



BERMUDA

MERCHANT SHIPPING (MEDICAL STORES) AMENDMENT REGULATIONS
2011

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The Minister responsible for Maritime Administration, in exercise of the power conferred by sections 59(1)(a) and (b) of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations, which amend the Merchant Shipping (Medical Stores) Regulations 2005 (“the principal Regulations”), may be cited as the Merchant Shipping (Medical Stores) Amendment Regulations 2011.

Amends regulation 2

2 The principal Regulations are amended, in regulation 2(1)—

(a) by deleting the definition of “owner”;

(b) by inserting the following in the appropriate alphabetical place—

“seafarer” means any person who is employed, or engaged, or works in any capacity on board a ship and where there is doubt as to whether a person working or engaged on a ship is a seafarer, the Minister shall

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make a determination, and shall be guided by the advice and guidance of the International Labour Organization;

“shipowner” means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

“pleasure vessel” means—

- (a) a vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or immediate family or friends of the owner; or in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the passengers are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by or on behalf of the users of the vessel other than by the owner; or
 - (iii) any vessel wholly owned by or on behalf of a member's club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds for the general use of the club; and no other payments are made by or on behalf of users of the vessel other than by the owner;
- (b) for the purposes of this definition “immediate family” means, in relation to an individual, the husband or wife of the individual and a relative of the individual or the individual's spouse, and “relative” means brother, sister, ancestor or lineal descendant.”

Amends regulation 3

3 The principal Regulations are amended, in regulation 3(1)(a), by deleting “, used for non-commercial purposes and not manned by professional crews”.

Amends regulation 5

4 The principal Regulations are amended, by revoking regulation 5 and replacing it with the following—

“5 (1) Notwithstanding the requirements for medical stores set out in regulation 4, in the case of passenger ships in which a qualified doctor is always

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employed, the medical stores carried may be varied from those specified in regulation 4 in accordance with current medical practice and where improved medicines are available in lieu of those specified in regulation 4, provided always that the capability to deliver medical care is not in any way reduced.

(2) In the case of passenger ships in which a qualified doctor is always employed, the competent person specified in regulation 11 to inspect the ship's medical stores annually may be that doctor and he shall maintain proper records of the medical stores carried and the expiry dates of all medicines."

Inserts regulation 5A

5 The principal Regulations are amended, by inserting the following regulation next after regulation 5—

"Medical report forms

5A (1) Every ship shall use a standard format of medical report forms and that format shall be the format set out in the Ship Captain's Medical Guide for the purposes of reporting to relevant medical authorities ashore, or a format recognisably similar to it.

(2) The contents of medical report forms generated in accordance with paragraph (1) shall be kept confidential and shall be used only to facilitate the medical treatment of seafarers."

Made this 20th day of September, 2011

Minister of Transport