



**BERMUDA**

**MARINE AND PORTS SERVICES AMENDMENT ACT 2021**

**2021 : 37**

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WHEREAS it is expedient to amend the Marine and Ports Services Act 2021 to provide for pilotage dues and other associated matters;

Be it enacted by The Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

**Citation**

1 This Act, which amends the Marine and Ports Services Act 2021 (the “principal Act”), may be cited as the Marine and Ports Services Amendment Act 2021.

**Amends section 2**

2 Section 2 of the principal Act is amended by inserting the following definition in its proper alphabetical order—

“ “ pleasure craft” means a vessel which at the time of its arrival is being used for private recreational purposes;”.

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### **Amends section 30**

3 Section 30 of the principal Act is amended by repealing subsection (4)(f) and replacing as follows—

“(f) pleasure craft of less than 50 metres who are taking part in ocean races, or cruising in or about the territorial waters;”.

### **Inserts sections 32A to 32G**

4 The principal Act is amended by inserting after section 32 the following—

#### **“Master not to allow pilotage by person other than pilot**

32A The master of any ship (not being an excepted ship within the meaning of section 30) within the territorial waters who, except under unavoidable circumstances arising from stress of weather or as provided in this Act, or otherwise, himself acts as pilot, or who allows any person other than a qualified pilot to act as pilot, commits an offence against this Act.

#### **Improper payment to pilot an offence**

32B The master of a ship or any other person liable to pay pilotage dues who knowingly pays or offers to pay to the pilot of such ship any money or other valuable consideration except as provided in this Act commits an offence against this Act.

#### **Pilotage dues**

32C All ships which have availed themselves of the services of a pilot shall be liable for pilotage dues calculated in accordance with regulations made under this Act.

#### **Increased pilotage dues for detention of pilot**

32D (1) If the pilot is detained on board, or in attendance on, any ship under the circumstances mentioned, he shall be entitled to be supplied at the ship's expense with provisions similar to those supplied to the officers of such ship—

- (a) whenever an outward bound ship before it gets to sea, or an inward bound ship before it gets to the destined port of anchorage, is obliged to anchor for more than three hours; or
- (b) whenever an outward bound ship after breaking ground, or an inward bound ship before arriving at the destined port or anchorage, is detained by order of the master, owner, consignee or agent for more than three hours; or
- (c) whenever an outward bound ship does not proceed to sea within three hours after the time appointed for sailing.

(2) The pilotage dues shall be increased accordingly by such sum as may be prescribed for every day or part of a day on which such detention takes place.

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### **Where pilot detained in quarantine**

32E If a pilot is detained in quarantine, in consequence of the ship on which he was pilot being placed in quarantine, on board such ship, then the master shall supply the pilot, at the ship's expense, with provisions and accommodation similar to those supplied to officers of the ship.

### **Where pilot carried to sea**

32F (1) A pilot who is carried from Bermuda in any ship by stress of weather, or otherwise against his will, shall be supplied by the master, at the ship's expense, with provisions and accommodation similar to those supplied to the officers of such ship.

(2) The pilot shall be entitled to receive his salary at the same monthly rate as he is entitled to receive from the Consolidated Fund during his enforced absence from and until his return to Bermuda by the quickest route, and the reasonable expense of his return to Bermuda from the port or place at which he is landed, or shall leave.

### **Persons liable for payment of pilotage dues**

32G (1) The master, owner and consignee of a ship, and the agent reporting, entering, or clearing of such ship, shall be jointly and severally liable for pilotage dues and for any other amount payable under this Act.

(2) A consignee or agent may retain in his hands out of any moneys received on account of such ship or the owner, all amounts which he has paid, or is or may be liable to pay, under this Act.

(3) The pilot of an outward bound ship may, before the ship breaks ground, demand prepayment of outward pilotage dues, and if such demand is not complied with, the master of such ship commits an offence against this Act.”.

### **Amends section 80**

5 Section 80 of the principal Act is amended—

(a) by repealing subsection (2)(b) and (c) and substituting the following—

“(b) pilotage dues payable pursuant to section 32C;

(c) increased pilotage dues payable pursuant to section 32D;”;

(b) by inserting after subsection (3) the following—

“(4) The provisions of sections 28 and 79 shall apply to every penalty levied in respect of light tolls and pilotage dues.”.

### **Commencement**

6 This Act shall come into operation on a date appointed by the Minister by notice published in the Gazette.

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[Assent Date: 27 September 2021]

[Operative Date: 25 January 2023]