ship” means a ship licensed to carry more than 12 passengers;

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“SOLAS” means the International Convention for the Safety of Life at Sea 1974/78;

“voyage” includes an excursion.

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

Application

3 These Regulations apply to—

- (a) a Bermuda ship wherever it may be; and
- (b) a non-Bermuda ship at a port in Bermuda or at sea in Bermuda controlled waters.

Ambulatory reference

4 (1) In these Regulations, any reference to SOLAS is to be construed—

- (a) as a reference to that Convention as modified from time to time; and
- (b) if that Convention is replaced by another instrument, as a reference to that instrument.

(2) For the purposes of paragraph (1), SOLAS 74/78 is modified if—

- (a) omissions, additions or other alterations to the text take effect in accordance with Article VIII of the Convention; or
- (b) supplementary provisions made under Article VIII of the Convention, take effect.

Providing emergency instructions to passengers

5 (1) Before boarding a ship, or as soon as possible after boarding a ship, each passenger should be given a visually attractive card or folder, with diagrams and pictures to the greatest extent possible, explaining the emergency and safety-related procedures aboard the ship.

(2) The card or folder referred to in paragraph (1) shall include—

- (a) the notice in Annex 1 of IMO Maritime Safety Committee (MSC) Circular. 681 Guidelines for Passenger Safety Instruction on Ro-Ro Passenger Ships;
- (b) procedure for reporting fires and other apparently dangerous situations to a crew member;
- (c) the meaning of the IMO A.760(18) symbols;
- (d) information on operation and use of low-location lighting systems;
- (e) how assistance will be provided to disabled persons in an emergency;

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- (f) a general explanation of how an abandonment would be carried out, including moving to assembly stations, then embarkation stations, and onto survival craft;
- (g) procedures for following directions to the assembly stations with signs, given by the crew;
- (h) procedures for operating the lifejacket lights;
- (i) procedures for familiarisation with the lifeboats and life-rafts, and especially the life-raft launching and boarding procedures, as well as what to do in a lifeboat or life-raft;
- (j) warning, not to leave baggage where it obstructs passageways, or is otherwise unattended;
- (k) prohibition of access to vehicle decks during the voyage, and if one must have access to one's vehicle during the voyage, the appropriate crew member to be contacted;
- (l) a warning that all vehicle gas cylinders should be turned off;
- (m) a warning that smoking is prohibited on vehicle decks; and
- (n) advice to follow the instructions of crew members and letting passengers know that crew members are highly trained and are there to assist passengers.

(3) A safety briefing is required to draw the attention of the passengers to the card or folder, and to the location and contents of the passenger emergency instruction notices and to encourage the passengers to read the pamphlets and notices.

(4) The operator needs to determine the means by which most passengers will be reached and the most effective way will often be by means of the ship's public address system, and if available, video should be used in connection with the announcement.

(5) The broadcast should be presented in a formal impersonal manner and in some cases, it may be appropriate to present this briefing, in the terminal, rather than on the ship.

(6) The following methods may also be considered for presentation of safety information—

- (a) posters or displays in the terminal;
- (b) publication of safety information in periodicals in communities where use of ro-ro passenger services is high;
- (c) safety and survival display in public areas aboard ship;
- (d) a special information card, colouring book, or other activities for children;
- (e) a ship's cinema showing a trailer on ship safety, before the showing of a film;

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- (f) instructions can be posted on the inside of toilet doors; and
 - (g) information on safety procedures can be published in magazines, papers, and brochures distributed on board the ship.
- (7) Announcements made on board should be made after all the passengers have boarded and either prior to or immediately on departure from the berth; it should be ensured that no other announcement or music is allowed to be broadcast while the passenger emergency instruction announcement is being made; shops, services, and entertainment should not begin until the announcement is completed; alternatively, services may be suspended while the announcements are made.
- (8) Since it is often difficult to gain the full attention of passengers at this early stage in the voyage, it is recommended that this type of announcement be prefaced by a special signal when the public address system is used and followed by a request for everyone's attention; such announcements should be relatively brief and compatible with the need to convey enough information to the listener to enable an orderly muster of the passengers to take place if this becomes necessary.
- (9) An example of an announcement for this purpose is given in Annex 2 of IMO Maritime Safety Committee (MSC) Circular.681 Guidelines for Passenger Safety Instruction on Ro-Ro Passenger Ships.
- (10) Announcements on board a ship should be supplemented by other means appropriate to the ship and voyage to ensure that as many passengers as possible have their attention drawn to the passenger emergency instructions; this can include the showing of video programmes on board and in the shore terminal.
- (11) The ticket folder may have inserted a page containing emergency procedures information, including information in magazines and brochures published for passengers, making announcements in the shore terminal that, passengers should familiarise themselves with the contents of the emergency instruction notices on board.
- (12) Passengers should be encouraged to look for the assembly stations so that they learn that the point where they came aboard via the gangway is not the place to go in an emergency.
- (13) Some of the information listed in this regulation may be included in the safety briefing announcement, and care should be taken to ensure that the announcement does not become too long; pre-recorded announcements are recommended to promote clarity and enunciation.
- (14) Notices providing emergency instructions for passengers shall also be displayed in each passenger compartment.

Public address systems

6 Public address systems are to comply with IMO Maritime Safety Committee (MSC) Circular.808 Recommendation on Performance Standards for Public Address Systems on Passenger Ships, including cabling.

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Means of escape

7 Means of escape on the vessel shall be marked in accordance with SOLAS Chapter II/2 Part D, Regulation 13.

Exemptions

8 The Minister may exempt any ship or description of ships from all or any provision of these Regulations (as may be specified in the exemption), if he is satisfied that compliance with such provisions is either impracticable or unreasonable in the case of that ship or description of ships, on such terms as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Detentions

9 In any case, where a ship does not comply with the requirements of these Regulations, the ship is liable to be detained and section 103 of the Merchant Shipping Act 2002 (which relates to the detention of a ship) shall have effect in relation to the ship.

Penalties and defences

10 (1) If a ship to which these Regulations apply proceeds on any voyage or excursion without complying with the requirements of regulation 5, 6 or 7, the owner of the ship commits an offence and is liable on summary conviction, to a fine not exceeding \$10,000 or on conviction on indictment, to imprisonment for a term not exceeding two years or an unlimited fine or both.

(2) If regulation 5(3) is not complied with, the master of the ship commits an offence and is liable on summary conviction, to a fine not exceeding \$10,000 or on conviction on indictment, to imprisonment for a term not exceeding two years, or an unlimited fine or both.

(3) It shall be a defence to a charge under these Regulations for the defendant to show that all reasonable steps were taken to avoid commission of the offence.

Made this 22nd day of December 2020

Minister of Transport

[Operative Date: 29 December 2020]