
CHAPTER 277**BOAT REGISTRATION**

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FIRST SCHEDULE — Boat Registration Fees

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CHAPTER 277**BOAT REGISTRATION****An Act to make provision for the registration of boats and for other purposes connected therewith.***[Commencement 31st July, 1961]***PART I
PRELIMINARY**

- 52 *cf* 1961
14 *cf* 1962
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18 *cf* 1966
29 *cf* 1968
4 *cf* 1971
E L A O, 1974
16 *cf* 1976
5 *cf* 1987
34 *cf* 1989
16 *cf* 1990
16 *cf* 1991
SI 37/2003
1. This Act may be cited as the Boat Registration Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
- “boat” means every description of vessel used in navigation however propelled not exceeding 500 tons gross tonnage; *SI* 75/1989
- “master” means the person having charge or command of a boat; *SI* 75/1989
- “Minister” means the Minister responsible for Boat Registration; *E L A O*, 1974
- “New Providence Port Authority” means the Port Authority for New Providence appointed under the Port Authorities Act; Ch. 269.
- “Port Authority” means a port authority constituted and appointed under the provisions of the Port Authorities Act; 14 *cf* 1962, *Sch* Ch. 269.
- “Port Controller” has the meaning assigned to it by section 2 of the Port Authorities Act; 16 *cf* 1976, *Third Sch* Ch. 269.
- “waters of the Bahama Islands” means the territorial waters of The Bahamas.

**PART II
REGISTRATION OF BOATS AND LICENSING OF
MASTERS**

3. (1) No boat shall ply, be offered or let for hire for use in the waters of the Bahama Islands unless and until it is registered by the New Providence Port Authority under this Act. Boats plying for hire to be licensed.

(2) No person shall act as master of a boat required to be registered under this Act (hereinafter in this Act referred to as “a boat for hire”) unless and until he has obtained a licence from the New Providence Port Authority so to do.

(3) Subsection (2) of this section shall not apply to sailing vessels engaged in inter-insular trade.

4. (1) Save as hereinafter provided this Act shall not apply to —

(a) any boat used within the waters of The Bahamas for the purpose of providing to persons, for reward, the facilities for any recreational activity, under a charter-party negotiated and executed outside The Bahamas and under which charter the passengers for whose benefit the charter was executed embark on the boat outside of The Bahamas:

Provided that —

(i) the master of any such boat shall, upon any entry of such boat into the waters of The Bahamas, apply for the issue of a permit under subsection (2) in respect of the boat and pay at the nearest port to an officer of the Port Authority or the Customs such fee (other than port dues) as may be prescribed; and

(ii) any law enforcement officer shall have the right to request the master of any such boat to produce such charter-party and any other information or document in proof of compliance with this subsection; or

(b) any boat engaged in trade with ports outside The Bahamas and while so engaged.

(2) Nothing in section 3 shall be deemed to prohibit the master of a boat in respect of which the prescribed permit has been issued causing to be embarked in The Bahamas, subject to the payment of such fees and to such conditions as are prescribed, persons pursuant to negotiations made by them or on their behalf from abroad prior to their arrival in The Bahamas.

Certain boats
exempt from Act.
16 cf 1991, s 2
and *Sch*

(3) It shall be deemed a prescribed condition of a permit issued under subsection (2) that the holder of the permit, his agents and servants shall not without the prior approval of the Minister solicit passengers or charters from within The Bahamas.

(4) Section 3 shall be deemed to apply to a boat referred to in paragraph (a) of subsection (1) unless a permit has been issued under subsection (2) in respect of the boat.

(5) In this section “law enforcement officer” means a member of the Royal Bahamas Defence Force, an officer of the Customs Department or an officer of the Immigration Department.

(6) The requirement of previous notice in respect of an application mentioned in subsection (1) of section 7 and the provisions of sections 10 and 15 shall not apply to an application for or the refusal of a permit mentioned in subsection (2).

5. (1) Every owner desirous of acting as master of a boat for hire shall apply for a licence under the provisions of this Act.

Duty of owners and masters of boats

(2) Every person desirous of acting as master of a boat for hire shall apply for a licence under the provisions of this Act.

6. (1) Subject to the provisions of subsection (3) of this section, every boat before being registered under this Act shall, together with the machinery, sail, gear, fixtures, equipment, apparel and appurtenances used therewith, be submitted for the inspection of the New Providence Port Authority, and that Authority shall decide whether such boat is fit and proper to be registered, and after registration an inspection shall take place annually.

Inspection of boats
29 cf 1968, s 2

(2) Where any alteration affecting the terms of the licence or the safety of such boat is made to any boat which is registered under this Act, or to any machinery, sail, gear, fixtures, equipment, apparel or appurtenances thereof, such boat shall within fourteen days of the making of such alteration be submitted for the inspection of the New Providence Port Authority.

(3) This section shall not apply to sailing vessels engaged in inter-insular trade.

Sittings of
licensing
authorities

7. (1) The New Providence Port Authority shall once in every quarter, or as often as is necessary for the purpose of disposing of pending applications, hold a sitting for the purpose of receiving or hearing applications for the grant of licences and transfers of licences, submitted in any Out Island, and generally for the purposes of this Act. Fourteen days' previous notice of any sitting and of pending applications shall be given in the *Gazette* and in at least two newspapers in The Bahamas, and by affixing a copy of the notice on or in a conspicuous place near to the place of the intended sitting.

(2) The licensing authority in an Out Island district as defined in subsection (1) of section 11 of this Act shall hold a sitting as and when occasion may require, and fourteen days' previous notice of any sitting and of any pending applications shall be given by affixing the notice on or in a conspicuous place near to the place of the intended sitting.

(3) Every notice under this section shall set out the full names and addresses of the applicants and the names and full descriptions of the boats in respect of which a licence is being applied for.

Registration of
boats and
licensing of
masters

8. (1) Subject to the provisions of this Act and the rules, the registration of a boat and the granting of a licence to a master shall be at the discretion of the New Providence Port Authority and such registration and licence shall contain such conditions and restrictions as that Authority may determine. All such conditions and restrictions (if any) shall be endorsed on the certificate of registration or the licence as the case may be.

(2) The New Providence Port Authority may at any time on good cause being shown and after an owner of a boat for hire or a licensed master, as the case may be, has had an opportunity to explain any complaint against him before the Authority, cancel a registration or a licence, or impose conditions and restrictions in respect thereof.

(3) The registration of a boat or the licence issued to a master under this Act shall be granted or renewed for a period not exceeding one year and ending on the thirty-first day of December.

(4) The fees set forth in the First and Second Schedules to this Act shall be in force as the fees payable under this Act to the New Providence Port Authority in respect of the matters mentioned in the said Schedules.

First Schedule,
Second Schedule
4 cf 1971, s 2

(5) The provisions of subsection (4) of this section shall not apply to sailing vessels or motor vessels engaged in inter-insular trade.

(6) The Minister may by Order amend the First Schedule or the Second Schedule. *34 cf 1989, s 2*

9. (1) It shall be lawful for the New Providence Port Authority to grant a transfer of any registration or licence upon such conditions and subject to such restrictions as that Authority may determine. All such conditions and restrictions, if any, shall be endorsed on the certificate of transfer. *Transfers of registration and licences*

(2) The provision of this Act relating to the registration of a boat shall apply *mutatis mutandis* to the grant of a transfer under this section.

10. (1) Any person shall be at liberty to oppose the registration of a boat or the grant of a licence, provided that — *Opposition to grant of registration or licence*

- (a) he has given written notice to the New Providence Port Authority and to the applicant of his intention to oppose the registration or the grant of a licence, as the case may be, and has stated in such notice in specific terms the grounds of opposition; and
- (b) such notice has been given to the New Providence Port Authority and to the applicant not less than six days before the day fixed for the hearing of the application.

(2) The New Providence Port Authority may, notwithstanding that notice of opposition shall not have been given, adjourn the hearing of the application to a future day, and require the attendance of the applicant and any other person concerned on such day when the matter will be heard and the objection considered as if the notice hereinbefore prescribed had been given.

11. (1) In all islands of The Bahamas other than New Providence, an owner of a boat desirous of obtaining registration or a master desirous of obtaining a licence to operate a boat for hire under this Act may apply to the port authority for the island or district in which the boat is normally operated; and if there be no port authority for such island or district, then to the commissioner of the said island or district. *Procedure for registration and grant of licence in Out Islands 14 cf 1962, Sch*

(2) In addition to fulfilling the requirements of the rules, an applicant under subsection (1) of this section shall satisfy the said port authority or the commissioner, as the case may be (hereinafter in this Act referred to as “Out Island Authority”) that it is impracticable to travel to New Providence; and in the case of an owner applying for registration of a boat for hire, he shall submit in writing plans, specifications and inventories of such boat and shall produce for inspection the machinery, sail, gear, fixtures, equipment and appurtenances used in connection with the said boat.

(3) An Out Island Authority shall consider all applications made to them pursuant to subsection (1) of this section and shall forward to the New Providence Port Authority a copy of all proceedings had before them with their recommendations and a statement of the reasons for their recommendations. The New Providence Port Authority, after considering the matter, shall forthwith communicate their decision to the Out Island Authority which shall in turn notify the applicant.

(4) Applications under this section may be opposed both before the Out Island Authority and before the New Providence Port Authority and the provisions of section 10 of this Act relating to the opposition of applications shall apply *mutatis mutandis*.

52 *cf* 1963, s 4

(5) Notwithstanding the other provisions of this Act, the Minister may, by Order, empower any specified port authority in an Out Island to grant or refuse applications for —

- (a) the registration of boats to be operated solely within the Port area (or waters adjacent thereto) of such port authority; or
- (b) licences to act as the master of any such boats,

without forwarding the same to the New Providence Port Authority as required by subsection (3). For the purposes of the other provisions of this Act, any decision of a port authority so empowered shall be deemed to be a decision of the New Providence Port Authority.

29 *cf* 1968, s 4

(6) The provisions of this section shall have effect *mutatis mutandis* in relation to applications (required by subsection (2) of section 6 of this Act) for inspection of a boat in any island of the Bahama Islands other than New Providence as those provisions have effect in relation to

applications for registration of a boat for hire outside of New Providence.

- 12.** It shall not be lawful for any person who —
- (a) is under eighteen years of age; or
 - (b) has been convicted of any offence, which in the opinion of the New Providence Port Authority renders him unfit to be the owner or master of a boat for hire,

Certain persons disqualified from obtaining registration or licence

to obtain registration of a boat for hire or a licence to act as master of such a boat.

13. (1) When the New Providence Port Authority have decided to register a boat for hire or grant a licence to a master under this Act such registration and licence shall be recorded in special registers for these purposes, and the Authority shall issue a certificate of registration or a licence, as the case may be, in the form prescribed.

Registration of boat and issue of licences

(2) Every certificate of registration and every licence issued shall have a serial number and in the case of the registration of a boat for hire, such number shall be painted or embossed on the port and starboard bow of every boat registered under this Act.

(3) The certificate of registration of a boat for hire shall be affixed in a prominent place on such boat. The licence issued to a person to act as master of such a boat shall be available at all times for inspection.

14. Notwithstanding the foregoing provisions of this Act, in a case in which an application has been made in the Island of New Providence under the provisions of section 5 of this Act, pending the decision on such application, the Chairman of the New Providence Port Authority, subject to the approval of the Minister, upon being satisfied that the applicant is not disqualified under the provisions of section 12 of this Act and —

Power to issue temporary licences and certificates of registration
18 cf 1966, s 2

- (a) in the case of an application for a licence as a master, upon being satisfied that the applicant is a fit and proper person to hold such a licence; or
- (b) in the case of an application for registration of a boat, upon being satisfied that the boat has been inspected and approved under the provisions of section 6 of this Act,

may issue to the applicant a temporary licence or certificate of registration, as the case may be, in such form as the Minister may think fit, valid for such period not exceeding three months and subject to such conditions and restrictions as may therein be specified:

Provided that any such temporary licence or certificate shall forthwith cease to have effect if before the expiration thereof the original application for a licence or certificate, made under section 5 of this Act, has been heard by the New Providence Port Authority and has been refused or a substantive licence has been issued.

PART III APPEALS

15. (1) Any of the following persons who are dissatisfied with a decision of the New Providence Port Authority shall have a right of appeal to the Supreme Court, and in such event the provisions relating to appeals from magistrates contained in the Magistrates Act shall apply *mutatis mutandis* to such appeal as if the decision of the Authority was that of a magistrate:

- (a) an applicant for registration or transfer of the registration of a boat for hire;
- (b) an applicant for a licence to act as master of a boat for hire;
- (c) any person objecting to the registration or transfer of the registration of a boat for hire;
- (d) any person objecting to the grant of a licence to act as master of a boat for hire;
- (e) any person whose registration has been cancelled or who has had conditions or restrictions or both imposed in respect of his registration;
- (f) any person whose licence has been cancelled or who has had conditions or restrictions or both imposed on his licence.

(2) Notwithstanding the provisions of subsection (1) of this section, where the Supreme Court considers an appeal to be of a frivolous or vexatious nature, the recognisance entered into by the appellant may be adjudged to be forfeited and paid into the general revenue of The Bahamas.

Right of appeal
from decision of
the New
Providence Port
Authority
Ch 54

PART IV OFFENCES

- 16.** (1) Every person being the owner of a boat — Offences.
29 cf 1968, s 5
- (a) required by this Act to be registered who shall omit to have such boat registered; or
 - (b) the registration whereof has been cancelled or has expired; or
 - (c) which is not submitted for inspection pursuant to subsection (2) of section 6, or, as the case may be, section 11, of this Act,

who shall ply, offer or let the same for or to hire shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding one hundred dollars.

5 cf 1987, Sch

(2) Any person who acts as master of a boat for hire or employs any other person so to do without first obtaining a licence under this Act shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding one hundred dollars.

5 cf 1987, Sch

(3) Every owner or master of a boat who by himself or a servant shall refuse or fail to admit on his boat any person or persons authorised under section 19 to board and enter and remain on such boat shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding one hundred dollars.

5 cf 1987, Sch

(4) Every person who fails to comply with the provisions of this Act for which no specific penalty has been provided shall be liable on conviction to a penalty not exceeding one hundred dollars.

5 cf 1987, Sch

17. A breach of any condition or restriction endorsed on a certificate of registration, a licence or a certificate of transfer by the New Providence Port Authority shall be deemed to be a breach of this Act.

Breach of conditions or restrictions deemed to be breach of Act.

18. All proceedings under this Act shall be taken summarily.

Procedure.

PART V MISCELLANEOUS

19. It shall be lawful for any member of the New Providence Port Authority or for the Port Controller or any member of his staff who has his written authority to

Powers of boarding and entry.

16 cf 1976, Thrd Sch

board and enter any boat suspected of being operated for hire and whether registered under this Act or not for the purpose of preventing or detecting the violation of any of the provisions of this Act, and to remain on any such boat for so long as is necessary for the carrying out of his duty.

Fees

20. All fees received by the New Providence Port Authority under this Act, or under any rules made thereunder, shall be paid into the Consolidated Fund.

Rules

21. (1) The Minister may make rules in respect of all or any of the following matters —

*16 cf 1991, s 2
and Sch*

(a) for prescribing anything required by this Act to be prescribed including the various forms to be used under this Act; and

4 cf 1971, s 3

(b) for the issue of duplicate certificates of registration and of duplicate licences;

(c) for requiring every applicant for the registration of a boat to satisfy the New Providence Port Authority or the Out Island Authority, as the case may be, that —

(i) he is a fit and proper person to operate a boat for hire;

(ii) he is the owner of the boat in respect of which the application is made;

(d) for requiring every applicant for a master's licence —

(i) to satisfy the New Providence Port Authority as to his physical fitness and competence to act as master of a boat for hire before being entitled to be granted a master's licence; and

(ii) to satisfy a qualified medical examiner as to his physical fitness to continue to hold a master's licence, and to provide for the cancellation and surrender of any such licence if the holder fails to satisfy such examiner;

(e) generally for carrying out the objects of this Act.

*16 cf 1991, s 2
and Sch*

(2) In addition to any other power conferred by any other law, Rules made for the purposes of subsection (1) may create such offences and permit the imposition by a

court of such terms of imprisonment and penalties for contravention of those Rules, including provision for the forfeiture of any vessel by the court, as are prescribed.

22. All expenses approved by the New Providence Port Authority and incurred in administering this Act shall be paid out of the Consolidated Fund by warrant in the usual manner. Expenses.

FIRST SCHEDULE (Section 8(4))

34 cf 1989, s 3
SI 37/2003

Boat Registration Fees

A. Annual fees in respect of boats plying for hire in the waters of The Bahamas —

- (i) boats under 15 feet in length..... \$ 30.00
- (ii) boats 15 feet or over and under 25 feet in length..... \$ 50.00
- (iii) boats 25 feet or over and under 50 feet in length..... \$100.00
- (iv) boats 50 feet or over and under 100 feet in length..... \$200.00
- (v) boats 100 feet or over in length..... \$400.00

For the purposes of this paragraph, the length of a vessel shall be taken to be the distance between perpendiculars at the stem and the stern.

B. Transfer of Registration Fee

For each transfer of registration \$ 10.00

C. Duplicate Certificate of Registration Fee

For every copy of a certificate \$ 10.00

D. Inspection fees for boats

- (i) boats under 15 feet in length..... \$ 20.00
- (ii) boats 15 feet or over and under 25 feet in length..... \$ 30.00
- (iii) boats 25 feet or over and \$ 40.00

- under 50 feet in length....
- (iv) boats 50 feet or over and under 100 feet in length.. \$ 60.00
- (v) boats 100 feet or over in length..... \$ 80.00

*3 cf 1989, s 3
SI 37/2003*

SECOND SCHEDULE (Section 8(4))

Master's Licence Fees

- (a) Annual Licence fee
 - A Class \$50.00
 - B Class \$30.00
- (b) Duplicate Licence fee..... \$10.00
- (c) Examination fee \$30.00