

<b>NO. 540</b>
<b>ACTING APPOINTMENT</b>
<b>SECRETARY TO THE CABINET</b>
His Excellency the Governor, Mr. George Fergusson, acting on the recommendation of the Premier and in exercise of the powers conferred upon him by Section 90(1) of the Bermuda Constitution, has appointed Mrs. Cherie-lynn Whitter, Acting Deputy Head of the Civil Service, to act as Secretary to the Cabinet during the period 29th June 2014 to 6th July 2014 or until the return of the Secretary to the Cabinet.
Governor

<b>NO. 541</b>
<b>ACTING APPOINTMENT</b>
<b>SECRETARY TO THE CABINET</b>
His Excellency the Governor, Mr. George Fergusson, acting on the recommendation of the Premier and in exercise of the powers conferred upon him by Section 90(1) of the Bermuda Constitution, has appointed Mrs. Cherie-lynn Whitter, Acting Deputy Head of the Civil Service, to act as Secretary to the Cabinet during the period 14th – 17th July 2014 to or until the return of the Secretary to the Cabinet.
Governor

<b>NO. 542</b>
<b>CLEAN AIR ACT</b>
<b>NOTICE OF INTENTION TO CONSTRUCT A CONTROLLED PLANT</b>
Pursuant to Part II of the Clean Air Rules 1993, application has been made to the Environmental Authority for a permit to construct a controlled plant as follows:

<b><u>NAME OF APPLICANT</u></b>
Ocean Winds Ltd.
<b><u>ADDRESS OF THE PROPOSED CONTROLLED PLANT</u></b>
Atlantis 5 Parliament Street Hamilton HM 12
<b><u>DESCRIPTION OF PROPOSED CONTROLLED PLANT</u></b>

One 150 kW diesel generator with silencer to provide interim electrical supply for fire pumps and exit lighting during power outages.

This application is available for inspection at the Department of Environmental Protection during normal working hours. Any person wishing to object to the proposed plant may, within 14 days of the date of this publication, lodge their objection with the Department of Environmental Protection, 169 South Road, Paget DV 04. Letters of objection must state the name and address of the objector; the grounds of the objection; whether the objector has an interest in land near to that which the application relates; and be signed by the objector.

<b>DATE: 26 June 2014</b>
<b>BERMUDA</b>
<b>MERCHANT SHIPPING (ILO) AMENDMENT ACT 2012 COMMENCEMENT DAY NOTICE 2014</b>
<b>BR 51 / 2014</b>

The Minister responsible for Maritime Administration, in exercise of the power conferred by section 28 of Merchant Shipping (ILO) Amendment Act 2012, gives the following Notice:

<b>Citation</b>
1 This Notice may cited as the Merchant Shipping (ILO) Amendment Act 2012 Commencement Day Notice 2014.
<b>Commencement</b>
2 The Merchant Shipping (ILO) Amendment Act 2012 shall come into operation on 30 June 2014.

Made this 26th day of June 2014

Minister of Tourism Development and Transport

<b>BERMUDA</b>
<b>MERCHANT SHIPPING (MINIMUM AGE AT SEA AND EMPLOYMENT OF YOUNG PERSONS AT SEA) AMENDMENT REGULATIONS 2014</b>
<b>BR 52 / 2014</b>

The Minister responsible for Maritime Administration, in exercise of the power conferred by sections 3 and 67 of the Merchant Shipping Act 2002, makes the following Regulations:

<b>Citation</b>
1 These Regulations, which amend the Shipping (Minimum Age at Sea and Employment of Young Persons at Sea) Regulations 2013 (the “principal Regulations”), may be cited as the Merchant Shipping (Minimum Age at Sea and Employment of Young Persons at Sea) Amendment Regulations 2014.

**Inserts regulation 7A**  
2 The principal Regulations are amended by inserting, next after regulation 7, the following—

<b>“Young persons’ medical certificates</b>
7A No person shall employ a young person on a Bermuda ship, unless the young person holds a valid certificate of medical fitness in accordance with the Merchant Shipping (Medical Certification of Seafarers) Regulations 2013.”.

**Amends regulation 8(2)**  
3 Regulation 8(2) of the principal Regulations is amended by—

- (a) deleting “6 or 7”; and
- (b) substituting “6,7 or 7A”.

**Commencement**

4 These Regulations shall come into operation on the same date on which the Merchant Shipping (ILO) Amendment Act 2012 comes into operation.

Made this 26th day of June 2014

Minister of Tourism Development and Transport

<b>BERMUDA</b>
<b>MERCHANT SHIPPING (SEAFARER’S EMPLOYMENT) AMENDMENT REGULATIONS 2014</b>
<b>BR 53 / 2014</b>
The Minister responsible for Maritime Administration, in exercise of the power conferred by sections 3, 7, 38, 39, 40, and 45 of the Merchant Shipping Act 2002, makes the following Regulations:

<b>Citation</b>
1 These Regulations, which amend the Merchant Shipping (Seafarer’s Employment) Regulations 2013 (the “principal Regulations”), may be cited as the Merchant Shipping (Seafarer’s Employment) Amendment Regulations 2014.

**Inserts regulations 14A and 14B**  
2 The principal Regulations is amended by inserting, next after Regulation 14, the following—

<b>“Entitlement to medical care</b>
14A In addition to medical care provided on board a ship under regulation 6 of the Merchant Shipping (Manning of Ships) Regulations 2011, and the Merchant Shipping (Medical Stores) Regulations 2005, seafarers shall be entitled to visit a qualified medical doctor or dentist, without delay and where practicable, in ports of call at no cost to the seafarer.

**Social security protection**  
14B In accordance with the Maritime Labour Convention, seafarers shall be entitled the following social security protection benefits—

- (a) medical care benefit;
- (b) sickness benefit;
- (c) unemployment benefit;
- (d) old-age benefit;
- (e) employment injury benefit;
- (f) family benefit;
- (g) maternity benefit;
- (h) invalidity benefit; and
- (i) survivors benefit,

as prescribed by paragraph 1 of the Standard A4.5 of the Code, in a progressive manner.

(2) From the date on which the Maritime Labour Convention comes into force shipowners shall provide, as a minimum, three branches of social security protection to seafarers employed on their ships. Two of the three branches of social security benefit must be—

- (a) medical care benefit; and
- (b) protection from financial consequences of—
- (i) sickness;
- (ii) injury; or
- (iii) death,

occurring in connection with the seafarer’s employment and the third could be any one of the other seven branches of social security benefit.”.

**Inserts regulation 18A**  
3 The principal Regulations are amended by inserting, next after Regulation 18, the following—

**“Seafarer compensation for ship’s loss or foundering**  
18A (1) In every case of loss or foundering of a ship, the shipowner shall pay each seafarer on board such ship an indemnity against unemployment resulting from such loss or foundering.

(2) The provision made under paragraph (1) shall be without prejudice to any other rights a seafarer may have under Bermuda law for losses or injuries arising from a ship’s loss or foundering.

(3) The indemnity paid under paragraph (1) shall be paid for the days during which the seafarer remains unemployed, at the same rate as the wages payable under a seafarer’s employment agreement, but the total indemnity payable to any one seafarer may be limited to an amount equal to two months wages.

(4) Legal remedies for recovering indemnities shall follow the same procedure as for recovery of arrears of wages earned during the course of employment.”.

**Commencement**  
4 These Regulations shall come into operation on the same date on which the Merchant Shipping (ILO) Amendment Act 2012 comes into operation.

Made this 26th day of June 2014

Minister of Tourism Development and Transport

<b>BERMUDA</b>
<b>MERCHANT SHIPPING (REPATRIATION) AMENDMENT REGULATIONS 2014</b>
<b>BR 54 / 2014</b>
<b>TABLE OF CONTENTS</b>

- 1 Citation
- 2 Amends the preamble
- 3 Amends regulation 5(2)
- 4 Amends regulation 8
- 5 Inserts regulation 9A
- 6 Commencement

The Minister responsible for Maritime Administration, in

exercise of the power conferred by sections 3 and 84 of the Merchant Shipping Act 2002, makes the following Regulations:

<b>Citation</b>
1 These Regulations, which amend the Merchant Shipping (Repatriation) Regulations 2013 (the “principal Regulations”), may be cited as the Merchant Shipping (Repatriation) Amendment Regulations 2014.

**Amends the preamble**  
2 The preamble of the principal Regulations is amended by deleting the number “40” and substituting the number “84”.

**Amends regulation 5(2)**  
3 Regulation 5(2) of the principal Regulations is amended by—

- (a) deleting the word “or” at the end of paragraph “(c)”;
- (b) deleting the full stop at the end of paragraph “(d)” and substituting “; or”;
- (c) inserting next after paragraph “(d)” the following—
- “(e) the seafarer’s employment agreement is terminated by the seafarer, after giving notice in accordance with the employment agreement, in the event that the ship is bound for a war zone to which the seafarer does not consent to go.”

**Amends regulation 8**  
4 Regulation 8 of the principal Regulations is amended—

- (a) in paragraph (1) by inserting next after the words “such repatriation” the words “whether it is incurred directly by the Minister or by the State or country from which he was repatriated or by the State or country of which the seafarer is a national or resident,”;
- (b) by inserting next after paragraph (2) the following—

“(3) In the event that a foreign shipowner or the competent authority of the Member whose flag the ship flies fails to make arrangements for or to meet the cost of repatriation of seafarers who are entitled to be repatriated, and the ship is in Bermuda waters, the Minister shall arrange for their repatriation and recover the cost from the Member whose flag the ship flies.”

**Inserts regulation 9A**  
5 The principal Regulations are amended by inserting, next after Regulation 9, the following—

**“Penalty**  
9A (1) A shipowner who contravenes regulation 4 or does not comply with the requirements of regulations 6, 7(1), 7(2), or 9, commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

(2) A master who contravenes regulation 9 commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.”

**Commencement**  
6 These Regulations shall come into operation on the same date on which the Merchant Shipping (ILO) Amendment Act 2012 comes into operation.

Made this 26th day of June 2014

Minister of Tourism Development and Transport

<b>BERMUDA</b>
<b>MERCHANT SHIPPING (PROVISIONS, CATERING AND SHIP’S COOKS) AMENDMENT REGULATIONS 2014</b>
<b>BR 55 / 2014</b>
The Minister responsible for Maritime Administration, in exercise of the power conferred by sections 3,59, and 93 of the Merchant Shipping Act 2002, makes the following Regulations:

<b>Citation</b>
1 These Regulations, which amend the Merchant Shipping (Provisions, Catering and Ship’s Cooks) Regulations 2013 (the “principal Regulations”), may be cited as the Merchant Shipping (Provisions, Catering and Ship’s Cooks) Amendment Regulations 2014.

**Amends regulation 3(b)**  
2 Regulation 3(b) of the principal Regulations is amended by inserting after the word “port” the words “in Bermuda”.

**Amends regulation 9**  
3 Regulations 9 of the principal Regulations is amended by—

- (a) inserting the paragraph number “(1)” before the word “Every”; and
- (b) inserting next after paragraph (1) the following—

“(2) In a ship that carries a large number of seafarers such as a cruise ship the shipowner may, in addition to the qualified ship’s cook required to be carried in accordance with paragraph (1), engage other cooks as necessary in order to ensure the delivery of an efficient service.”.

**Commencement**  
4 These Regulations shall come into operation on the same date on which the Merchant Shipping (ILO) Amendment Act 2012 comes into operation.

Made this 26th day of June 2014

Minister of Tourism Development and Transport

<b>BERMUDA</b>
<b>MERCHANT SHIPPING (SEAFARER’S WAGES) AMENDMENT REGULATIONS 2014</b>
<b>BR 56 / 2014</b>
<b>TABLE OF CONTENTS</b>

- 1 Citation
- 2 Amends the preamble
- 3 Amends regulation 2
- 4 Inserts regulation 8A
- 5 Amends regulation 9(1)
- 6 Commencement