
CHAPTER 278**WATER SKIING AND MOTOR BOAT CONTROL****ARRANGEMENT OF SECTIONS***Preliminary*

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SCHEDULE

CHAPTER 278

WATER SKIING AND MOTOR BOAT CONTROL

**An Act for the more effective control of water skiing
and the driving of motor boats in coastal waters.**

16 cf 1970
SI 10/1971
E L A O, 1974
16 cf 1976
9 cf 1980
29 cf 1989
25 cf 1995

[Assent 14th September, 1976]
[Commencement 8th February, 1971]

Preliminary

1. This Act may be cited as the Water Skiing and Motor Boat Control Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
 - “hours of darkness” means the period extending from one hour after sunset until one hour before sunrise;
 - “Minister” means the Minister responsible for Maritime Affairs; *E L A O, 1974*
 - “motor boat” includes every description of vessel being propelled by mechanical power other than a vessel registered under the Merchant Shipping Act, or under the legislation of some other state providing for the registration of ships, but does not include a sailing vessel fitted with an auxiliary engine rated at less than ten horse power; *Ch. 268.*
16 cf 1976, Third Sch
 - “registered motor boat” means a motor boat registered in accordance with section 9;
 - “restricted zone” means that area of water lying within two hundred feet of the shoreline in any part of The Bahamas to which for the time being section 3 applies;
 - “section” means a section of this Act;
 - “shoreline” means the shoreline at low-water mark;
 - “water ski” includes an aquaplane or similar device and the verb “to water ski” and its participles shall be construed accordingly.

*Restrictions on Water Skiing and Driving
Motor Boats*

Water skiing or
driving motor
boats inshore
prohibited

3. (1) No person shall water ski or drive any motor boat, whether or not with a water skier in tow, within two hundred feet of the shoreline in any area to which, for the time being, this section applies, except when the motor boat or water skier is either —

- (a) approaching or leaving a marina, dock, jetty, or other installation of a permanent nature intended for the reception of boats;
- (b) proceeding at a speed not exceeding three knots and with due caution and circumspection in the most direct line consistent with safe navigation between the open sea beyond the restricted zone and the shore or any mooring within the restricted zone;
- (c) towing a water skier in a lane clearly marked off with buoys and ropes of an approved pattern between the open sea beyond the restricted zone and the shore; or
- (d) in distress or rendering assistance to some other person in distress.

26 *cf* 1995, s 2

(2) The Minister may by Order exempt any person, for such time and subject to such conditions as may be specified in the Order, from the provisions of subsection (1) for the purpose of participating in any exhibition or competition organized for public entertainment.

(3) Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding one hundred and fifty dollars in the case of a first offence or to a fine not exceeding five hundred dollars in the case of a second or subsequent offence.

Reckless
operation of
motor boats or
water skis
prohibited

4. (1) No person shall drive a motor boat or manipulate any water ski within the territorial waters of The Bahamas —

- (a) in wilful or reckless disregard for the safety of any other person or property;
- (b) without due caution and circumspection; or
- (c) at a speed or in a manner likely to endanger life or limb or to damage the property of or injure any person.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred and fifty dollars in the case of a first offence or to a fine not exceeding five hundred dollars in the case of a second or subsequent offence.

5. (1) No person shall drive a motor boat within the territorial waters of The Bahamas while he is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the motor boat.

Driving under the influence of drugs or liquor prohibited

(2) For the purposes of this section any person who is found to be in charge of a motor boat the engine of which is running, shall be deemed to be driving that motor boat whether or not the boat is actually in motion, unless the boat is securely tied up to or at a marina, dock, jetty or wharf or to a fixed mooring, or is riding at anchor.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred and fifty dollars in the case of a first offence or to a fine not exceeding five hundred dollars in the case of a second or subsequent offence.

6. (1) It shall not be lawful for any person to participate in any way in water skiing in any area to which, for the time being, this section applies unless the following conditions are observed —

Safety restrictions on water skiing

- (a) every person water skiing shall wear an efficient safety flotation device;
- (b) there shall be a minimum of one person of or over the age of sixteen years additional to the driver in the towing motor boat to act as a lookout;
- (c) water skiing shall not take place during the hours of darkness:

Provided that the Minister may in writing grant his exemption from all or any of the provisions of this section in the case of any water skiing exhibition or competition organised for public entertainment.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding seventy-five dollars.

Age restriction
on driving motor
boats

7. (1) Subject to the provisions of subsection (3) of this section it shall not be lawful for any person under the age of sixteen years to drive any motor boat powered with an engine rated at more than ten horse power in any area to which, for the time being, this section applies.

(2) Any person who contravenes the provisions of this section and any other person who knowingly permits a person under the age of sixteen years to contravene such provisions shall each be guilty of an offence and shall each be liable on summary conviction to a fine not exceeding seventy-five dollars.

(3) This section shall not apply to any person under the age of sixteen years who has satisfied an officer appointed for that purpose by the Minister, by practical examination, that he has the knowledge, skill and ability to navigate a motor boat powered with an engine rated at more than ten horse power without danger to himself or to the public; but the burden of proof that any such person has so satisfied such officer shall in any proceedings lie upon the person charged.

(4) Notwithstanding anything contained in subsection (1) of this section a person between the ages of fourteen and sixteen years may drive any motor boat to which that subsection applies while under the supervision of a person of or over the age of sixteen years and no person shall be guilty of an offence under the provisions of this subsection by reason of his permitting such a person to do so in such circumstances.

Powers of peace
officers

8. (1) Any peace officer who has reason to believe that an offence has been or is being committed against section 3, 4, 5, 6 or 7, may stop and go on board any motor boat which appears to him to have been used in the commission of any such offence and may require any person whom he suspects of having committed such offence and any other person in or belonging to the motor boat to declare to him immediately that person's true name and address.

(2) If any person refuses to declare his name or address or fails to give his true name and address when thereto required under the provisions of this section he shall be liable on summary conviction to a fine not exceeding seventy-five dollars, and a peace officer may apprehend without warrant any person who so refuses to

declare his name and address or whom such officer suspects of giving a false name and address or of intending to abscond.

Registration of Motor Boats

9. (1) No motor boat to which this section applies shall be used within any of the territorial waters of The Bahamas to which this section extends unless and until it is registered under this Act:

Certain motor boats to be registered.

Provided that any motor boat which is for the time being registered under the provisions of the Boat Registration Act shall, for so long as it remains so registered, be exempt from registration under this Act.

Ch. 277.

(2) Any person who uses an unregistered motor boat to which this section applies shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding seventy-five dollars and to an additional fine equal to twice the appropriate registration fee of that motor boat.

(3) This section applies to motor boats powered with an engine rated at more than ten horse power or exceeding fifteen feet in overall length.

10. (1) Every person desirous of using a motor boat to which section 9 applies shall make application for registration of that boat to the Port Controller in New Providence or to the Commissioner in an Out Island District and shall furnish the Port Controller or the Commissioner, as the case may be, with such information concerning the boat as may be prescribed.

Procedure for registration.
16 *cf* 1976, Third Sch

(2) Upon application being duly made under the provisions of this section and upon payment of the appropriate fee, the Port Controller or Commissioner shall enter the prescribed particulars of the boat (which particulars which shall include particulars of the ownership of the boat) in a register to be maintained by him for that purpose and shall allocate a registration number to the boat.

(3) Registration shall be valid for a period of one year from the date thereof, shall expire on the thirty-first of March in the year following that of registration and may be renewed from time to time on the payment of the prescribed fee.

9 *cf* 1980, s 2

(4) It shall be the duty of the person registered as the owner of a boat under this section forthwith to cause the registration number thereof to be painted clearly upon both sides of the bow of the boat in the prescribed manner. Any person who uses a motor boat to which section 9 applies in any of the territorial waters to which this section extends without its correct registration number being clearly painted on both sides of the bow shall be guilty of an offence and liable on summary conviction to a fine not exceeding seventy-five dollars.

Notification of
change of
ownership or
engine

*16 cf 1976, Third
Sch*

11. (1) Upon any change of ownership of a registered motor boat it shall be the duty of —

- (a) the registered owner thereof forthwith to notify the name of the transferee to the Port Controller or to the Commissioner of the District where the boat was registered; and
- (b) the transferee to apply to the Port Controller or such Commissioner for the transfer of the registration into his name.

(2) Upon the fitting of any new engine, whether or not it is rated the same as the former engine, to a registered motor boat, it shall be incumbent upon the registered owners thereof to notify the Port Controller or the Commissioner of the District where the boat was registered, and to supply such information concerning the new engine as may be prescribed.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding seventy-five dollars.

(4) Upon being notified of any change of ownership of, or a change of engine fitted to, a registered motor boat the Port Controller or Commissioner, as the case may be, shall cause the appropriate register to be duly amended in accordance with the information supplied to him.

Miscellaneous

Minister may
make
regulations

12. The Minister may make regulations generally for the better carrying into effect of the provisions of this Act, and without prejudice to the generality of such power, may by such regulations prescribe —

- (a) the manner in which the registration number shall be painted upon the bows of a registered motor boat and, in particular, the size and pattern of the numbering and lettering thereof;
- (b) the size, colours and types of buoys, the types of ropes and the spacing of buoys along ropes to be used for any of the purposes of this Act;
- (c) the information to be supplied —
 - (i) by any applicant for registration of a motor boat; or
 - (ii) by any owner of a registered motor boat in relation to the fitting of a new engine thereto; or
 - (iii) by any owner or applicant for the transfer of the registration of a registered motor boat in relation to the transfer of ownership thereof; and
- (d) the methods of maintaining the registers of motor boats and the duties of the Port Controller and Commissioners in relation thereto. *16 cf 1976, Third Sch*

13. (1) The fees specified in the second column of the Schedule shall be due and payable in respect of each of the matters specified in the first column of the Schedule opposite thereto. *Fees Schedule*

(2) The Minister may by Order amend the Schedule. *29 cf 1989, s 3*

SCHEDULE (Section 13) *29 cf 1989, s 4*

Upon Registration, or Renewal of Registration, of a Motor Boat.....	Fee
Less than 15 feet in overall length	\$10.00
Where overall length is 15 feet or more but less than 30 feet	\$20.00
Where overall length is 30 feet or more but less than 50 feet	\$100.00
Where overall length is 50 feet or more but less than 100 feet	\$200.00
Where overall length is 100 feet or more	\$400.00
Fishing boats primarily designed to navigate under sail but having an auxiliary engine rated at 10 horse power or more	Nil