



BERMUDA MERCHANT SHIPPING NOTICE

Marine Casualty and Marine Incident Reporting

2020 - 031

Application

Ship Owners, Managers, Masters and Officers of Bermuda Registered Ships or Ships in Bermuda Waters

References

Merchant Shipping (Accident Reporting and Investigation) Regulations 2019
ARFI – Bermuda Shipping Accident Reporting Form

Summary

This notice is to provide guidance on the reporting of marine casualties, accidents or incidents involving Bermuda registered ships anywhere in the world or ships in Bermuda waters.

This Notice was issued on 11th June 2020

1. Introduction

(1) The Bermuda Shipping and Maritime Authority (BSMA) investigate marine casualties involving Bermuda registered ships worldwide and any vessels in Bermuda waters.

(2) When investigating such casualties the BSMA's purpose is to seek to understand the causes of the accident with a view to prevent avoidable recurrences.

(3) BSMA does not seek to apportion blame or to establish liability.

(4) In the context of a safety investigation the BSMA will:

- a. Carry out investigations to determine the cause of accidents at sea;
- b. Publish reports that include safety recommendations to improve safety at sea;
- c. Increase awareness of the causes of marine accidents.

2. Definitions

(1) Marine casualty – an event or sequence of events that occurred directly in connection with the operation of a ship and resulted in:

- a. The death or serious injury of a person;
- b. The loss of a person from a ship;
- c. The loss, presumed loss, or abandonment of a ship;
- d. The stranding or disabling of a ship, or the involvement of the ship in a collision;
- e. Material damage to the ship;
- f. Material damage to marine infrastructure external to the ship that could seriously endanger the safety of the ship, another ship or an individual;
- g. Pollution, or the potential for pollution caused by damage to the ship.

(2) Marine incident – an event or sequence of events other than those defined as a Marine Casualty which occurred directly in connection with the operation of a ship that endangered, or if not corrected, would endanger the safety of a ship, its occupants, any other person or the environment.

3. Who Must Report

(1) The Master (or senior surviving officer) of a Bermuda registered ship must notify the BSMA of any reportable marine casualty or incident as defined in 2(1) and 2(2).

(2) The Master (or senior surviving officer) of any ship must notify the BSMA of any reportable marine casualty or incident as defined in 2(1) and 2(2), if the ship is within Bermuda waters.

(3) The ship's owner or manager must notify the BSMA of any marine casualty or incident as defined in 2(1) and 2(2), unless they are satisfied that the Master or senior surviving officer has made the report.

(4) The requirement to notify does not apply to the below ship types, unless the marine casualty involves an explosion, fire, death, serious injury, capsizing of a power driven craft or severe pollution:

- a. Pleasure vessels or recreational craft hired on a bareboat basis;
- b. Commercial vessels of less than 8m length operating in a harbour or inland waterway, not carrying passengers.

(5) All notifications are treated confidentially and the reporter's identity will not be released.

4. What to Report

(1) It is a legal requirement that any marine casualty or marine incident as defined in 2(1) and 2(2) is notified to the BSMA.

(2) Do not report the following:

- a. Injuries to passengers that did not result from activities connected with the operation of the ship.
 - i. For example: a passenger suffering a fall and breaking their arm, where the ship's movement, design or acts of omissions by crew were not contributing factors.
- b. Damage or injuries occurring ashore, including the quayside, which do not involve the ship's equipment.
- c. Defects to equipment and vessel detentions, unless they are related to a marine casualty or a marine incident.

5. When to Report

(1) All marine casualties and marine incidents must be reported to the BSMA as soon as practicable by the quickest means possible.

(2) Notification must not be delayed by any internal company investigation.

6. How to Report

(1) Initial notification should be made using the BSMA 24 hour contact.

BSMA 24 Hour Number: +1 (441) 799 7251

(2) The Bermuda Accident Report Form (ARF 1) should be completed with further information and submitted to survey@bermudashipping.bm. This form may be downloaded directly ([ARF 1](#)) or found on the BSMA website under 'Forms' and then 'Registry Forms'.

(3) Comprehensive completion of the ARF 1 form will be required to avoid the need for the BSMA to make follow-up enquiries to obtain missing information.

7. Evidence

(1) Following a marine casualty or a marine incident the BSMA may require access to additional information and evidence. In this regard all charts, log books, recorded data and other documents, records and equipment that may be pertinent relating to the period before and after the marine casualty or marine incident must be preserved.

(2) For ships with a voyage data recorder (VDR) the data recorded on it must be saved immediately and steps taken to prevent the data from becoming overwritten.

8. Penalties

(1) Please note that it is an offence under the Bermuda Merchant Shipping (Accident Reporting and Investigation) Regulations 2019, not to report a marine casualty or marine incident or provide the information required without reasonable cause.