



## GOVERNMENT OF BERMUDA

### MINISTRY OF TOURISM DEVELOPMENT AND TRANSPORT

#### Department of Maritime Administration

#### PATI Information Statement

**Name of Public Authority:** Department of Maritime Administration

#### **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 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 Department of Maritime Administration, the services delivered to the public and the records maintained relating to the functions undertaken. The Maritime Administration being a regulatory authority 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.

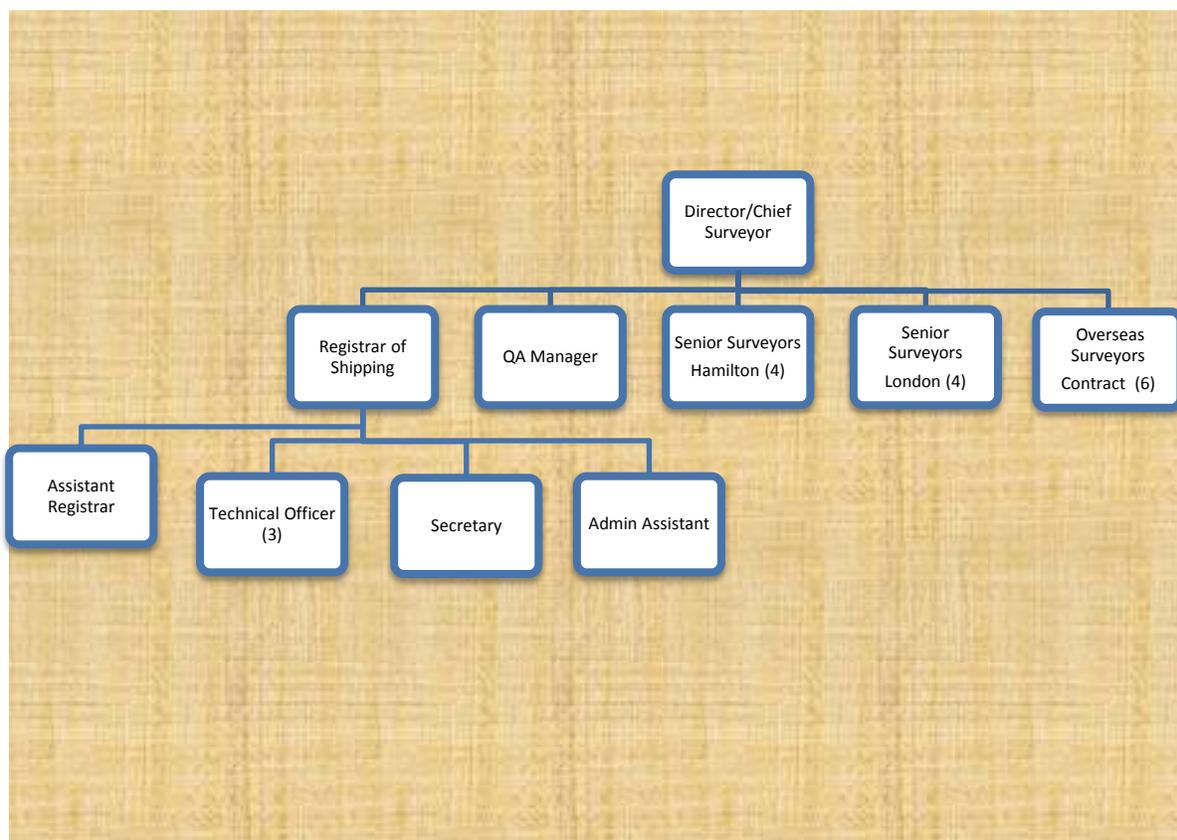
#### **Section A: Structure, Organization and Legislation [s5(1)a]**

The Department of Maritime Administration (DMA) operates under the Ministry of Tourism Development and Transport. It is headed by the Chief Marine Surveyor and is comprised of three divisions, Shipping Registry, Survey Division, and Quality Assurance Division. Each of these sections plays an integral role in the functioning of the Department. The DMA's functions are governed by the General Orders of the Bermuda Government, the Memorandum of

Understanding (MoU) between the UK Government and the Bermuda Government for the operation of a Red Ensign Group - Category One Shipping Register, and the applicable International Conventions and Treaties concerning operations of ships engaged in international trade and plying international waters.

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 and Watchkeeping for Seafarers, 1978 (STCW 78) and the International Labour Organization (ILO) – Maritime Labour Convention, 2006 (MLC 2006).

### DEPARTMENT OF MARITIME ADMINISTRATION



### Governing Legislation

The operation of the Department of Maritime Administration (DMA) is subject to the General Orders and Financial Instructions of the Government of the Bermuda.

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

Some of the existing maritime legislation dates back to 1894 and these have been amended from time to time. Currently there are nearly 140 sets of Merchant Shipping Regulations in force in Bermuda.

The Bermuda Government facilitates and oversees the operation of the Department of Maritime Administration and its Shipping Register. Additionally, the statutory functions of the department 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 above conventions are formally extended to Bermuda by the UK Government once the UK has ratified them. 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 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 a Memorandum of Understanding executed between the two Governments. The oversight of the Bermuda Administration is carried out by monitoring audits of the Administration undertaken by the Maritime and Coastguard Agency (MCA) of the UK Government.

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

<http://www.bermudalaws.bm>

The laws for shipping are designated as 'Merchant Shipping' (regulations) and 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 all of the legislation passed by the Bermuda Legislature and Statutory Instruments made from 1998 to present (and some earlier material).

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 Department.

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 Department and the relevant regulations can be obtained from the UK – Her Majesty's Stationery Office or its website.

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

### **Powers**

The authority and powers for the functions carried out by the DMA derives from the Merchant Shipping Act, 2002 (as amended), the 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 right for inspection of premises ashore for violation of any marine safety or marine pollution or maritime security laws.

### **Functions**

The Department of Maritime Administration (DMA) 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:

- Registration of Ships under the Bermuda flag
- Survey and Certification of Ships
- Providing advice to the Minister on maritime matters
- Safety Management Audits
- Maritime Security Audits
- Maritime Labour Inspections
- Issuing of seafarers licences and certificates
- Issuing seafarers discharge books and Identity cards
- Port State Control Inspections
- Marine Accident Investigation
- Maritime Search and Rescue Operations
- Inquiries into deaths at sea
- Providing information and advice to the marine industry

### **Duties**

The duties carried out by the DMA are primarily regulatory functions to ensure safety of navigation, safety of shipping operations, maritime security, prevention and control of pollution from ships, seafarers' qualifications, and that seafarers' living and working conditions are maintained up to International Convention standard on board Bermuda Registered Ships and foreign ships arriving in Bermuda's waters.

- Safety of Life at Sea.
- Prevention and Control of Pollution from Ships.
- Maritime Security.
- Maritime Search and Rescue.
- 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, inspections and audits of Bermuda ships wherever they are, and auditing the operations of shipping companies who own or manage the 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 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.

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

### **Mission**

**The mission of the Department of Maritime Administration 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 department 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 a Department under the Ministry of Tourism Development and Transport. The Chief Surveyor reports directly to the Permanent Secretary of the Ministry and attends Heads of Department Meetings at the Ministry, and at other Government and non – Governmental organizations.

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

The DMA has established a satellite office in UK, at the Bermuda Office in London. There are four surveyors employed in the UK operating from different locations and meet at the satellite office monthly and discuss the survey and audit schedules and work programs.

The proceedings of the meetings are Minuted and recorded in the DMA's computer server and available for review by the DMA staff.

The UK office Survey Manager reports directly to the Chief Surveyor.

The Survey Manager of DMA's Bermuda office and the UK office communicate with each other on a daily basis and coordinate on survey, inspection and audit matters.

The Chief Surveyor attends meetings at the Maritime and Coastguard Agency, UK Government for regular consultation, and attends 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 Department of Maritime Administration 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 Department of Maritime Administration will ensure that:

All staff is aware of our obligations under PATI and the contents of this Information Statement.

All staff is 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.

DMA maintains its budgetary and financial record as required under the Financial Instructions of the Government. The DMA undergoes financial audits by the Government Internal Auditor and the reports are produced by the auditor and distributed as required. Quarterly expenditures and any contracts over BD\$50,000.00 will be published.

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

### Services:

#### DMA provides following services:

Develops maritime legislation in consultation with the Attorney General's Chambers.

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

Provide facilities for the registration of ships and pleasure craft.

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

Conducts Maritime Labour Convention inspections on ships and issues Maritime Labour Certificates.

Conducts Port State Control Inspections on foreign ships arriving in Bermuda waters and detains 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 DMA staff for continuous improvement of their career path.

Attend 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 the 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 Department of Maritime Administration being a regulatory authority, maintains many records relating the ownership of ships and boats, mortgages, liens etc.; 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 and Radio Log Books forwarded to DMA by the ships are recorded and held in the DMA 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:

- Proposed Name of a British Ship
- Application to Register a Ship
- Declaration of Eligibility
- Certificate of Company Registration
- Bill of Sale or Builder Certificate
- Carving & Marking Note
- Mortgages of a Ship Account Current
- Certificate of British 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)

#### Quality Assurance / Quality Management System Records (“QMS”)

- Minutes from Bulletin Board departmental meetings
- Minutes from the Annual Review of the QMS
- Document approval and issue records
- Document control and amendment records
- Department internal training records

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

#### DMA Quality Assurance (QA) System

- DMA conducts its business under the International Quality Assurance Standards **ISO 9002: 2008**. The department 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 Manuals.
- **ISO 9002: 2008** Procedure Manuals are available to all DMA employees in printed format in the library, and electronically in the department’s common folder ‘Appdata’.

#### Bermuda Maritime Laws:

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

#### International Maritime Laws:

##### Printed Publications:

- IMO Publications available in the DMA Library

- ILO Publications available in the DMA 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 Department of Maritime Administration is a multifunctional organization. Its functions involve the 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 DMA 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 DMA 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 DMA assists, where necessary, the Department of Marine and Ports Services in cases where advice and assistance on matters concerning foreign vessels when operating in Bermuda waters are required.

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 DMA 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 with the guidance of the Chief Marine Surveyor. There are clear instructions given in the Bermuda Law, and in the applicable International Convention 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 Registrar of Shipping in accordance with the Conditions of Employment and Code of Conduct, the BPSU Collective Bargaining Agreement, Governments Financial Instructions, and the Guidance from the Department of Human Resources. For those matters relating to employment under contracts, reference to individual Employment Agreements are made.

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

### **Contact Information**

Department of Maritime Administration,  
PO Box HMI628  
Hamilton, HM GX, Bermuda.

### **Information Officer**

Warren Simmons  
Technical Officer  
Department of Maritime Administration,  
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 Assurance Manager  
Department of Maritime Administration,  
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.bermudshipping@gov.bm](mailto:enquiries.bermudshipping@gov.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 ship, or other ships in Bermuda waters may be made to the Department of Maritime Administration using the above contact particulars.

Such complaints are recorded and followed up promptly.

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

The Department of Maritime Administration 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.

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

## 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.bermudshipping@gov.bm](mailto:enquiries.bermudshipping@gov.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.

## 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: 19th March 2015**

### 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 Marine Surveyor  
Department of Maritime Administration

**20th March 2015**