



BERMUDA

MERCHANT SHIPPING (FEES) REGULATIONS 2012

BR 18 / 2012

The Minister responsible for Maritime Administration, in exercise of the powers conferred under 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 2012.

Interpretation

2 In these regulations—

“Act” means the Merchant Shipping Act 2002;

“tons” means net tonnage;

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

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

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 respects 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—

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- (a) travelling time in excess of one hour for each visit to a ship in Bermuda shall be disregarded;
- (b) the travel and subsistence costs incurred in visiting a work location outside Bermuda shall be charged in addition to the hourly rate;
- (c) 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;
- (d) any specific costs incurred in respect of outside services shall be charged additionally to the hourly rate.

Fees

4 The fees specified in the Schedule to these Regulations shall be the fees payable for the services in relation thereto.

Revocation

5 The Merchant Shipping (Fees) Regulations 2007 are revoked.

SCHEDULE

(regulation 4)

PART I

SURVEYS, INSPECTIONS AND APPLICATIONS FOR EXEMPTION

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

2 Subject to any additional charge payable under Part III 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 \$165.00.

Application of Part I

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 and 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 the 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 consideration of an application for an exemption or approval or an amendment of an exemption or approval pursuant to any of the statutory requirements;
- (h) the consideration of an application for equivalence pursuant to any of the statutory requirements;
- (i) 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;
- (j) the issue or re-issue of a certificate pursuant to the statutory requirements; and
- (k) 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, the fee so prescribed applies and not the fee prescribed under this Part.

PART II ADDITIONAL CHARGES

1 Waiting time—

Fees in respect of waiting time incurred during a survey, inspection or audit undertaken outside Bermuda shall be charged at the rate of \$165.00 per hour, with a maximum number of seven hours in any 24-hour period being accountable.

Saturday, Sunday or Public Holiday—

2 Fees for services undertaken on a Saturday, Sunday or Public Holiday, shall be determined by the amount of work involved, charged at an hourly rate of \$330.00, with a maximum number of seven hours in any 24-hour period being accountable.

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PART III

REGISTRATION OF MORTGAGES, CHANGE OF OWNERSHIP OF SHIPS ETC., AND
MISCELLANEOUS FEES

	Service	Fee
1.	Registration of each mortgage, including mortgage of intent, transfer or discharge of mortgage, transfer of ownership or shares, change of name, change of particulars recorded in the register (except those from a preliminary certificate of survey), for a yacht not exceeding 24 metres in length—	\$140.00
2.	Registration of each mortgage, including mortgage of intent, transfer or discharge of mortgage, transfer of ownership or shares, change of name, change of particulars recorded in the register (except those from a preliminary certificate of survey), for any other vessel—	\$440.00
3.	Issue of a Transcript of Register relating to any one ship—	\$140.00
4.	Issue of duplicate Certificate of Registry	\$140.00
5.	Personal inspection of the Register	\$45.00
6.	Transfer of registration to a port in the United Kingdom or a British possession in the case of a yacht not exceeding 24 metres in length—	\$140.00
7.	Transfer of registration to a port in the United Kingdom or a British possession in the case of any other vessel—	\$440.00
8.	Preparation of documentation for demise charter registration out of flag for any vessel—	\$440.00
9.	Requesting a search for any document or of any Register or Index and issuing a copy thereof (applies only to a public document) or for a certified copy of any document to be produced in evidence under the Merchant Shipping Act 2002	\$140.00
10.	For the issue of a seaman's discharge book	\$75.00
11.	For the issue of a Bermuda endorsement to a ship's officer with a non-UK certificate of competency—	\$140.00
12.	For the issue of a statutory certificate or exemption or statement of acceptance	\$140.00
13.	Annual service fee for vessels not over 500 GRT and over 24 metres	\$300.00
14.	Annual service fee for vessels over 500 GRT	\$800.00
15.	Annual service fee for passenger vessels	\$1400.00

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16.	Initial fee for approval of "Approved Container Examination Programme" (ACEP)	\$5,000.00
17.	Annual fee for administration of ACEP	\$20,000.00

PART IV
REGISTRATION AND TONNAGE FEES

Ships other than ships chartered-out by demise

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 management
		Annual Tonnage fee	\$4,000.00
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 management plus an additional 30 cents for each net ton over 10,000
		Annual tonnage fee	\$4,000.00 Plus an additional 22 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 management
		Annual tonnage fee	\$12,800.00 Plus an additional 15 cents for each net ton over 50,000 to a maximum of \$30,000.00
PASSENGER SHIPS			
4.	For a passenger ship not exceeding 10,000 net tons	Registration fee on registry	\$5,000.00
		Annual tonnage fee	\$10,000.00

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5.	For a passenger 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 management or ownership Plus 35 cents for each net ton in excess of 10,000
		Annual tonnage fee	\$10,000.00 Plus 30 cents for each net ton in excess of 10,000
YACHTS 24 metres in length or more used commercially			
6.	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	\$3,750.00
7.	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	\$5,000.00
8.	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	\$9,000.00
9.	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	\$15,000.00
PLEASURE YACHTS not engaged in commercial activity			
10.	For a pleasure yacht owned by a body corporate and not exceeding 15 net tons	Registration fee on registry	\$600.00
		Annual tonnage fee	\$600.00
11.	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
12.	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	\$1,500.00
13.	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

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14.	For any pleasure yacht exceeding 100 net tons but not over 500 net tons	Registration fee on registry	\$3,000.00
		Annual tonnage fee	\$3,000.00
15.	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	\$5,500.00
16.	For any pleasure yacht exceeding 1,000 net tons	Registration fee on registry	\$8,000.00
		Annual tonnage fee	\$8,000.00

PART V

REGISTRATION AND TONNAGE FEES

SHIPS CHARTERED-OUT BY DEMISE

REGISTRATION FEES

Part IV of these Regulations applies.

TONNAGE FEES

Fees in respect of tonnage for ships chartered-out by demise apply at the rate of 50% of the tonnage fee applying for ships other than ships chartered-out by demise.

Made this 30th day of March 2012.

Minister of Transport