

BERMUDA NATIONAL PARKS AMENDMENT ACT 2009



BERMUDA

2009 : 1

BERMUDA NATIONAL PARKS AMENDMENT ACT 2009

[Date of Assent: 24 February 2009]

[Operative Date: Notice in Gazette]

ARRANGEMENT OF SECTIONS

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4	Amends section 4	22	Amends section 28
5	Amends section 5	23	Amends section 30
6	Amends section 6	24	Repeals section 32
7	Inserts new section 6A	25	Inserts new Part VI (sections 33 to 42)
8	Repeals and replaces section 7	26	Repeals and replaces First Schedule
9	Amends section 8	27	Amends Third Schedule
10	Amends section 11	28	Inserts new Fourth Schedule
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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:

Short title

1 This Act, which amends the Bermuda National Parks Act 1986 (the "principal Act"), may be cited as the Bermuda National Parks Amendment Act 2009.

Amends section 2

2 Section 2 of the principal Act is amended—

(a) by repealing the definition "authorized officer" and replacing it with the following—

"authorized officer" means—

- (a) a police officer; or
- (b) an officer of a Department authorized in writing by the Minister to carry out functions under this Act or the regulations;";

(b) by repealing the definition "camping or to camp" and replacing it with the following—

"camp" means—

- (a) to erect a tent or shelter of natural or synthetic material,
- (b) to prepare a sleeping bag or other bedding material for use,
- (c) to park a motor vehicle, or
- (d) to moor a vessel,

for the purpose of remaining overnight;";

(c) by repealing the definition "Department" and replacing it with the following—

"Department" means, in the case of—

- (a) Amenity Parks, the department responsible for parks;
- (b) Marine Parks and Nature Reserves, the department responsible for environmental protection;
- (c) Recreational Parks, the department responsible for youth, sport and recreation;";

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(d) by repealing the definition “Director” and replacing it with the following—

““Director” means the Director of a Department;”;

(e) in the definition “management plan”, by deleting the words “the Director” and substituting the words “a Director”;

(f) by repealing the definition “Minister” and replacing it with the following—

“ “Minister” means the Minister responsible for parks;”;

(g) in the definition “National Parks Plan”, by deleting the words “section 8(2)(a)” and substituting the words “section 7A”;

(h) by inserting the following definitions in alphabetical order—

“ “Amenity Park” means a protected area that is classed as an Amenity Area in the First or Second Schedule;

“Marine Park” means a protected area that is classed as a Marine Park in the First or Second Schedule;

“Nature Reserve” means a protected area that is classed as a Nature Reserve in the First or Second Schedule;

“Recreational Park” means a protected area that is classed as a Recreational Park in the First or Second Schedule;

“regulations” means regulations made under this Act;

“vessel” means any ship or craft, or any structure capable of navigation, and includes a power boat, row boat, sailboat, windsailboard, surfboard, canoe or kayak.”; and

(i) by repealing the definition “nature reserve”.

Amends section 3

3 Section 3 of the principal Act is amended—

(a) in subsection (2), by inserting next after the words “owned by” the words “, leased to or managed by”;

(b) by repealing subsection (4) and replacing it with the following—

“(4) Subject to section 4, the Minister may by notice published in the Gazette amend the First Schedule by—

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- (a) adding to the Schedule, or deleting from the Schedule any area or part of an area specified in the Schedule as a protected area; or
- (b) removing a protected area or part of a protected area from one class to another class in the Schedule.

(4A) A notice under subsection (4) is subject to the affirmative resolution procedure.”; and

- (c) by replacing the comma at the end of subsection (5) with a full stop and inserting the following after subsection (5)—

“(6) A notice under subsection (5) is subject to the negative resolution procedure.”.

Amends section 4

4 Section 4 of the principal Act is amended—

- (a) in subsection (1)(a) by deleting the words “any existing” and substituting the word “a”; and
- (b) by inserting the following after subsection (2)—

“(3) For greater certainty, a notice referred to in subsection (1) is not a statutory instrument for the purposes of the Statutory Instruments Act 1977.”.

Amends section 5

5 Section 5 of the principal Act is amended—

- (a) by deleting the number “(1)”; and
- (b) in paragraph (c), by inserting next after the words “open space” the words “for use by the public for educational, social or recreational purposes”.

Amends section 6

6 Section 6(2) of the principal Act is amended by replacing the full stop at the end of paragraph (d) with the words—

“; and

- (e) specify the Director who is responsible for the administration and management of the area.”.

Inserts new section 6A

7 The principal Act is amended by inserting the following next after section 6—

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“Historic artefacts

6A (1) All historic artefacts in protected areas are vested in the Crown absolutely and shall be deemed to be in the possession of the Minister.

(2) A person who finds a historic artefact shall give notice to the Minister that they have found it and, as directed by the Minister, shall either hold it pending further direction from the Minister or deliver it to the Minister.

(3) The Minister shall enter details of the name of the finder and the location at which the historic artefact was found in a register of finders.

(4) Where a person finds a historic artefact and gives the notice referred to in subsection (2), the Minister may, having regard to the circumstances in which the artefact was found, pay a good faith honorarium, without prejudice, to the person finding the artefact. In considering such payment, due regard shall be taken of the national interest, specifically the need to preserve, protect and safeguard Bermuda's historic and cultural heritage.

(5) Any honorarium under subsection (4) shall be paid out of the Consolidated Fund.

(6) Any person who fails, without reasonable excuse, to comply with subsection (2) commits an offence against this Act.

(7) For the purposes of this section, the term “historic artefact” means any object of historical or cultural significance that is manufactured, used or modified by humans including coins, food remains, weapons, ammunition, industrial waste and other products produced by human activities, but not including a wreck or historic artefact as defined in section 2 of the Historic Wrecks Act 2001.”.

Repeals and replaces section 7

8 Section 7 of the principal Act is repealed and replaced by the following—

“Administration

7 (1) Subject to this Act and to the general direction and control of the Minister —

- (a) the Director of the department that is responsible for parks shall be responsible for the administration of this Act with regard to Amenity Parks;
- (b) the Director of the department that is responsible for environmental protection shall be responsible for the

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administration of this Act with regard to Marine Parks and Nature Reserves; and

- (c) the Director of the department that is responsible for youth, sport and recreation shall be responsible for the administration of this Act with regard to Recreational Parks.

National Parks Plan

7A The Director of the department that is responsible for parks, in consultation with the Director of the department that is responsible for environmental protection and the Director of the department that is responsible for youth, sport and recreation, shall prepare and keep under review a National Parks Plan for the System which shall contain a statement of general policies and objectives for the System, and shall include information on the priorities and needs concerning acquisition, development, management and research of lands for protected areas.”.

Amends section 8

9 Section 8 of the principal Act is amended—

- (a) by repealing subsection (1) and replacing it with the following—

“(1) Each Director shall, subject to any directions given by the Minister, undertake the administration and management of the protected areas for which their Department is responsible.”;

- (b) in subsection (2), by—

- (i) repealing paragraph (a) and the words before it and replacing the repealed provisions with the following—

“(2) Without prejudice to the generality of subsection (1), each Director shall, in relation to the protected areas for which their Department is responsible—”; and

- (ii) re-lettering paragraph (aa) as paragraph (a); and

- (c) by repealing subsection (3) and replacing it with the following—

“(3) A Director may, subject to such conditions as they may specify, delegate any of their functions under this Act or the regulations to any officer of their Department.”.

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Amends section 11

10 Section 11(1) of the principal Act is amended by deleting the word “and” and substituting the words “of the Department that is responsible for that area, and the plan shall”.

Amends section 12

11 Section 12 of the principal Act is amended by deleting the words “section 5(1)” and substituting the words “section 5”.

Amends section 13

12 Section 13 of the principal Act is amended—

(a) in subsection (1), by inserting next after the word “Director” the words “of the Department that is responsible for that area,”; and

(b) by inserting the following after subsection (4)—

“(5) For greater certainty, a notice referred to in subsection (1) or (3) is not a statutory instrument for the purposes of the Statutory Instruments Act 1977.”.

Amends section 15

13 Section 15 of the principal Act is amended—

(a) in subsection (2), by deleting the words “made under this Act” and by inserting next after the word “regulate” the word “or”; and

(b) in subsection (3), by deleting the words “made under this Act”.

Amends section 16

14 Section 16 of the principal Act is amended—

(a) in subsection (1), by deleting the words “made thereunder”; and

(b) in subsection (3), by deleting the words “deliver up to the Director the permit to be held by the Director” and substituting the words “deliver the permit to the Minister, and the Minister shall hold the permit”.

Amends section 17

15 Section 17 of the principal Act is amended by inserting next after the word “who” the words “, except in accordance with a permit issued under this Act,”.

Amends section 18

16 Section 18 of the principal Act is amended—

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(a) in subsection (1), by repealing paragraph (c) and replacing it with the following—

“(c) require any person to give to the authorized officer the name and address of any person whom the officer has reasonable grounds to believe may be involved in the commission of an offence against this Act.”;

(b) in subsection (2), by changing the numbering of paragraphs (i), (ii), (iii) and (iv) to lettering as paragraphs (a), (b), (c) and (d) respectively;

(c) in the re-lettered subsection (2)(b), by deleting the words “or any regulations made thereunder”;

(d) in the lettered subsection (2)(c), by deleting the words “or any regulations made thereunder” and by inserting next after the words “in contravention of this Act” the words “or the regulations”;

(e) in subsection (3), by deleting the word “Department” and substituting the word “department”; and

(f) by inserting the following next after subsection (3)—

“(4) An authorized officer, who is not a police officer, shall have the powers of a police officer for the purposes of enforcement of this Act and any regulations.”.

Amends section 20

17 Section 20 of the principal Act is amended by inserting next after the words “in contravention of this Act” the words “or the regulations”.

Amends section 21

18 Section 21 of the principal Act is amended—

(a) in subsection (1), by deleting the word “all” and substituting the word “an”;

(b) in subsection (2), by deleting the word “Director” in both places where it occurs and substituting the word “Minister”.

Amends section 23

19 Section 23 of the principal Act is amended—

(a) by renumbering the section as subsection 23(1); and

(b) by inserting next after the renumbered subsection (1) the following—

“(2) If an agreement cannot be reached with the person responsible for an activity referred to in

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subsection (1), the Minister may require the person responsible to stop the activity or to take any measures that the Minister considers necessary to minimize the harmful effects of the activity.

(3) A requirement under subsection (2) shall be communicated by written notice delivered to the person responsible for the activity.

(4) If a person fails to comply with a requirement under subsection (2), the Minister may apply to the Supreme Court for an order requiring the person to comply with the notice or authorizing the Minister to take any measures the court considers necessary to ensure compliance with the notice, and the court may issue such order.

(5) Every person who fails to comply with a requirement under subsection (2) commits an offence against this Act.”.

Amends section 24

20 Section 24 of the principal Act is amended by deleting the word “Department” and substituting the word “department”, and by deleting the letters “Iteration” and substituting the word “alteration”.

Amends section 25

21 (1) Section 25(1) of the principal Act is amended—

(a) by repealing paragraph (e) and replacing it with the following—

“(e)authorizing the Minister or a Director to issue permits for activities in and use of protected areas and prescribing the procedures for application for permits and their issuance;”;

(b) by deleting paragraph (f); and

(c) by inserting next after paragraph (q) the following—

“(r) prescribing the form of a ticket under section 35.”.

(2) Section 25(2) of the principal Act is repealed and replaced by the following—

“(2) Regulations made under this Act may be made in respect of protected areas generally, particular classes of protected areas or particular protected areas.

(4) Regulations made under this Act may be made so as to apply to persons generally or to particular categories or groups of persons.

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(5) Regulations made under this Act are subject to the negative resolution procedure.”.

Amends section 28

22 Section 28(1) of the principal Act is amended by deleting the amounts “\$1,000”, “\$2,000” and “\$200” and substituting the amounts “\$5,000”, “\$10,000” and “\$1,000” respectively.

Amends section 30

23 Section 30(2) of the principal Act is amended by deleting the words “the Department duty” and substituting the words “a Department who is duly”.

Repeals section 32

24 Section 32 of the principal Act is repealed.

Inserts new Part VI (sections 33 to 42)

25 The principal Act is amended by inserting the following next after the repealed section 32—

“PART VI

TICKETING OFFENCES

Definitions

33 In this Part—

"offence" means a contravention of this Act or the regulations;

"ticket" means a ticket referred to in section 35.

Authorization of ticketing

34 Notwithstanding section 27, and without prejudice to the procedure set out in the Summary Jurisdiction Act 1930 for laying an information and for issuing a summons, an information may be laid and a summons issued for an offence by means of a ticket issued in accordance with this Act.

Form of ticket

35 (1) A ticket shall consist of three parts – an information, a summons and a record of convictions – and shall be in a form prescribed by the regulations.

(2) The use on a ticket of any word or expression in the Fourth Schedule describing the offence, or any word or expression substantially to the same effect, in relation to an

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offence is sufficient for all purposes in connection with proceedings for that offence to describe the offence.

Issue of ticket

36 An authorized officer who has reasonable cause to believe that a person has committed an offence may issue a ticket under this Act to that person by delivering to, or serving on, the person the summons part of the ticket in accordance with section 37.

Summons

37 (1) An authorized officer who issues a ticket shall, upon completing and signing the summons part of the ticket, either deliver the summons part to the person charged with the offence in respect of which the ticket is issued or serve it on that person by sending it by registered mail to the person's last known address.

(2) Unless the contrary is shown, the date of service of a summons served by registered mail is the fourteenth day after it was sent to the address referred to in subsection (1).

(3) Where the summons part is delivered to the person charged, the authorized officer shall request the person charged with the offence to sign the ticket in the place provided for signature, and the person's signature shall be sufficient proof that the person has received the summons.

(4) A person charged with an offence who refuses without reasonable excuse to accept delivery of the summons part of a ticket under subsection (1) commits an offence:

Punishment on summary conviction: a fine of \$100.

Payment of penalty out of court

38 (1) An authorized officer who issues a ticket in respect of an offence may enter on the summons part of the ticket the amount of any penalty specified in the Fourth Schedule for that offence, in which case the officer shall endorse on the back of the summons part of the ticket a notice that the person to whom the summons is directed may, within seven days after delivery or service of the summons as the case may be, pay out of court the specified penalty.

(2) Where a summons is endorsed under subsection (1), it shall provide for a plea of guilty in the following form—

“PLEA OF GUILTY

I am aware that I have a right to a hearing in respect of the offence with which I am charged and that by signing this plea of

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guilty I am waiving my right to a hearing and my signature may result in a conviction against me without a hearing. I hereby plead guilty to the offence as charged and consent to be convicted of the offence in my absence.

[blank]
Signature of Defendant”

(3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is prima facie proof that it is the signature of that person.

(4) Upon receipt of a summons duly signed with a plea of guilty and of the amount of the penalty specified in the summons, an officer of the court shall issue an official receipt for the amount of that penalty and shall place the summons before the court.

(5) The court shall formally convict the person charged of the offence specified in the summons and no further penalty may be imposed in respect of the offence.

(6) If a person charged with an offence does not plead guilty to the offence and pay the penalty specified in the summons, the person shall appear at the time and place specified in the summons for the hearing of the charge, and, if they fail to appear, the court may proceed in accordance with section 4 of the Summary Jurisdiction Act 1930.

Information

39 (1) The information part of a ticket shall be—

- (a) signed by the authorized officer who issues the ticket;
- (b) signed by the person who swears the information (the “informant”) and sworn before a justice of the peace; and
- (c) deposited with the court, together with the record of conviction part of the ticket.

(2) The information part of a ticket need not be sworn to before the summons part is delivered or served and the informant need not be the person who delivers or serves the summons.

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Amount of penalty

40 Nothing in this Act prevents the court from imposing any penalty authorized by law in respect of an offence if—

- (a) no amount is entered on the summons; or
- (b) the person charged does not plead guilty to the offence and pay the penalty specified in the summons.

Record of conviction

41 Where the court makes a conviction on a ticket information in respect of an offence, the court shall complete the record of conviction part of the ticket and an officer of the court shall cause a copy of it to be forwarded to the Commissioner of Police.

Amendment of Fourth Schedule

42 (1) The Minister may make regulations to amend the Fourth Schedule, including adding or deleting offences and changing the amounts of penalties specified for offences.

(2) An amount specified by regulations as the penalty for an offence shall not exceed \$500.

(3) The negative resolution procedure applies to regulations made under this section.”.

Repeals and replaces First Schedule

26 The First Schedule to the principal Act is repealed and replaced by the following—

“FIRST SCHEDULE (Section 3)

PROTECTED AREAS

CLASS A - AMENITY PARKS

Name	Parish	Hectares	Acres
Achilles Bay	St. George	0.146	0.36
Admiralty House	Pembroke	6.62	16.35
Alexandra Battery	St. George	1.24	3.06
Arboretum	Devonshire	7.88	19.46
Astwood	Warwick	8.715	21.53
Avocado Lodge	Devonshire	1.214	3.00

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Barnes Corner	Southampton	0.73	1.80
Blue Hole Hill	Hamilton	0.15	0.37
Blue Hole Park	Hamilton	4.80	11.80
Botanical Gardens	Paget	13.88	34.28
Bremen Island (off Vaughn's Bay)	St. George	0.049	0.12
Burchall Cove	Hamilton	0.34	0.84
Burt Island	Warwick	3.44	8.50
Church Bay	Southampton	4.31	10.65
Clear Water Beach	St George	4.53	11.19
Coney Island	St. George	5.75	14.20
Cooper's Island	St George	12.3	30.38
Crawl Waterfront	Hamilton	0.09	0.22
Crow Lane	Paget	1.31	3.24
Daniel's Head Beach	Sandys	0.332	0.82
Daniel's Head	Sandys	0.595	1.47
Devonshire Bay	Devonshire	1.86	4.59
Devon Springs	Devonshire	0.801	1.98
Duck's Puddle	Hamilton	0.231	0.57
Elbow Beach	Paget	0.02	0.05
Ferry Point	St. George	27.76	68.57
Fort George	St George	0.334	0.82
Friendship Vale	Devonshire	0.47	1.16
Gates Fort	St. George	0.43	1.06
Garthowen	Devonshire	0.93	2.30
Gibbs Hill Lighthouse	Southampton	2.37	5.85
Gilbert	Paget	1.17	2.89
Governor's Island	St. George	0.449	1.11
Great Bay	St. George	0.126	0.30
Great Head	St. George	9.82	24.26

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Happy Valley	Devonshire	3.387	8.37
Harlem Heights	Hamilton	0.05	0.12
Hen Island	St. George	1.13	2.79
Higgs Island	St. George	1.64	4.05
Hog Bay	Sandys	3.74	9.24
Horseshoe Island	St. George	0.62	1.53
John Smith's Bay	Smiths	0.69	1.70
Kindley (Long Bird Bridge – Stokes' Harbour)	St. George	6.362	15.71
Ladies Chambers	Pembroke	0.06	0.15
Little Head (Vaughan's Bay-Red Hole)	St. George	8.65	21.37
Mangrove Bay	Sandys	0.182	0.45
Mill Creek	Pembroke	1.255	3.10
Mullet Bay	St. George	1.25	3.09
Nelly Island	Warwick	4.35	10.74
Orange Valley	Devonshire	3.064	7.57
Paget Island	St. George	12.95	31.99
Palmetto	Devonshire	6.88	16.99
Parson's Road	Pembroke	0.64	1.58
Peggy's Island	St. George	0.024	0.06
Penhurst	Smiths	5.81	14.35
Pig's Field	Pembroke	0.78	1.93
Railway Trail	All Parishes	32.04	79.1
Robinson Bay	Devonshire	0.26	0.64
Rocky Hill	St. George	2.12	5.24
Scaur Hill Fort	Sandys	9.20	22.72
Shelly Bay Beach	Hamilton	1.105	2.73
Smith's Island	St. George	8.30	20.50
Somerset Long Bay	Sandys	1.38	3.41
Southshore (Southampton)	Southampton	22.73	56.14

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Southshore (Warwick)	Warwick	14.91	36.83
Spanish Point, Cobbler Island, Beek Rock	Pembroke	2.93	7.24
St. David's Lighthouse	St. George	2.65	6.55
Tobacco Bay	St. George	1.016	2.51
Tulo Valley Nursery	Pembroke	2.218	5.48
Virginia Park	Sandys	3.12	7.71
Warwick Ridge	Warwick	0.514	1.27
Watch Hill	Smiths	2.8	6.92
West Whale Bay	Southampton	2.77	6.84
Wilkinson Memorial	Hamilton	1.481	3.66
William Wilson	Pembroke	0.07	0.17
	Total	300.30	741.70

CLASS B - MARINE PARKS

Name	Parish	Hectares	Acres
Astwood	Warwick	2.30	5.68
Castle Island	St. George	0.53	1.31
Church Bay	Southampton	3.35	8.27
Cooper's Island	St. George	27.91	68.94
Daniel's Island	Sandys	1.34	3.31
John Smith's Bay	Smiths	7.85	19.39
Shelly Bay	Hamilton	2.084	5.15
Somerset Long Bay	Sandys	0.81	2.00
South Shore	Southampton & Warwick	36.76	90.80
Spittal Pond	Smiths	6.22	15.36
	Total	89.20	220.20

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CLASS C - NATURE RESERVES

Name	Parish	Hectares	Acres
Abbot's Cliff	Hamilton	7.19	17.76
Castle Harbour Island & Islets	St. George	12.82	31.67
Cooper's Island	St. George	20.66	51.03
Daniel's Island	Sandys	0.70	1.73
Evan's Pond	Southampton	0.558	1.38
Godet's Island	Warwick	0.174	0.43
Godet's Rock	Warwick	0.106	0.26
Hungry Bay	Paget	2.914	7.20
Lover's Lake	St. George	2.084	5.15
Pembroke Marsh	Pembroke	7.82	19.32
Shelly Bay	Hamilton	2.404	5.94
Spittal Pond	Smiths	13.93	34.41
Summerhaven	Smiths	0.7	1.73
Winterhaven	Smiths	3.739	9.24
	Total	65.799	187.22

CLASS D - RECREATIONAL PARKS

Name	Parish	Hectares	Acres
Bernard	Pembroke	5.3	13.09
Boaz Island	Sandys	1.12	2.77
Darrell's Island	Warwick	9.51	23.49
Death Valley	Southampton	1.1	2.30
Olive Bank	Warwick	0.34	0.84
Port's Island	Pembroke	0.78	1.93
Rubber Tree	Warwick	0.18	0.44
Smith's Parish Community Field	Smiths	0.87	2.15
Warren Simmons Field	Sandys	1.42	3.51

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White's Island	Pembroke	1.5	3.71
	Total	22.12	54.22

Amends Third Schedule

27 The Third Schedule to the principal Act is amended by—

- (a) deleting the number “12” and substituting the number “13”; and
- (b) deleting paragraph (a) and substituting the following—
“(a) each Director shall be ex officio a member;”.

Inserts new Fourth Schedule

28 The principal Act is amended by inserting the following next after the Third Schedule—

“FOURTH SCHEDULE (Sections 35 and 38)

OFFENCES AND PENALTIES

Bermuda National Parks Regulations 1988

DESCRIPTION OF OFFENCE	PROVISION OF LAW	PENALTY \$
Entering prohibited part of protected area	Regulation 3(a)	50
Entering or remaining in protected area that is closed	Regulation 3(b)	50
Entering or loitering in or around a sanitary convenience	Regulation 3(c)	50
Removing or damaging vegetation, soil or other substances	Regulation 3(d)	100
Taking animal where it is prohibited	Regulation 3(e)	100
Removing or damaging structure, artefact, cave formation or mineral deposit	Regulation 3(f)	100
Using a metal detector or similar device	Regulation 3(g)	100
Delivering a public lecture, sermon or address	Regulation 3(h)	50
Disturbing the public by singing or playing music	Regulation 3(i)	50

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Climbing a tree, gate, fence or building	Regulation 3(j)	50
Erecting a structure or closing part of a protected area	Regulation 3(k)	100
Carrying on sporting or entertainment activity in a place where not permitted	Regulation 3(l)	50
Depositing dead animals, litter refuse or other substance	Regulation 3(m)	100
Depositing or leaving bottle, tin, waste paper or similar thing	Regulation 3(n)	100
Generating electricity or creating excessive illumination to the annoyance of another person	Regulation 3(o)	100
Operating a model power boat, vehicle or airplane in area where not permitted	Regulation 3(p)	50
Throwing or hitting an object to the annoyance, danger or damage of any person	Regulation 3(q)	50
Using threatening, abusive, insulting or offensive words, gestures or behaviour.	Regulation 3(r)	50
Camping in an area other than a designated camping area	Regulation 4(a)	100
Camping without a permit	Regulation 4(b)	100
Digging or levelling the ground in a camping area	Regulation 4(c)	100
Leaving camping equipment or refuse in a camping area	Regulation 4(d)	100
Connecting an apparatus or appliance to a public utility	Regulation 4(e)	50
Taking a horse other than on a designated roadway or trail	Regulation 5(1)(a)	100
Riding a horse in a manner likely to cause danger to any person	Regulation 5(1)(b)	100
Riding a horse at a speed greater than 15 km per hour	Regulation 5(1)(c)	50
Leaving a horse unattended and not properly tied	Regulation 5(1)(d)	50
Leading from horseback a riderless horse which is not appropriately bridled	Regulation 5(1)(e)	50

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Lunging or breaking in a horse	Regulation 5(1)(f)	50
Riding a horse in excess of a slow walk near users of a protected area	Regulation 5(1)(g)	50
Taking or riding a horse on beach in a protected area where prohibited between November 1 and April 30	Regulation 5(2)(a)	100
Taking or riding a horse on a beach in a protected area where prohibited between May 1 and October 31	Regulation 5(2)(b)	100
Bringing a dog unleashed to a protected area	Regulation 6(a)	50
Bringing a dog to a public beach in a protected area between April 1 and October 31	Regulation 6(b)	100
Bringing a dog to a protected area with a leash greater than 3 m in length	Regulation 6(c)	50
Causing or permitting a dog to annoy or disturb any person	Regulation 6(d)	50
Causing or permitting an animal to graze in a protected area	Regulation 7(a)	50
Causing or permitting an animal to stray onto a protected area	Regulation 7(b)	50
Causing or permitting an animal to disturb or take another animal in a protected area	Regulation 7(c)	100
Selling or offering for hire any article or animal	Regulation 8(a)	100
Soliciting gifts, money, goods or services	Regulation 8(b)	50
Driving a vehicle in a manner likely to cause danger to another person	Regulation 9(a)	100
Driving a vehicle at a speed greater than 15 km per hour	Regulation 9(b)	50
Driving a vehicle other than where permitted	Regulation 9(c)	100
Parking a vehicle other than where permitted	Regulation 9(d)	100
Causing a vehicle to enter or exit a protected area except by a designated access	Regulation 9(e)	50

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Washing or repairing a vehicle	Regulation 9(f)	50
Driving a vehicle into, or allowing a vehicle or vessel to remain in, a protected area that is closed	Regulation 9(g)	50
Using a protected area or a facility in it other than for the purpose for which it was designed or designated	Regulation 9(h)	50
Launching or using a vessel on a lake or pond in a protected area	Regulation 10(a)	50
Using a vessel in an area closed to vessels	Regulation 10(b)	100
Storing a vessel in an area where storage is not permitted	Regulation 10(c)	100
Using or driving a vessel in a manner likely to cause danger to another person	Regulation 10(d)	100
Lighting or using a fire without a permit	Regulation 11(l)	100
Gaining or attempting to gain admittance to a facility in a protected area without paying the applicable charge	Regulation 15	50

Consequential amendment to Government Fees Regulations 1976

29 The Government Fees Regulations 1976 are amended by repealing Head 6 and replacing it with the following—

“Head 6

Bermuda National Parks Act 1986

Issuing a permit under regulation 4 of the Bermuda National Parks Regulations 1988 for camping \$12.00
(per night)

Repeal of various Orders and Notices

30 The following Orders and Notices are repealed—

- (a) the Nature Reserves (Tern Nesting Areas) Order 1976;
- (b) the Nature Reserve (Castle Harbour) Order 1979;
- (c) the Nature Reserve (Spittal Pond) Order 1979;
- (d) the Nature Reserve (Evans Bay) Order 1981;
- (e) the Bermuda National Parks Protected Areas Notice 2001;

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- (f) the Bermuda National Parks Protected Areas (No. 2) Notice 2001;
- (g) the Bermuda National Parks Protected Areas Notice (No. 3) 2001;
- (h) the Bermuda National Parks (Maps of Protected Areas) Notice 2001; and
- (i) the Bermuda National Parks Protected Areas Notice 2004.

Commencement

31 (1) This Act comes into operation on a day to be appointed by the Minister responsible for parks by notice published in the Gazette.

(2) The Minister may appoint different days for different provisions of the Act.