

BERMUDA

MERCHANT SHIPPING (FEES) REGULATIONS 2023

BR / 2023

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The Minister responsible for maritime administration, in exercise of the power conferred by section 250 of the Merchant Shipping Act 2002, makes the following Regulations:

Citation

1 These Regulations may be cited as the Merchant Shipping (Fees) Regulations 2023.

Interpretation

2 In these Regulations—

“Act” means the Merchant Shipping Act 2002;

“Authority” shall have the same meaning as in section 2 of the Bermuda Shipping and Maritime Authority Act 2016;

“Chief Executive Officer” shall have the same meaning as in section 2 of the Bermuda Shipping and Maritime Authority Act 2016;

“tons” means net tonnage;

“travelling time” includes the time taken to travel to a work location subject to a maximum of 10 hours in any 24-hour period;

“waiting time” means the time incurred where a surveyor has travelled to the location of the vessel or office and is unable to commence work;

“work location” means any ship, company office, shipyard or other location where the services, described in these Regulations, are performed.

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Application

3 (1) Nothing in these Regulations shall apply to any service started before the date on which these Regulations come into operation, and as respect any such service the fee payable shall be that applicable at the time of starting the service.

(2) The fees set out in the Schedule to these Regulations shall apply in respect of any service started on or after the date on which these Regulations come into operation.

(3) Where a fee is determined by the amount of work involved on or off the ship—

- (a) travelling time in excess of one hour for each visit to a ship in Bermuda shall be disregarded;
- (b) where the work carried out in conjunction with work for which fees are not payable under these Regulations, the fee is to be determined by reference to the time taken to ensure compliance with the requirements for which fees are charged under these Regulations; and
- (c) any specific costs incurred in respect of outside services shall be charged additionally to the hourly rate.

Fees

4 (1) The fees specified in the Schedule to these Regulations shall be the fees for the services as described.

(2) The Chief Executive Officer may grant a waiver, in whole or in part, in the payment of any fee payable under any Part of the Schedule.

Revocation

5 The Merchant Shipping (Fees) Regulations 2012 are revoked.

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SCHEDULE

(regulation 4)

PART 1

SURVEYS, INSPECTIONS AND AUDITS

1 In this Part of the Schedule, “statutory requirement” means any provision of the Act as it applies to Bermuda and any regulation made in respect of surveys, inspections and applications for exemption relating to any statutory certificate issued by the Bermuda Shipping and Maritime Authority or on behalf of the Bermuda Shipping and Maritime Authority.

2 Subject to any additional charge payable under Part 3 of this Schedule, the fees for the services in this Part of the Schedule shall be determined by the amount of work involved, charged at an hourly rate of \$220.00.

Application of Part 1

3 Subject to paragraph 4, the services and other functions to which this Part applies are—

- (a) a survey or inspection of a ship or its equipment or any audit of its management systems, its security provisions or the arrangements for seafarers on the application of the owner, for the issue, amendment, endorsement or renewal of a certificate for the purpose of showing compliance with any of the statutory requirements;
- (b) any other inspection of a ship or its equipment under section 219(1) of the Act (powers to inspect ships and their equipment) on the application of the owner, for the purpose of seeing that the ship complies with any of the statutory requirements;
- (c) an audit of a company management office for the issue, amendment, endorsement or renewal of a certificate for the purpose of showing compliance with statutory requirements;
- (d) an inspection or audit under section 219(1) of the Act, otherwise than on the application of the owner, for the purpose of seeing whether or not the statutory requirements have been complied with;
- (e) an inspection of a ship in response to a crew complaint where the substance of the complaint is found to be proven;
- (f) an inspection, survey or audit of a ship, its equipment or management, whether on the application of the owner or otherwise, where—
 - (i) the ship or any of its equipment subject to the statutory requirements has been damaged, changed or modified;

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- (ii) a previous inspection has revealed a failure to comply with any of those statutory requirements; or
- (iii) the Minister has reasonable grounds to believe that the condition of the ship or its equipment is not in compliance with the statutory requirements or that the ship is no longer suitable to be a Bermuda ship;
- (g) the review of a seafarer's medical examination by a medical referee appointed by the Minister pursuant to the Merchant Shipping (Medical Certification of Seafarers) Regulations 2013;
- (h) the consideration of an application for an exemption or approval or an amendment of an exemption or approval pursuant to any of the statutory requirements;
- (i) the consideration of an application for equivalence pursuant to any of the statutory requirements;
- (j) an inspection pursuant to the statutory requirements which results in the detention of a ship and any subsequent inspection relating to the deficiencies which led to the detention;
- (k) the issue or re-issue of a certificate pursuant to the statutory requirements; and
- (l) the tonnage measurement of any ship or yacht.

4 Where a fee is specifically prescribed under another Part of this Schedule in respect of a survey, inspection or audit or the issue or endorsement of a certificate in connection with any of the statutory requirements, that fee applies and not the fee prescribed under this Part.

PART 2

ADDITIONAL CHARGES

1 Waiting time—

Fees in respect of waiting time incurred during a survey, inspection or audit undertaken shall be charged at the rate of \$220.00 per hour, with a maximum number of seven hours in any 24-hour period being accountable.

2 Travel and Subsistence—

Fees for travel and subsistence costs incurred while visiting a work location shall be charged in addition to the hourly rate.

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PART 3**REGISTRATION OF MORTGAGES, CHANGE OF OWNERSHIP OF SHIPS ETC., AND
OTHER FEES**

SERVICE		FEE
FOR A YACHT NOT EXCEEDING 24 METRES IN LENGTH		
1.	Registration of each mortgage for a yacht including intent not exceeding 24 metres in length	\$160.00
2.	Transfer or discharge of mortgage	\$160.00
3.	Transfer of ownership or shares	\$160.00
4.	Change of name	\$160.00
5.	Change of particulars recorded in the register	\$160.00
FOR ANY OTHER VESSEL		
6.	Registration of each mortgage including intent for any other vessel	\$500.00
7.	Transfer or discharge of mortgage	\$500.00
8.	Transfer of ownership or shares	\$500.00
9.	Change of name	\$500.00
10.	Change of particulars recorded in the register	\$500.00
OTHER FEES		
11.	Issue of a Transcript of Register relating to any one ship	\$160.00
12.	Issue of a new or a duplicate Certificate of Registry	\$160.00
13.	Personal inspection of the Register	\$52.00
14.	Transfer of port registration of a yacht not exceeding 24 metres in length	\$160.00
15.	Transfer of port registration in the case of any other vessel	\$500.00
16.	Preparation of documentation for demise charter registration out of flag for any vessel	\$500.00
17.	A search for any document and issuing a copy thereof (applies only to a public document)	\$160.00
18.	For a certified copy of any document to be produced in evidence under the Merchant Shipping Act 2002	\$160.00
19.	For the issue of a seaman's discharge book	\$85.00
20.	For the issue of a Bermuda endorsement to a ship's officer with a non-UK certificate of competency	\$160.00
21.	For the issue of a statutory certificate or exemption or statement of acceptance	\$160.00
22.	For the issue of a seaman's identification card	\$35.00

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FEES FOR VESSELS, INSURANCE CERTIFICATES & CIVIL LIABILITY CERTIFICATES		
23.	Annual service fee for vessels not over 500 GRT and exceeding 24 metres	\$350.00
24.	Annual service fee for vessels over 500 GRT	\$950.00
25.	Annual service fee for passenger vessels	\$1,600.00
26.	Liability for death of and personal injury to passengers insurance certificate or other financial security per vessel	\$230.00
27.	Removal of wrecks insurance certificate or other financial security per vessel	\$230.00
28.	Bunker oil pollution damage civil liability certificate per vessel	\$230.00
29.	Oil pollution damage civil liability certificate per vessel	\$230.00
FEES FOR RADIO LICENCES & THE APPROVED CONTAINER EXAMINATION PROGRAMME (ACEP)		
30.	For the issue of an initial GMDSS Class 1 Radio licence	\$625.00
31.	For the issue of a GMDSS Class 1 Radio licence Renewal	\$500.00
32.	For the issue of a GMDSS Class 2 Radio licence	\$625.00
33.	For the issue of a GMDSS Class 2 Radio licence Renewal	\$380.00
34.	For the issue of a Ship Radio licence Restricted Station	\$270.00
35.	Initial fee for approval of Approved Container Examination Programme (ACEP)	\$6,000.00
36.	Annual fee for administration of ACEP	\$25,000.00

PART 4**REGISTRATION AND TONNAGE FEES FOR CARGO AND PASSENGER SHIPS**

Fees in respect of tonnage for ships under this Part that are chartered-out by demise apply at the rate of 50% of the annual tonnage fees

CARGO SHIPS			
1.	For a ship not exceeding 10,000 net tons	Registration fee on registry	\$3,000.00 for the first ship. \$1,500.00 for the second and subsequent ships under the same ownership
		Annual Tonnage fee	\$4,240.00

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2.	For a ship 10,000 net tons or more but not exceeding 50,000 net tons	Registration fee on registry	\$3,000.00 for the first ship \$1,500.00 for the second and subsequent ships under the same ownership plus an additional 30 cents for each net ton over 10,000
		Annual tonnage fee	\$4,240.00 Plus an additional 25 cents for each net ton over 10,000
3.	For a ship exceeding 50,000 net tons	Registration fee on registry	\$15,000.00 for the first ship \$10,000.00 for the second and subsequent ships under the same ownership
		Annual tonnage fee	\$14,240.00 Plus an additional 18 cents for each net ton over 50,000 to a maximum of \$30,000.00
PASSENGER SHIPS			
4.	For a ship not exceeding 10,000 net tons	Registration fee on registry	\$5,000.00
		Annual tonnage fee	\$10,600.00
5.	For a ship exceeding 10,000 net tons	Registration fee on registry	\$5,000.00 for the first ship \$2,500.00 for the second and subsequent ships under the same ownership Plus 35 cents for each net ton in excess of 10,000
		Annual tonnage fee	\$10,600.00 Plus an additional 33 cents for each net ton in excess of 10,000

PART 5**REGISTRATION AND TONNAGE FEES FOR YACHTS**

1.	For a commercial yacht less than 24 metres and under 100 net tons	Registration fee on registry	\$1,500.00
		Annual Tonnage fee	\$1,600.00

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2.	For a commercial yacht of 24 metres or more in length but not exceeding 100 net tons	Registration fee on registry	\$2,500.00
		Annual Tonnage fee	\$3,975.00
3.	For a commercial yacht of 24 metres or more in length of more than 100 net tons but not over 500 net tons	Registration fee on registry	\$5,000.00
		Annual Tonnage fee	\$5,300.00
4.	For a commercial yacht of 24 metres or more in length of more than 500 net tons but not over 1,000 net tons	Registration fee on registry	\$6,000.00
		Annual Tonnage fee	\$9,550.00
5.	For a commercial yacht of 24 metres or more in length of more than 1,000 net tons	Registration fee on registry	\$7,000.00
		Annual Tonnage fee	\$15,900.00
6.	For a pleasure yacht owned by a body corporate and not exceeding 15 net tons	Registration fee on registry	\$600.00
		Annual Tonnage fee	\$650.00
7.	For a pleasure yacht not owned by a body corporate and not exceeding 15 net tons	Registration fee on registry	\$400.00
		Annual Tonnage fee	NIL
8.	For a pleasure yacht owned by a body corporate exceeding 15 net tons but not over 100 net tons	Registration fee on registry	\$1,500.00
		Annual Tonnage fee	\$1,600.00
9.	For a pleasure yacht not owned by a body corporate exceeding 15 net tons but not over 100 net tons	Registration fee on registry	\$600.00
		Annual Tonnage fee	NIL
10.	For any pleasure yacht exceeding 100 net tons but not over 500 net tons	Registration fee on registry	\$3,000.00
		Annual Tonnage fee	\$3,200.00
11.	For any pleasure yacht exceeding 500 net tons but not over 1,000 net tons	Registration fee on registry	\$5,500.00
		Annual Tonnage fee	\$5,850.00
12.	For any pleasure yacht exceeding 1,000 net tons	Registration on registry	\$8,000.00
		Annual Tonnage fee	\$8,500.00

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Made this day of 2023

Minister of Transport