

**MERCHANT SHIPPING (EPIRB REGISTRATION)
REGULATIONS 2008**

BR 80/2008

MERCHANT SHIPPING ACT 2002

2002 : 35

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The Minister responsible for Shipping, after consulting the persons referred to in section 94(3) of the Merchant Shipping Act 2002, and in exercise of the powers conferred by section 93(1) of that Act, makes the following regulations:

Short title

1 These Regulations may be cited as the Merchant Shipping (EPIRB Registration) Regulations 2008.

Interpretation

2 In these Regulations —

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"Bermuda ship" means a ship which is a Bermuda ship within the meaning of section 16(3) of the Merchant Shipping Act 2002;

"Cospas-Sarsat satellite service" means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

"EPIRB" means an emergency position indicating radio beacon capable of transmitting a distress alert either through the Cospas-Sarsat satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 GHz band;

"INMARSAT" means the Organisation established by the Convention on the International Maritime Satellite Organisation adopted on 3rd September 1976;

"MID" means Maritime Identification Digits, being the three digits within the MMSI that identify the country where the ship is registered;

"MMSI" means Maritime Mobile Service Identity, being a nine-digit identification number made up of the three-digit MID followed by a six-digit identification number;

"operator" includes the master and any charterer, manager or agent of the ship;

"surveyor of ships" means any person appointed by the Minister either generally or in a particular case, to exercise the functions of a surveyor, under these Regulations;

"survival craft" means a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship.

Application

3 These Regulations apply to Bermuda ships wherever they may be.

Competent authority

4 (1) For the purposes of these Regulations, Bermuda Maritime Operations Centre is designated as the competent authority for Bermuda.

(2) In these Regulations, in relation to any other member State of the International Telecommunications Union, "competent authority" means the authority designated as such by the State as the authority in that State for registering the details of EPIRBs.

Requirements for EPIRBs to be registered

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5 (1) The owner and the operator of every Bermuda ship shall ensure that every EPIRB carried on the ship (whether or not carried in compliance with statutory requirements) is registered with a competent authority and that the registered particulars are correct.

(2) The registered particulars referred to in subsection (1) are the following —

- (a) ship name;
- (b) radio call sign;
- (c) MMSI;
- (d) EPIRB information;
- (e) brief description of ship, including its length, type, gross tonnage, hull colour, deck colours and identifying marks;
- (f) capacity of ship for carrying persons on board (passengers and crew);
- (g) number of survival craft (lifeboats and liferafts);
- (h) satellite telephone numbers;
- (i) name, address, telephone and (if applicable) telefax number or e-mail address of emergency contact person ashore; and
- (j) alternative 24-hour emergency telephone number (alternative contact ashore).

(3) Every owner or operator of a ship shall make evidence that every EPIRB carried on the ship is registered in accordance with subsection (1) readily available on board for inspection at all times by a surveyor of ships.

Change in registered particulars

6 Where in respect of an EPIRB registered with a competent authority there is any change in the particulars registered with that competent authority, the owner or the operator of the ship to which those particulars relate shall, as soon as is reasonably practicable after the change, give written notice of it to the competent authority.

Offences

7 (1) Any owner or operator of a ship who contravenes section 5(1) or 6 commits an offence and is punishable on summary conviction by a fine not exceeding \$5,000.

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(2) Any owner or operator of a ship who contravenes section 5(3) commits an offence and is punishable on summary conviction by a fine not exceeding \$2,000.

Defence

8 It shall be a defence for a person charged under section 7 to show that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

Made this 5th day of December, 2008.

Premier