

BERMUDA STATUTORY INSTRUMENT

HAMILTON WHARVES AND SHEDS ORDINANCE 1961

*[made under section 38 of the Municipalities Act 1923 [title 4 item 1] and
brought into operation on 22 June 1961]*

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Citation

- 1 This Ordinance may be cited as the Hamilton Wharves and Sheds Ordinance 1961.

Interpretation

- 2 In this Ordinance, unless the context otherwise requires —
"the Corporation" means the Corporation of Hamilton;

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"wharves" means—

- (i) the wharves south of Front Street, 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;

"wharf" has a corresponding meaning;

"ship" means any ship, lighter, hulk or boat;

"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;

"owner" when used with reference to imported goods, means the owner, importer or consignee;

"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;

"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 of Hamilton, and any extension of this period which the Corporation may grant in exercise of its powers under paragraph 4(1) of the Hamilton Goods Wharfage and Storage Charges Ordinance 1960 [*title 4 item 1(a)*];

"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 paragraph 5(2) of the Hamilton Goods Wharfage and Storage Charges Ordinance 1960 [*title 4 item 1(a)*], and such further period as may be allowed by the Corporation in the exercise of its powers under paragraph 5(3) thereof;

"vehicle" includes a motor car, carriage, cart, wagon, trolley, truck, trailer, bicycle, auxiliary cycle or auto-bicycle, or other conveyance which is used for the transportation of passengers, animals, goods or other loads.

Removal of goods from wharves

3 (1) All goods imported into Bermuda and landed on the wharves from any ship shall be removed therefrom by the owner during the free time.

(2) All goods intended for export and deposited on the wharves shall be removed therefrom by the owner during the free time.

(3) Where goods are deposited in bulk for one owner they shall be removed in bulk and the owner shall not remove some only or part of the goods unless he has a written permit from the Corporation so to do.

Removal of damaged goods

4 (1) No damaged goods, no spoiled goods and no dunnage shall be left on the wharves or in the storage facilities provided by the Corporation.

(2) If damaged goods, spoiled goods or dunnage are left on the wharves when goods are landed from any ship the Corporation may require the master or agent of the ship to remove such goods or dunnage.

(3) Where goods have been deposited on the wharves or stored in the facilities of the Corporation the owner shall remove all damaged and spoiled goods.

(4) If any goods are not accepted by the owner they shall be removed from the wharves or the storage facilities provided by the Corporation by the person who has deposited them on the wharves or his agent.

Owner's risk

5 (1) All goods landed or deposited on the wharves or stored in the facilities of the Corporation shall be so landed, deposited or stored at the risk of the owner of the goods and shall remain on the wharves or stored in the facilities of the Corporation at the risk of the owner of the goods.

(2) The Corporation does not warrant that the wharves or facilities are suitable for the storage of goods.

(3) The Corporation shall not be liable for any damage to goods arising from the use of these wharves or facilities or from any act or omission of itself or its servants in the erection, maintenance or supervision of the wharves or facilities concerned.

Action after expiration of free time

6 (1) Where any goods are landed or deposited on any wharf the Corporation may at the expiration of the free time during which such goods lawfully remain on the wharf have such goods, or any of them, removed the wharf and stored in some warehouse or deposited in some other suitable place of deposit.

(2) Notice that the goods have been so removed shall be given to the owner of the goods, if he is known to the Corporation, and any

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owner may take possession of the goods so removed upon payment to the Corporation of all wharfage, removal, warehousing and storage charges.

(3) If the owner of any goods which have been so removed does not pay such charges and receive the goods into his possession within fourteen days the Corporation may after not less than three days' notice to the owner, or if the owner of the goods is not known to the Corporation, then after not less than three days' notice by advertisement in the Gazette, have such goods sold by public auction.

(4) When any goods are sold by public auction the Corporation shall apply the proceeds of such sale in payment of the expenses of such sale, the costs of removing and warehousing the goods, and all freight, wharfage and storage charges which may be owing in relation to the goods. The surplus proceeds of sale shall be paid to the owner of the goods on demand on his furnishing to the Corporation sufficient proof of his ownership. If the proceeds of sale are insufficient for the purposes aforesaid the Corporation may recover the deficiency from the owner as a debt.

(5) If any goods are of such a perishable nature that they would, in the opinion of the Mayor, or some person or persons deputed by him, be destroyed or materially damaged by being stored or deposited in a warehouse or elsewhere as aforesaid, he may order the goods to be sold forthwith, after such previous notice to the owner as is practicable under the circumstances, or without any such previous notice if it is impracticable to give the same, and the proceeds of such sale shall be applied in like manner as on a sale under paragraph (4) of this article, or as near thereto as circumstances admit.

Public auction

7 The Corporation may on the application of any auctioneer or other person, give a written permit for any goods intended to be sold by public auction to be deposited on any wharf for such period as the permit may sanction.

Reservation of sheds

8 Any shed may be reserved wholly or partially and designated by the Corporation for any special purpose for such time as the Corporation may see fit.

Restriction on lumber; hay; cement

9 Lumber, hay and cement and any other goods designated from time to time by the Corporation shall be landed, deposited or stored only in such places and in such quantities as shall be permitted by the Corporation.

Restriction on inflammable; explosive; hazardous materials

10 (1) No inflammable, explosive or hazardous materials shall be placed or allowed under any shed or on any wharf, except in areas designated for such storage by the Corporation, and which are indicated by a notice reading "Danger-No Smoking". Such materials shall include: Petroleum and its products, Coal Tar and its products, Mineral Oils, Vegetable Oils, Fish Oils, Alcohols, Esters, Pyroxylin, Cellulose, Organic Peroxides, Nitrates, Chlorates, Gunpowder, Nitroglycerine, Cordite, Explosives generally, materials liable to spontaneous heating, and any other materials or goods of a hazardous nature.

(2) No person shall smoke or carry out any operation involving the use of naked flame in the hold of any ship, or within 20 feet of any restricted area designated under sub-paragraph (1) of this Article, except with the written authority of the Corporation.

Restriction on entry; customs enclosure

11 During the examination and delivery of passengers' baggage from areas set aside as Customs Enclosures no persons, except those nominated to the Commissioner of Police by the Corporation, passengers, persons employed in the landing of baggage and persons having a pass signed by, or on behalf of, the Mayor shall enter or remain in the enclosure.

Exclusion from wharves

12 (1) The Corporation may at any time refuse permission for any person, vehicle, horse, mule or other beast of draught or burden to enter the docks, wharves and sheds under its control or to remain thereon or to enter or remain on any designated part thereof.

(2) Where vehicles are permitted to enter any dock, wharf or shed under the control of the Corporation for the purpose of loading or unloading goods or passengers they shall leave as soon as such loading or unloading is complete and shall not remain on the dock or wharf or in the shed unless expressly authorised by the Corporation so to do.

(3) Nothing in this article shall be construed to apply to jitneys or other equipment used by stevedores for the loading or unloading of ships.

(4) Any person who is not authorised by the Corporation to enter or to remain on the docks, wharves and sheds or any part thereof and who refuses to leave such premises on being requested to do so by any member of the Corporation or by any police officer may be ejected therefrom and may be prosecuted for an offence against the Municipalities Act 1923 [*title 4 item 1*].

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Loitering

- 13 Any person who on any dock or wharf or in any shed—
- (a) drinks any intoxicating liquor (which expression shall for the purposes of this Ordinance include wine, beer and any other alcoholic liquor) ;
 - (b) is found drunk and appears to be incapable of taking care of himself;
 - (c) is guilty of riotous, offensive or indecent behaviour;
 - (d) loiters without authority or reasonable excuse;
 - (e) plays or operates a radio or other device for the reproduction or creation of music or other sounds,
- commits an offence against this Ordinance.

Offences

14 Any person who contravenes any article of this Ordinance commits an offence against this Ordinance and shall be liable to conviction in the manner provided by section 46 of the Municipalities Act 1923 [*title 4 item 1*], and to the penalties prescribed by that section.

Revocation

15 [*omitted*]

[*Amended by:*

1967 : 238

Hamilton Wharves and Sheds Amendment Ordinance 1982]