

BERMUDA STATUTORY INSTRUMENT

BR 41/1990

**CIVIL AIRPORTS (PAY AND DISPLAY PARKING)
REGULATIONS 1990**

*[made under section 6 of the Civil Airports Act 1949 [title 23 item 1]
and brought into operation on 20 July 1990]*

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The Minister in exercise of the powers conferred upon him by section 6 of the Civil Airports Act 1949 [*title 23 item 1*] hereby makes the following Regulations: —

Citation

1 These Regulations may be cited as the Civil Airports (Pay and Display Parking) Regulations 1990.

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Interpretation

- 2 In these Regulations, unless the context otherwise requires—
- "airport" means the Bermuda Airport;
- "authorized person" means a person authorized by the Minister in writing for the purposes of these Regulations or any police officer;
- "car park" means a place designated by the Minister as a car park under regulation 3;
- "General Manager" means the General Manager of Airport Operations;
- "Long Stay Car Park" means a car park designated as a Long Stay Car Park under regulation 3;
- "owner" includes the person in whose name a vehicle is registered and the person by whom the vehicle is kept and used and, in relation to a vehicle which is the subject of a hire-purchase agreement, means the person in possession of the vehicle under the agreement;
- "parking space" means a space delineated in a car park as a space in which a vehicle may be parked or caused to wait;
- "Short Stay Car Park" means a car park designated as a Short Stay Car Park under regulation 3;
- "ticket" means a ticket issued by a ticket-issuing machine;
- "ticket issuing machine" means a machine installed by the Government at a car park for the purpose of issuing tickets;
- "vehicle" means any vehicle of whatsoever description which is propelled by mechanical or electrical power other than —
- (a) a motor cycle;
 - (b) an auxiliary bicycle as defined in the Auxiliary Bicycles Act 1954; or
 - (c) a vehicle used exclusively on rails.

[Regulation 2 "Director" omitted, "General Manager" and "Long stay car park" inserted, and "ticket issuing machine" amended, by BR 6/1999 reg 2 effective 12 March 1999]

Designation of car parks

- 3 (1) The Minister may designate any place at the airport as a car park and may designate any car park as a Short Stay Car Park or Long Stay Car Park for the use of any member of the public.

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(2) The Minister may cancel or vary any such designation made under paragraph (1).

[Regulation 3 para (1) amended by BR 6/1999 reg 3 effective 12 March 1999]

Parking spaces

4 The Minister may cause a car park to be divided in such manner as he thinks fit into parking spaces.

Signs

5 The Minister may cause to be erected at, in or outside any car park such signs as he considers necessary for the regulation of parking therein, and, in particular, signs indicating the place where vehicles may enter and leave the car park, and the type or class of vehicle permitted to be parked in the car park, or the particular class of persons who may use the car park.

Power of closure

6 (1) Notwithstanding any other provision of these Regulations, the Minister may close a car park for any period of time.

(2) The Minister shall cause to be displayed as soon as practicable at the airport a notice of any closure made under paragraph (1).

Offence when car park closed

7 No person shall park any vehicle or cause or permit any vehicle to be parked or remain in a car park during any period when the car park is closed pursuant to regulation 6(1).

Paying parking fee in Short Stay Car Park

8 (1) A person who parks a vehicle in a Short Stay Car Park shall pay in the manner mentioned in paragraph (3) the appropriate parking fee prescribed in the Schedule.

(2) The parking fee prescribed in paragraph 1 of the Schedule shall be charged and levied every day during the time beginning 8 o'clock A.M. and ending 12 midnight.

(3) The manner of paying a parking fee is by purchasing one or more tickets after parking the vehicle in the Short Stay Car Park.

(4) The purchase of a ticket or tickets entitles the driver to leave the vehicle in the Short Stay Car Park for the period represented by the ticket or tickets.

[Regulation 8 title and para (2) amended by BR 6/1999 reg 4(1) effective 12 March 1999]

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Paying parking fee in Long Stay Car Park

8A (1) A person who parks a vehicle in a Long Stay Car Park shall pay the fee prescribed in paragraph 2 of the Schedule in either the manner set out in paragraph (2) or the manner set out in paragraph (3).

(2) A person shall use cash to purchase a ticket valid for the number of days during which he intends to leave the vehicle in the Long Stay Car Park, and the purchase of the ticket will entitle him to leave the vehicle there for a maximum of that number of days.

(3) A person—

(a) shall use his debit or credit card to obtain a ticket indicating his intention to pay the appropriate fee once he has removed his vehicle from the Long Stay Car Park, and

(b) shall, on removing his vehicle from the Long Stay Car Park, obtain a second ticket indicating the total parking fee which will be charged to his debit or credit card and paid accordingly.

[Regulation 8A inserted by BR 6/1999 reg 4(2) effective 12 March 1999]

Displaying ticket

9 Upon obtaining a ticket or tickets the driver of a vehicle shall —

(a) where the vehicle has a front windscreen, cause to be displayed at all times the ticket or tickets on the inside of the windscreen facing forwards when the vehicle is in the car park; and

(b) whether the vehicle has a front windscreen or not, cause to be displayed in a conspicuous position on the vehicle the ticket or tickets so that the date and time on the ticket or tickets are clearly visible from outside the vehicle.

[Regulation 9 para (a) amended by BR 6/1999 reg 5 effective 12 March 1999]

Conduct at car park

10 (1) No person shall park a vehicle in a car park in such a manner that the vehicle unnecessarily projects over any line or other mark which divides the parking space in which the vehicle is parked from any other parking space or from any other part of such car park.

(2) No person shall cause or permit a vehicle to enter a car park otherwise than by an entrance or to leave such car park otherwise than by an exit, or to proceed within such car park otherwise than by a

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route, specified by signs or notices displayed at, in or outside such car park or at the airport.

[Regulation 10 amended by BR 6/1999 reg 5 effective 12 March 1999]

Unauthorized removal of ticket

11 No person shall remove a ticket or tickets displayed on a vehicle that is in a car park unless authorized by the driver of the vehicle to do so.

[Regulation 11 amended by BR 6/1999 reg 5 effective 12 March 1999]

General Manager's power to move vehicle

12 The General Manager or any authorized person may move at the airport any vehicle which in his opinion constitutes a danger or an obstruction.

[Regulation 12 amended by BR 6/1999 reg 6 effective 12 March 1999]

Maximum parking period

13 (1) No person shall park a vehicle in a Short Stay Car Park for a longer period than two consecutive hours.

(1A) A person who has purchased a ticket in the manner set out in regulation 8A(2) shall not park his vehicle in a Long Stay Car Park for more than the maximum number of days for which the ticket entitles him to park.

(2) Where a vehicle is parked in contravention of paragraph (1) or (1A), or otherwise in contravention of section 4 of the Parking of Vehicles (Designated Areas) Act 1973 as it relates to the airport, the driver of the vehicle is liable for the payment of a parking fee of fifty dollars and thereafter a storage fee at the rate of fifty dollars a day and an authorized person may cause the vehicle to be moved or taken to or placed or stored in a suitable place; however, a vehicle so moved, taken, placed or stored will only be released upon payment by the driver or the owner of the vehicle of the parking and storage fees and the reasonable expenses incurred in moving the vehicle.

[Regulation 13 amended by BR 6/1999 reg 7 effective 12 March 1999]

Sale of vehicle

14 (1) Where a vehicle has been stored for a period of three consecutive days without the appropriate fees having been paid the Minister shall treat the vehicle as abandoned and may dispose of it as he thinks fit.

(2) Where by virtue of paragraph (1) the Minister treats a vehicle as abandoned the Minister may cause it to be sold or otherwise

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disposed of and may apply the proceeds, if any, from the sale or disposal of the vehicle —

- (a) in payment of any parking fees incurred in respect of the period during which the vehicle was parked or allowed to remain in the car park; and
- (b) in payment of any storage fees and reasonable removal charges, and charges, if any, incurred in respect of the sale of the vehicle,

and any balance remaining shall be paid into the Consolidated Fund at the expiry of twelve months from the date of the sale or disposal if not previously claimed by a person who satisfies the Minister that he was the owner of the vehicle at the time it was removed from the car park.

Limitation of liability

15 The Government shall not be responsible for nor shall accept any liability in respect of —

- (a) any damage caused to a vehicle in any car park or caused to a vehicle which is being or which has been removed from any car park under these Regulations; or
- (b) any injury or damage to any person or thing in any car park.

Offences

16 A person guilty of an offence against regulations 7, 9, 10 or 11 is liable to a fine of two hundred dollars.

SCHEDULE Regulation 8(1)

FEES FOR USE OF CAR PARK

1. The fee for parking in a Short Stay Car Park shall be \$1.00 per hour or part thereof.

2. The fee for parking in a Long Stay Car Park shall be \$5.00 per day or part thereof.

[Schedule repealed and substituted by BR 6/1999 reg 8 effective 12 March 1999]

[Amended by:

BR 6/1999]