

**THE OFFICIAL GAZETTE 28<sup>TH</sup> NOVEMBER, 2009  
LEGAL SUPPLEMENT — B**

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GUYANA

No. 9 of 2009

**REGULATIONS**

**Made Under  
THE BERBICE RIVER BRIDGE ACT  
(ACT NO. 3 OF 2006)**

**IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 21 OF THE  
BERBICE RIVER BRIDGE ACT, (ACT NO. 3 OF 2006) I HEREBY MAKE THE  
FOLLOWING REGULATIONS:-**

- Citation. 1. These Regulations may be cited as the Berbice River Bridge (Commencement of Operations) Regulations 2009 and shall be deemed to come into operation on the 11<sup>th</sup> November 2009.
- Interpretation. 2. i) In these Regulations -
- "Approaches to the Bridge," means such areas near to the Eastern and Western ends of the Bridge as may be declared by the Minister,
- "Bridge" means the Berbice River Bridge that stretches over the Berbice River at Crab Island on the East Bank of the Berbice River to D'Edward on the West Bank of the Berbice River.
- "Board" means the Board of Directors of the Concessionaire.
- "Chief Executive Officer" means the person designated by the Board to operate or be in charge of the Bridge and includes any other person for the time being authorized by the Board to perform those functions;
- "Deep Draught Vessel" means a vessel of a draught of more than 3 metres;
- "Shallow Draught Vessel" means a vessel of draught of not more than 3 metres;
- "Road traffic" means any traffic other than pedestrian and pedal cyclist traffic;
- "Traffic" includes goods vehicles, vehicles carrying persons and animals and motor cycles but does not include river traffic;

**"Vessel"** means every description of water craft used or capable of being used as a means of transportation on the water (COLREG).

**"Foreign Vessel"** means a vessel not registered or licensed locally.

Functions of the  
Chief Executive  
Officer.

3. (a) Subject to these Regulations, the Chief Executive Officer shall have exclusive control of all traffic passing over the Bridge and control over vessels preparing to transit through or under the Bridge.
- (b) Subject to the requirements for the period of the opening of the retractor span of the Bridge for the purpose of enabling vessels to pass through the Bridge, the Chief Executive Officer shall use his best endeavours to keep the Bridge open to road traffic.
- (c) Without prejudice to the generality of the foregoing provisions of this Regulations, the Chief Executive Officer shall have authority -
- i. to direct the opening and closing of the retractor span of the Bridge;
  - ii. to direct the opening and closing of any barrier on the Bridge;
  - iii. to regulate, prohibit or restrict traffic from being on or crossing over the Bridge;
  - iv. to remove from the Bridge any vehicle which stops on the Bridge by reason of mechanical failure or for any other reason;
  - v. to search any vehicle, container or package about to cross or to be conveyed across the Bridge to ascertain in so far as is reasonably required in the interest of public safety in the use of the Bridge whether any explosive or dangerous or noxious matter is contained therein;
  - vi. to do all such acts as he may consider necessary to facilitate traffic over, under or through the Bridge, to ensure safety in its use and to prevent damage to it.

Traffic signs.

- (d) When the Bridge is closed to road traffic, barriers shall be placed across the Bridge approaches at each end of the Bridge.

Opening of  
retractor spans  
of Bridge for  
vessels.

4. (a) The master, owner or agent of any vessel requiring the retractor spans of the Bridge to be opened shall communicate by radio, telephone or in writing to the Chief Executive Officer at least 24 hours in advance of the expected transit to inform him of his request to pass through the Bridge, including the time of intended passage and other relevant particulars of the vessel.
- (b) The master of any Foreign vessel requiring to pass under the high span or through the retractor spans shall do so using a local Pilot as approved by the Harbour Master.
- (c) For the purpose of this Regulation, "Bridge-Zone" means the area bounded by the banks of the Berbice River on the East and West up to the Mean High Marks at Spring Tides on either side and on the North by an imaginary line drawn across the River from the Northern end of Crab Island on the East Bank to the North boundary of Cotton Tree on the Western Bank, and on the South by an imaginary line drawn across the River from the Southern boundary of Fort Ordinance Land on the Eastern bank to the Southern boundary of D'Edward on the West Bank.
- (d) The master or pilot of any vessel intending to pass through the retractor span or under the high span shall before proceeding into the Bridge Zone and on reaching the limits on either side of the Bridge Zone, raise the Chief Executive Officer on Very High Frequency radio on channel sixteen (156.8 megahertz) and maintain radio contact with him on Very High Frequency radio channel six (155.3 megahertz) or on any mutually convenient frequency, until the vessel is finally cleared through the Bridge.
- (e) Where vessels are at anchor or at berth, contact shall be established before moving, and this contact shall be established either by telephone and or radio through the Berbice Pilot Station, and by the master, pilot or agents of the vessels, and a definite time agreed upon for the opening of the Bridge.
- (f) When the Bridge is opened, notice shall be given to the vessel which shall then proceed into the Bridge zone and transit.
- (g) Where vessels are already underway and are north bound, the Master of a vessel shall before passing the Southern boundary of Crab Island on the East Bank of the Berbice River establish contact as in paragraph (3) and obtain confirmation that the Bridge shall be opened before the vessel passes the southern limit of the Bridge Zone.

- (h) Where vessels are already underway and are South bound, the Master of a vessel shall before passing the northern boundary of Bridge Zone on the East Bank of the Berbice River establish contact as in paragraph (3) and obtain confirmation that the Bridge shall be opened before proceeding further.
- (i) Masters of all vessels shall before passing the northern or southern limits of the Bridge Zone, ascertain by visual observation, radio communication, or other means, that the Bridge is open.
- (j) As soon as practicable after the request has been made, subject to the time of the request and the requirements of the road traffic, the Chief Executive Officer shall direct all road traffic to stop and shall open retractor spans.
- (k) The Chief Executive Officer shall acknowledge the request of any vessel requiring the retractor spans to be opened by the following lights displayed on each control cabin of the Bridge –
- i. two red lights indicating that the Bridge cannot be opened immediately and that the vessel must wait;
  - ii. two green lights indicating that the Bridge has been opened and that the vessel may proceed through the Bridge;
- (l) When the retractor spans are about to be closed to river traffic, the Chief Executive Officer shall display two red lights as in sub-paragraph (k) (i) and the Chief Executive Officer shall also communicate on the radio with other vessels in close proximity of the Bridge informing them that the Bridge is about to be closed.
- (m) The master of any vessel requiring the retractor span to be opened shall, until the signal to proceed has been given, remain at such a distance and under such control as may be necessary, to keep the signal lights displayed on the control cabin of the Bridge clearly in view.
5. (a) Shallow draught vessels with vertical clearance in excess of 10.9 metres, that is to say, measuring from the waterline to the uppermost projections of the vessels which cannot transit the high level span, shall be allowed to transit the retractor span under the following conditions:-

Shallow draught vessels with vertical clearance exceeding 10.9 metres.

- i. The retractor spans of the Bridge shall be opened for these vessels at scheduled times which shall be fixed by the Board in consultation with the Harbour Master, and shall be amended from time to time as it deems fit, and these times shall be published.
- ii. When the retractor spans of the Bridge are open for the purpose of allowing vessels to transit the Bridge, vessels with the tidal current on their stern shall not be permitted to transit the Bridge before vessels which are stemming the tide.

(b) Vessels passing through the Bridge shall be directed in the following manner -

- i. the display from the Bridge of two green lights to mean that the vessel is permitted to proceed through the Bridge;
- ii. the display from the Bridge of two red lights to mean that the vessel must stop and await further instructions.

(c) Vessels desirous of anchoring in the vicinity of the Bridge awaiting a scheduled opening, shall anchor at a distance of not less than 3 Km north or south of the retractor span of the bridge.

Vessels when transiting the Bridge shall do so in single file and at no time shall vessels transit the Bridge abreast of each other.

(d) When any vessel is required to shunt or push another vessel through the Bridge, special permission shall be obtained from the Chief Executive Officer prior to the time intended to transit the Bridge

When a scheduled opening for shallow draught vessels coincides with the time requested for the passage of a deep draught vessel, the deep draught vessel shall have priority over the shallow draught vessel.

Prohibition against stopping.

6. No vehicle shall stop on the Bridge unless required to do so by the Chief Executive Officer or any person lawfully carrying out his instructions.

Operation of machinery.

7. No person, other than the Chief Executive Officer or another authorized person shall operate or in any way

tamper with any machinery relating to the operation of the Bridge or any lights thereon.

Conditions of users.

8. (a) The Minister may, after consultation with the Commissioner of Police, prescribe the conditions subject to which road traffic may cross or use the Bridge and where conditions are prescribed, the Chief Executive Officer shall cause notices to be posted at both approaches to the Bridge setting out the conditions.
- (b) Without prejudice to the generality of the powers of the Minister under paragraph (a) to prescribe conditions -
- i. no animal drawn vehicle, hand cart, snow-cone carts, pedal cyclist, pedestrian or other vehicles of similar types shall be on the Bridge at any time;
  - ii. no cattle, ridden, driven or led on the hoof shall be on the Bridge at any time;
  - iii. no vending of any kind shall be permitted on the Bridge or the approaches to the Bridge or in such other contiguous areas as may be defined by the Minister;
  - iv. no unauthorized stopping, parking or overtaking of vehicles shall be allowed on the Bridge or the Bridge approaches;
  - v. vehicles weighing in excess of 32 metric tonnes gross or measuring in excess of 2.5 metres in width including any projections on either side shall not be allowed to cross the Bridge without the permission of the Chief Executive Officer;
  - vi. vehicles that do not roll on pneumatic tyres shall not be allowed to be driven or towed on the Bridge. Any vehicle that is disabled or being disabled must be removed and returned in the direction of origin;
  - vii. no two motor cyclists shall be allowed to ride abreast on the Bridge;
  - viii. no U-turns, overtaking or reversing shall be allowed on the Bridge or the approaches to the Bridge.

Illumination of the High Span.

9. The highest section of the high level span shall be illuminated by a series of lights in the following manner -
- i. on the eastern side, a series of flashing green lights in a vertical line;
  - ii. on the western side, a series of flashing red lights in a vertical line.
  - iii. on the northern and southern sides, a series of white lights.

- Investigation of damage to bridge. 10. The master or owner of any vessel which causes damage to the Bridge or any part thereof shall be notified of the damage and the date and time fixed for the official investigation. The investigation shall be carried out by the Maritime Administration Department. A person or persons appointed by the Board shall be present for the purpose of determining the extent of the damage to the Bridge. A representative of the owner of such vessel shall be permitted to be present during such investigation.
- Owner of vessel to be held responsible. 11. If after investigation it is established that the damage to the Bridge was caused by the vessel, the owner or agent of the vessel shall pay to the Berbice Bridge Company Incorporated such sums as was verified by the investigators as being the cost of repairs rendered necessary by reason of such damage, or deposit with the Berbice Bridge Company Incorporated a bond or surety the equivalent in value to the cost of the damage.
- Damages done to Bridge, bridge zone, beacon or buoy. 12. (a) A person shall not either willfully or negligently:-
- (a) damage any part of the Bridge or the lights exhibited thereon, or any buoy or beacon in the Bridge-Zone;
  - (b) remove, alter, or destroy any part of the Bridge, or any buoy or beacon in the Bridge-Zone;
  - (c) make fast to or run afoul of any buoy or beacon in the Bridge-Zone.
- (b) Any master or owner of any vessel acting in contravention of this By-Law, shall in addition to the expenses of making good any damage so caused, be liable for each offence to a fine of one hundred thousand dollars (\$100,000) or to imprisonment for six months.
- Right of refusal of any vessel. 13. The Board or the Chief Executive Officer, may in their Discretion, refuse passage to any vessel which is unseaworthy.
- Offences. 14. (a) Any vessel which violates Regulation 3(a) shall be liable to a fine of one hundred thousand dollars (\$100,000).

- (b) Any master, owner or agent of vessels who gives false information as to the characteristics and conditions of his vessel to the Berbice Bridge Company Incorporated Chief Executive Officer when making a request for transiting the High Span or the Retractor span shall be liable to a fine of two hundred thousand dollars (\$200,000).

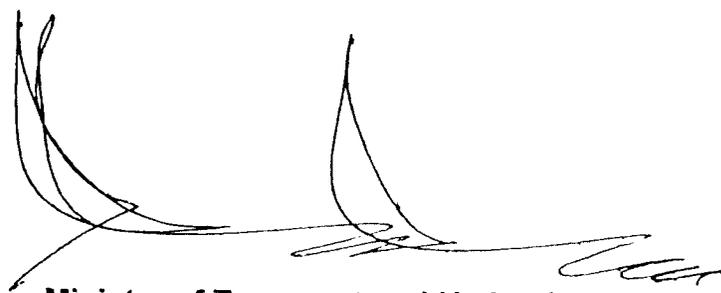
Offences.

15.

Any person who -

- (a) being a pedestrian and who attempts to access or gains access to the bridge or any part thereof;
- (b) takes or permits an animal to be on the Bridge in contravention of these Regulations;
- (c) obstructs or disobeys any instructions given by the Chief Executive Officer or any person from lawfully carrying out his instructions under these Regulations;
- (d) disobeys or disregards any signal displayed on the Bridge; loiters on Bridge and refuses to proceed when requested by the Chief Executive Officer or any person lawfully carrying out his instructions;
- (e) writes upon, defaces or in any way damages the Bridge or damages or removes without authority any board, plate or notices on any part of the Bridge or the approaches thereto; or fails to comply with any of the other provisions of these Regulations shall be liable on summary conviction to a minimum fine of ten thousand dollars (\$10,000).

Dated this 11<sup>th</sup> day of November 2009



**Minister of Transport and Hydraulics  
with responsibility for public works.**