

PATI INFORMATION STATEMENT

Name of Public Authority: Bermuda Shipping and Maritime Authority

Introduction:

The Public Access to Information Act became law on the 10th 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 Bermuda Shipping and Maritime Authority 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 Bermuda Shipping and Maritime Authority, the services delivered to the public and the records maintained relating to the functions undertaken. The Bermuda Shipping and Maritime Authority being a regulatory organization 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, special 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 Bermuda Shipping and Maritime Authority (Authority) is established as a Quasi Non-Governmental Organization (QUANGO) which operates as a Body Corporate under the Ministry of Tourism and Transport. The Body Corporate is administered by a Board of Directors consisting 7 Directors appointed by the Minister. The composition of the Board includes persons from Business Management, Ship Management and Operations, Ship Owners, Maritime Lawyers, Accountants, Shipping Industry, Port Operations etc.,

The Minister is responsible for the Constitutional obligations with regards to implementation of the Memorandum of Understanding (MoU) between the UK Government and the Bermuda Government in relation to administrative and the quality standards of the Bermuda Maritime Administration.

Section B: 2) Obligations under PATI Act [s5(1)b]

Obligations under the Public Access to Information Act, 2010 as amended

The Bermuda Shipping and Maritime Authority, 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 Authority will ensure that:

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

The Authority maintains its budgetary and financial record as required under Part III of the Bermuda Shipping and Maritime Authority Act, 2016, and the Financial Instructions of the Authority.

The Authority will undergo an annual financial audit by the Auditor General or such other auditor as may be appointed, and on completion of the financial audit, the Auditor General will provide the Audit Report to the Authority. The Authority in turn will submit to the Minister a copy of the audited Financial Report along with relevant Audit Report.

Following his review the Minister shall cause the Annual Audited Financial Statement, and the Annual Audit Report to be laid before both Houses of Legislature.

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

Services:

The Authority provides following services:

- Develops maritime legislation in consultation with the Attorney Generals Chambers,

- Develops processes and procedures for registration of ships, survey and inspection of ships,
- Provide facilities for registration of ships and pleasure craft,
- Undertakes survey and inspection of ships, conducts safety management and maritime security audits on ships, and Document of Compliance Audits on shipping companies and issue relevant statutory certificates,
- Conducts Maritime Labour Convention audits on ships and issue Maritime Labour Certificates,
- Conducts Port State Control Inspections on foreign ships arriving in Bermuda waters and detain 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 Authority's staff for continuous improvement of their career path,
- Attends 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 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 Authority maintains many records relating the ownership of ships and boats, mortgages, liens etc., and 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 and servers.

Official Log Books, Radio Log Books forwarded to Authority by the ships are recorded and held in the Authority 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:

Record of name approval

- Application to Register
- Declaration of Eligibility
- Certificate of Company Registration
- Bill of Sale or Builder Certificate
- Carving & Marking Notes
- Documents of Mortgages
- Certificate of 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)

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

Authority's Quality Assurance (QA) System

The Authority conducts its business under the International Quality Assurance Standards **ISO 9001: 2015**. The Authority 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 Manual.

ISO 9001: 2015 Procedure Manual is available to all Authority employees in printed format in the library, and electronic format in the BSMA in the Authority's common electronic folder.

Bermuda Maritime Laws:

- (a) Printed documents – Merchant Shipping Act, 2002, Bermuda Merchant Shipping Regulations, Bermuda Shipping Notices
- (b) Bermuda Shipping and Maritime Authority Act, 2016
- (c) AUTHORITY Website (www.bsma.bm)
- (d) Bermuda Government Website (www.bermudalaws.bm)
- (e) UK Authority for Transport Website (www.mcga.gov.uk)
- (f) Internet

International Maritime Laws:

Printed Publications:

- IMO Publications available in the Authority's Library
- ILO Publications available in the Authority's Library
- Marine Medical Guidance
- Search and Rescue Manuals
- Instruction and Guidance to Surveyors

Electronic Publications:

- IMO Website (www.imo.org)
- ILO Website (www.ilo.org)
- Lloyd's Register Rulefinder (www.lr.org/en/rulefinder/)

Section F: Decision-making documents [s5(1)f]

The Authority is a multifunctional organization and its functions involve 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 Authority's Office in Bermuda by the Headquarters staff headed by the Chief Executive Officer assisted by the Chief Finance and Operation Officer, Chief Marine Surveyor, Deputy Chief Surveyor, senior surveyors, and the Registrar of Shipping and Authority 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 Authority assists the Department of Marine and Ports Services in cases where advice and assistance on matters concerning foreign vessels when operating in Bermuda waters.

The process involves inspection and auditing of ships under the provisions of the MSA 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 Authority 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 MSA 2002 and the guidance of the Chief Marine Surveyor. There are clear instructions given in the Bermuda Law, and in the applicable International Conventions relating to regulatory matters and decisions on such matters.

There are also procedures given in the ISO 9002: 2015 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 Chief Executive Officer in accordance with the provisions of the Employees' Hand Book, Authority's Financial Instructions, and

the guidance from the sub-committees of the Authority. For those matters relating to conditions of employment under contracts, reference to individual Employment Agreements should be made.

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

Contact Information

Bermuda Shipping and Maritime Authority
4/F Mintflower Place, 8 Par-La-Ville Road
Hamilton HM 08
Mailing Address
P.O. Box 1628
Hamilton, HM GX, Bermuda.

Information Officer

Willa Douglas – Office Manager

Bermuda Shipping and Maritime Authority
4/F Mintflower Place, 8 Par-La-Ville Road
Hamilton HM 08
Bermuda
Telephone: +1441 495 7253, Fax number: +1441 295 3718

Deputy Information Officer

Savone Greene – Business Support Administrator

Bermuda Shipping and Maritime Authority
4/F Mintflower Place, 8 Par-La-Ville Road
Hamilton HM 08
Bermuda
Telephone: +1441 495 7252, Fax number: +1441 295 3718

Main Office

Telephone No.: +1441 295 7251,
Fax Number: +1441 295 3718
Email: enquiries@bermudashipping.bm

(Enquiries about ship registration in Bermuda and general information) Website: www.bsma.bm

Complaints:

Complaints about the service we provide or relating to any safety matters concerning any Bermuda ships, or other ships in Bermuda waters may be made to the Authority using above contact particulars. Such complaints are recorded and followed up promptly.

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

The Authority 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.

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@bermudashipping.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.

The Authority was established under the Bermuda Shipping and Maritime Act 2016 which came into effect on 1st October 2016.

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: 14th December 2021

Locations of Information Statement:

- | | |
|---|---|
| • Your principal office; | Y |
| • The Bermuda National Library; | Y |
| • The Bermuda Archives; | Y |
| • Available electronically, | Y |
| • Website for public authority | 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 |

Willa Douglas
Office Manager
Bermuda Shipping and Maritime Authority