



BERMUDA

HAMILTON GOODS WHARFAGE AND STORAGE CHARGES ORDINANCE 1967

BX 1 / 1967

*[made under the Municipalities Act 1923 and brought into operation on 7 August 1967]*

This Ordinance was revoked by 2010 : 45 effective 1 April 2011 and revived by 2013 : 39 effective 1 April 2014

Citation

1 This Ordinance may be cited as the Hamilton Goods Wharfage and Storage Charges Ordinance 1967.

Interpretation

2 In this Ordinance, unless the context otherwise requires—

- (a) “The Corporation” means the Corporation of Hamilton;
- (b) “goods” includes all kinds of goods, articles, wares, merchandise and livestock, and where the goods are intended for export “goods” shall be deemed to include container boxes;
- (c) (i) “owner” when used with reference to imported goods, means the owner, importer or consignee;
- (ii) “owner” when used with reference to goods intended for export, shall mean the owner, exporter or agent of the ship by which such goods are intended to be shipped;
- (d) (i) “free time” when used with reference to imported goods means a period of 120 hours (exclusive of Sundays and public holidays) reckoned from 0800 hours on the day immediately following the day on which the ship carrying such goods finished discharging her inward cargo in the Port

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of Hamilton and any extension of this period which the Corporation may grant in the exercise of its powers under paragraph (4)(1) hereof;

- (ii) “free time” when used with reference to goods intended for export means the time from which such goods enter the Port of Hamilton for export until midnight of the day specified as the time for their removal under the provisions of paragraph 5(2) hereof and such further period as may be allowed by the Corporation in the exercise of its powers under paragraph 5(3) hereof;
- (e) “wharves” means—
  - (i) the wharves south of Front Street in the City of Hamilton, including the spaces occupied by the sheds;
  - (ii) the wharves and spaces belonging to the Corporation west of No. 1 Shed and south of the road running westward from Front Street; and “wharf” has a corresponding meaning.

### Wharfage rates

3 (1) The wharfage payable on goods (exclusive of agricultural products of Bermuda) landed or discharged in or shipped from the Port of Hamilton, including packaged liquors and wines shipped out as passenger’s luggage, shall during the free time be at the rate of 1.25% of the value of such goods (as ascertained for purposes of duty in accordance with section 24 and the Second Schedule to the Revenue Act 1898).

(2) In addition to the wharfage mentioned in sub-paragraph (1) hereof storage charges shall be payable in respect of goods not removed from the wharves during the free time at the rates specified in this Ordinance.

*[Paragraph 3 amended by BR 28/1999 reg 3 effective 1 May 1999; by 2004:6 effective 26 March 2004; by 2014 : 10 s. 4 effective 1 April 2014]*

### Removal of imported goods

4 (1) The Corporation may by written permit extend the time during which any imported goods may remain on the wharves free of charge beyond a period of 120 hours reckoned from 0800 hours on the day immediately following the day on which the ship carrying such goods finished discharging her inward cargo in the Port of Hamilton.

(2) All goods imported into Bermuda and landed on the wharves any ship shall be removed therefrom during the free time.

(3) If any goods shall remain on any wharf for any period in excess the free time then the Corporation shall charge storage therefor at the following rates, subject however to a minimum storage charge in each case of twenty dollars—

- (a) twenty cents per square foot or any part thereof per day or any part of such day during the three days immediately following the termination of the free time;

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- (b) fifty cents per square foot or any part thereof per day or any part of such day during the next three days immediately following the termination of the period of three days mentioned in sub-paragraph (a) hereof;
- (c) one dollar per square foot or any part thereof per day or any part of such day thereafter.

*[Paragraph 4(3) amended by BR 28/1999 reg 4 effective 1 May 1999]*

### Deposit of export cargo

5 (1) Goods intended for export shall be brought into the Port of Hamilton only at such time and in such manner as the Corporation may designate and shall be deposited in such place as the Corporation may designate.

(2) The owner of such goods, prior to bringing the same into the port of Hamilton shall notify the Corporation of the intended time of removal of such goods therefrom.

(3) Where such goods are not removed from the Port of Hamilton at or before the time specified as provided in sub-paragraph (2) hereof the Corporation may by written permit extend the time during which such goods may remain in the Port of Hamilton free of charge.

(4) If such goods are deposited on any wharf and are not removed therefrom before the expiration of the free time, the Corporation shall charge storage therefor at the following rates subject to a minimum storage charge in each case of twenty dollars—

- (a) twenty cents per square foot or any part thereof per day or any part of such day during the three days immediately following the termination of the free time;
- (b) fifty cents per square foot or any part thereof per day or any part of such day during the next three days immediately following the termination of the period of three days mentioned in sub-paragraph (a) hereof;
- (c) one dollar per square foot or any part thereof per day or any part of such day thereafter.

*[Paragraph 5(4) amended by BR 28/1999 reg 5 effective 1 May 1999]*

### Payment of charges

6 (1) Wharfage and storage charges payable under paragraphs 3, 4 and 5 hereof shall be payable by the owner on the demand of the Treasurer the Corporation or of any person authorised by him in writing to receive same.

(2) The Corporation shall be entitled to employ, as its agent, any person, agency, organisation or institution resident within the Islands of Bermuda to collect the wharfage charges payable under paragraph 3 hereof, of any of them, upon such terms and conditions as the Corporation and such person, agency, organisation or institution shall mutually determine.

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### Fixing of wharfage if none specified

7 In the case of any goods on which no rate of wharfage is specified, the wharfage shall be fixed by the Wharf Committee of the Corporation, or a majority of them, subject to an appeal to the Corporation if the owner of the goods is dissatisfied with the decision of the Wharf Committee.

### Revocation and transitional

8 *[omitted]*

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#### *[Amended by:*

Hamilton Goods Wharfage and Storage Charges Ordinance 1967, Amendment Ordinance 1970  
Hamilton Goods Wharfage and Storage Charges Ordinance 1967, Amendment Ordinance 1985  
BR 28 / 1999  
2004 : 6  
2010 : 45  
2013 : 39  
2014 : 10]