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(A)

MERCHANT SHIPPING (MARINE SAFETY
INVESTIGATIONS) REGULATIONS, 2026

Arrangement of Regulations

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**MERCHANT SHIPPING ACT, 2021
(NO. 33 OF 2021)**

**MERCHANT SHIPPING (MARINE SAFETY
INVESTIGATIONS) REGULATIONS, 2026**

The Minister, in exercise of the powers conferred under section 191 of the Merchant Shipping Act, 2021 (No. 33 of 2021) makes the following regulations —

PART I - PRELIMINARY

1. Citation and commencement.

- (1) These Regulations may be cited as the Merchant Shipping (Marine Safety Investigations) Regulations, 2026.
- (2) These Regulations shall come into force on the 1st day of April, 2026.

2. Interpretation.

In these Regulations —

“**Act**” means the Merchant Shipping Act, 2021 (*No. 33 of 2021*);

“**Authority**” means The Bahamas Maritime Authority established under section 3 of The Bahamas Maritime Authority Act (*Ch. 283*);

“**Bahamian ship**” means a ship registered, or required to be registered under the Act;

“**Code**” means the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code);

“**Director**” means the Managing Director of The Bahamas Maritime Authority appointed under section 4 of The Bahamas Maritime Authority Act (*Ch. 283*);

“**evidence**” means information, marine safety records, other recordings and data collected during a marine safety investigation;

“**marine casualty**” in relation to a ship, means an event, or a sequence of events, that has resulted in —

- (a) the death of, or serious injury to, a person;
- (b) the loss of a person from a ship;

- (c) the loss, presumed loss or abandonment of a ship;
- (d) material damage to a ship;
- (e) the stranding or disabling of a ship, or the involvement of a ship in a collision;
- (f) material damage to marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or a person; or
- (g) severe damage to the environment, or the potential for severe damage to the environment, as a result of the damage to a ship;

“marine incident” means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment;

“marine investigator” has the meaning assigned to it under the Act and shall have the functional independence for conducting marine safety investigations in accordance with the Code;

“marine safety investigation” means an investigation into a marine casualty or marine incident;

“marine safety record” means —

- (a) statements taken for the purpose of a marine safety investigation;
- (b) communications between persons pertaining to the operation of the ship;
- (c) medical or private information regarding persons involved in the marine casualty or marine incident;
- (d) records of the analysis of information or evidential material acquired in the course of a marine safety investigation; and
- (e) information from the voyage data recorder;

“preliminary review” means an assessment of a reported marine casualty or marine incident to determine the need for a marine safety investigation;

“serious injury” means an injury sustained by a person, which results in incapacitation where the person is unable to function normally for more than seventy-two hours, commencing within seven days from the date when the injury was suffered;

“severe damage to the environment” means damage to the environment which, as evaluated by the State affected, or the Director, produces a major harmful effect upon the environment;

“substantially interested State” means —

- (a) a flag State of a ship involved in a marine casualty or marine incident;
- (b) a coastal State involved in a marine casualty or marine incident;
- (c) a State where —
 - (i) the environment was severely or significantly damaged by a marine casualty (including the environment of its waters and territories recognized under international law);
 - (ii) the consequences of a marine casualty or marine incident caused, or threatened, serious harm to that State or to artificial islands, installations, or structures over which it exercises jurisdiction; or
 - (iii) as a result of a marine casualty, a national of that State lost their life or suffered serious injuries; or
- (d) a State that —
 - (i) has important information at its disposal that the marine safety investigating State consider useful to the investigation; or
 - (ii) for some other reason establishes an interest that is considered significant by the marine safety investigating State;

“very serious marine casualty” means a marine casualty involving —

- (a) the total loss of a ship;
- (b) a death; or
- (c) severe damage to the environment.

3. Application.

These Regulations shall apply to —

- (a) a Bahamian ship;
- (b) a non-Bahamian ship in Bahamian waters;
- (c) any other ship, where the Director considers The Bahamas to be a Substantially Interested State.

PART II – INVESTIGATION OF MARINE CASUALTIES AND MARINE INCIDENTS

4. Purpose of a marine safety investigation.

- (1) The purpose of a marine safety investigation is to prevent future events by establishing the facts of the marine casualty or marine incident and making safety, pollution prevention or emergency response recommendations as appropriate.
- (2) The purpose of a marine safety investigation shall not be to determine liability nor, except so far as is necessary to achieve its objective, to apportion blame.

5. Duty to report marine casualties and marine incidents.

- (1) When a marine casualty or marine incident occurs on board, or involving, a Bahamian ship; a master, company or responsible person shall notify the Director or a person acting on behalf of the Director, as soon as practicable.
- (2) When a very serious marine casualty occurs on board, or involving, a Bahamian ship or a foreign ship in Bahamian waters; a master, company or responsible person shall immediately notify the Director or a person acting on behalf of the Director.
- (3) A master, company or responsible person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

6. Notification to other substantially interested States.

- (1) When a marine casualty occurs on the high seas or in an exclusive economic zone, the flag State of a ship, or ships, involved, shall notify other substantially interested States as soon as is reasonably practicable.
- (2) When a marine casualty occurs within the territory, including territorial sea, of a coastal State, the flag State, and the coastal State, shall notify each other and between them notify other substantially interested States as soon as is reasonably practicable.

7. Cooperation with other Government departments or agencies.

- (1) When a marine casualty or marine incident occurs that —
 - (a) requires additional assistance from other Government departments or agencies; or
 - (b) does not fall under the requirements of the Code,

the Director may advise the Minister to notify the appropriate Government department or agency.

- (2) A marine investigator —
 - (a) may, on request, provide technical support and expertise to a Government department or agency; and
 - (b) shall assist in other marine investigations at the direction of the Minister or the Director.

8. Conduct of a preliminary review.

- (1) A marine investigator shall conduct a preliminary review on reported marine casualties to determine whether a marine safety investigation is required.
- (2) A master, company or responsible person shall provide any evidence required by the marine investigator.
- (3) A preliminary review shall take into account —
 - (a) the seriousness of the circumstances;
 - (b) the practicality of a marine safety investigation;
 - (c) the availability of key evidence; and
 - (d) the probability of recommendations arising from an investigation.
- (4) A master, company or responsible person who contravenes paragraph (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

PART III – MARINE SAFETY INVESTIGATIONS

9. Marine safety investigations.

- (1) A marine safety investigation shall be conducted in accordance with the Code into —
 - (a) a very serious marine casualty;
 - (b) a marine casualty or marine incident, if determined by the preliminary review referred to under regulation 8,at such time and place and in such manner, as deemed appropriate.
- (2) A marine investigator may engage technical specialist service providers, including investigators, as deemed appropriate.
- (3) A master, company or responsible person shall ensure that a marine investigator is provided with —

- (a) full access to a ship involved in a marine casualty or marine incident; and
 - (b) any evidence where a marine casualty or marine incident has occurred.
- (4) A master, company or responsible person who contravenes paragraph (3) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

10. Powers of a marine investigator.

- (1) A marine investigator may —
- (a) board a Bahamian or foreign ship for the purpose of carrying out a marine safety investigation without interference from any person or organisation;
 - (b) during a marine safety investigation, prohibit persons from gaining access to, or interfering with, a ship, person, ship's boat or other equipment involved in a marine casualty or marine incident;
 - (c) with the concurrence of the Director, issue directions to the master of a Bahamian ship under section 121 of the Act;
 - (d) after consultation with the Director, and only where strictly necessary in the interest of safety, security or protection of the marine environment, require the company or the responsible person to direct the master of a Bahamian ship involved in a marine casualty or marine incident to proceed directly to the nearest convenient port or safe anchorage to allow a marine investigator's access to the ship;
 - (e) interview any person, in accordance with the Code's requirements on obtaining evidence from seafarers, and make a record, physical or electronic, of any such interview;
 - (f) with the agreement of the interviewee, allow any other person to attend or participate in an interview; or
 - (g) exclude a person from an interview if the presence of that person is considered to be detrimental to the conduct of the interview;
 - (h) remove any —
 - (i) marine safety record;
 - (ii) original document from a ship for the purpose of obtaining a copy, provided that the original is returned as soon as practicable; and
 - (ii) object or evidence from a ship for further examination or test, if the object is considered relevant in determining the cause or circumstances of a marine casualty or marine incident.

- (2) Any evidence collected in a marine safety investigation may be retained by the Authority.
- (3) The marine investigator shall take full account of the IMO guidelines on the fair treatment of seafarers in the conduct of a marine safety investigation.

11. Preservation of evidence and retaining marine casualty or marine incident information.

- (1) After a marine casualty or marine incident, a master, company or responsible person shall take all necessary steps to ensure that relevant evidence is preserved.
- (2) For the purpose of this regulation, “**relevant evidence**” means —
 - (a) recorded and retained information relating to the period before, during and after a marine casualty or marine incident, including information from a voyage data recorder and video recorders; and
 - (b) documents or other records; and
 - (c) any equipment or area which may reasonably be considered pertinent to the investigation.
- (3) A master, company or responsible person shall retain information relating to a marine casualty or marine incident, for a period of ninety days or until such time as the Authority has indicated that such information is not required.
- (4) A master, company or responsible person who contravenes paragraph (1) or (3), commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

12. Co-operation with other States.

- (1) The marine investigator shall, on notification of a marine casualty, make all reasonable efforts to establish communication and cooperation with a State that may be a substantially interested State.
- (2) The Authority may enter into an agreement with a State involved in a marine casualty or marine incident to have The Bahamas recognized as a substantially interested State for the conduct of a marine safety investigation.

13. Reports of investigation.

- (1) The marine investigator shall complete marine safety investigations as soon as practicable.

- (2) The marine investigator shall at the end of a marine safety investigation provide a draft of the marine safety investigation report to substantially interested States and interested parties in accordance with the Code.
- (3) The Authority shall make the final version of a marine safety investigation report available to the public in accordance with the Code.

14. Recovery of costs.

The Director shall recover from a shipowner all costs incurred for a marine safety investigation.

Made this 1st day of April, 2026.

Signed

JOBETH COLEBY-DAVIS

MINISTER RESPONSIBLE FOR MARITIME AFFAIRS