

BERMUDA STATUTORY INSTRUMENT

SR&O 11/1960

POWER-CRAFT REGULATIONS 1960

*[made under section 96 of the Board of Trade Act 1930 [repealed] and
brought into operation on 2 July 1960]*

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Interpretation

- 1 In these Regulations—

"operate" with its grammatical variations means to drive a power-craft while such craft is propelled by machinery;

"owner" includes a part owner and any person who has possession of a power-craft by virtue of a hire-purchase agreement;

"power-craft" means any type of craft propelled by any form of machinery whether or not such machinery is the principal method of propulsion, but does not include—

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- (a) Her Majesty's Ships and harbour craft;
- (b) ships and craft of all descriptions in the services of any foreign power recognized by Her Majesty;
- (c) sea-going vessels engaged on voyages to or from places outside Bermuda;
- (d) fishing boats licensed under the Fisheries Regulations 1972 [*title 25 item 8(a)*];
- (e) vessels owned and operated by the Government of Bermuda, or by the Corporation of Hamilton or the Corporation of St. George's;
- (f) ships' lifeboats;
- (g) flying-boats, sea-planes, or other types of aircraft capable of landing on the water;
- (h) yachts with auxiliary engines; or
- (i) any other craft or type of craft as may from time to time be exempted by the Minister from these Regulations;

"registered owner of a power-craft" means the owner of any power-craft in respect of which a certificate of registration has been issued by the Minister under these Regulations.

Registration of power-craft

2 [*rescinded by BR 39/1990 effective 6 July 1990*]

Registration and display of registration number

3 [*rescinded by BR 39/1990 effective 6 July 1990*]

Restrictions on operation of power-craft

4 Without prejudice to any provision of law relating to the navigation of craft within the territorial waters of Bermuda, no person shall within those waters, operate any power-craft—

- (a) if he is under the age of 16 years except a power-craft of 6 horse-power or under as rated by the maker;
- (b) at such a speed or in such a manner as to constitute a danger to the life or property of any other person;
- (c) otherwise than in compliance with any prohibitions or restrictions from time to time imposed by the Minister as to the navigation of power-craft, or of any particular type or types of power-craft, in any specified area or areas, and promulgated by notice published in the Gazette;

- (d) while under the influence of intoxicating liquor or a drug to such an extent as to be incapable of having proper control of the power-craft;
- (e) without due care and attention;
- (f) without reasonable consideration for other persons;
- (g) unless such craft is fitted with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of exhaust gases from the engine; or
- (h) while it is unmanned, during the hours of darkness.

[Regulation 4 amended by BR 39/1990 effective 6 July 1990]

Water-skis

5 (1) No person shall operate a power-craft within the territorial waters of Bermuda for the purpose of towing any other person on water-skis, a surfboard or other contrivance of a similar nature, unless at least one other person of the age of twelve years or above is present in such power-craft.

(2) No person shall operate a power-craft within the territorial waters of Bermuda for the purpose of towing any other person on water-skis, a surfboard or other contrivance of a similar nature—

- (a) during the hours of darkness; or
- (b) within two hundred feet of any foreshore:

Provided that the Minister may, in special cases, waive any or all of this regulation.

(3) No person shall operate a hired power-craft within the territorial waters of Bermuda for the purpose of towing any other person on water-skis, a surfboard or other contrivance of a similar nature, unless he is in possession of a valid pilot licence issued by the Minister.

(4) No person shall hire out any power-craft knowing that it would be used for the purpose of towing any person on water-skis, a surfboard or other contrivance of a similar nature, unless the person to whom the power-craft is hired is in possession of a valid pilot licence issued by the Minister.

Child under 12; child under 16

6 (1) No person under the age of 12 years shall operate or be allowed or caused to operate a power-craft of any kind.

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(2) A person of the age of 12 years or over but under 16 years may operate a power-craft of 6 horse-power or under as rated by the maker.

Accident procedure

7 In the case of a collision, accident, or other casualty involving a power-craft while being operated within the territorial waters of Bermuda, the person in charge thereof shall give his name and address, and the registered number of the power-craft to any person injured, or to the owner of any property damaged, and where injury has resulted to any person, he shall in addition report the fact to the police within twenty-four hours of the event.

Production of certificate of registration

8 The registered owner of a power-craft shall produce the certificate of registration issued to him in respect of that power-craft when so required by a police officer:

Provided that it shall be sufficient compliance with this regulation if the person on whom the requirement is imposed produces such certificate of registration at a police station within seven days of the date of the requirement.

Police powers

9 (1) Where a police officer has reason to suspect that an offence in connection with the use, ownership or possession of a power-craft has been committed, he or any other police officer may—

- (a) board such power-craft and address such enquiries to the occupants thereof as he may deem necessary; or
- (b) require the owner or person in charge of such power-craft to give all information in his possession as to the name, address, description, and whereabouts of the operator and of the occupants of the power-craft at the time of the alleged offence, together with any information in his possession which may lead to the identification or apprehension of the offender.

(2) Without prejudice to any provision of law authorizing arrest without warrant, a police officer may arrest without warrant any person operating, or within, a power-craft whom the police officer had reason to suspect of having committed an offence against these Regulations if such person on being requested to do so by the police officer, refuses to give his name and address.

Offences

10 (1) Any person who acts in contravention of these Regulations commits an offence against these Regulations:

Punishment on summary conviction: a fine of \$420, and in addition to such fine the court may cancel the certificate of registration of any power-craft employed in the commission of such offence or may suspend such certificate for such period not exceeding one year as to the court may seem proper.

(2) Any person who operates any power-craft in respect of which the certificate of registration has been cancelled or suspended under paragraph (1) commits an offence against these Regulations:

Punishment on summary conviction: imprisonment for 1 year or a fine of \$1,680 or both such imprisonment and fine.

(3) Any person who causes or allows any person under the age of 12 years to operate a power-craft in breach of regulation 6(1) commits an offence

[Amended by

1970 : 32
1975 : 16
SR&O 26/1972
SR&O 3/1973
SR&O 69/1973
BR 32/1979
BR 39/1990]