

BERMUDA STATUTORY INSTRUMENT

BR 38/1990

REGISTRATION OF BOATS REGULATIONS 1990

[made by the Minister of Transport under section 11 of the Marine Board Act 1962 [title 22 item 3] and brought into operation on 6 July 1990]

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Citation and commencement

- 1 These Regulations may be cited as the Registration of Boats Regulations 1990 *[commencement provision omitted]*.

Interpretation

- 2 In these Regulations, unless the context otherwise requires —

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"boat" includes a surf-board propelled by an attached sail, lighter, barge or every description of craft which is used in navigation however propelled;

"owner" includes a part-owner and any person who has possession of a boat by virtue of a hire-purchase agreement.

Unregistered boat not to be used

3 (1) Subject to these Regulations, no person shall —

- (a) use or keep in or operate within; or
- (b) cause or allow any other person to use or keep in or operate within,

the territorial waters a boat, unless and until the boat is registered under these Regulations.

(2) A powercraft that was registered on or before the date of the coming into operation of these Regulations shall be re-registered in accordance with these Regulations.

(3) Any person who contravenes paragraph (1) commits an offence.

Non-application

4 (1) These Regulations shall not apply to —

- (a) boats of all descriptions in the service of Her Majesty;
- (b) boats of all descriptions in the service of any foreign power recognised by Her Majesty;
- (c) sea-going vessels engaged in voyages to or from places outside Bermuda or any boat in transit or on a visit within the territorial waters;
- (d) fishing vessels licensed under the Fisheries Regulations 1972 *[title 25 item 8(a)]* so long as they remain so licensed;
- (e) island boats licensed under the Act so long as they remain so licensed;
- (f) rafts inflatable or otherwise, or model boats;
- (g) life-rafts or ships' lifeboats;
- (h) flying-boats, sea-planes or other types of aircraft capable of landing on water;
- (i) any boat owned by a person recognised by the Minister as a dealer in boats which is intended for re-sale and used only for the purposes of demonstration with a view to re-sale;

any other boat or type of boat exempted from these Regulations by a notice issued by the Minister.

(2) The Minister may by notice published in the Gazette exempt any boat or type of boat from any provision of these Regulations.

[regulation 4 amended by BR 23/1994 effective 15 April 1994]

Applicant disqualified to register

5 A person who is under the age of sixteen years shall not obtain registration of a boat.

Minister authority for the registration

6 (1) The Minister is the authority for the registration of boats.

(2) The Minister may cause a register to be kept and may record therein such particulars as he thinks necessary in either a legible or non-legible form, so long as the recording is capable of being reproduced in a legible form.

Application for registration

7 (1) An application for the registration of a boat shall be made in writing to the Minister and shall include or be accompanied by such particulars and evidence relating to the boat and the ownership thereof as the Minister may require to enable him to determine whether the boat may properly be registered and to issue the certificate referred to in regulation 9.

(2) Upon receiving an application for the registration of a boat and being satisfied that the boat may properly be so registered and upon receiving the appropriate fee, the Minister may in his discretion register the boat or refuse to register the boat.

Prescribed fee

8 The appropriate fee to be paid by an applicant for the registration or the grant of a transfer of registration of a boat shall be the fee prescribed under the Government Fees Act 1965 [*title 15 item 18*].

Certificate of registration and registration decal

9 (1) The Minister shall furnish to the person in whose name the boat is registered (hereafter referred to as "the registered owner") a certificate of registration which may include such conditions and restrictions as the Minister may determine and a registration decal.

(2) Every certificate of registration shall have a registration number which shall be in such form as the Minister may from time to time determine.

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(3) Subject to paragraph (5) the certificate of registration and the registration decal issued in respect of a boat shall, as respects all boats initially registered after the coming into operation of these Regulations, be granted for a period not extending beyond 31st March 1992 and shall expire at the end of that date and thereafter, as respects all boats, be granted for a period not exceeding twelve months and shall expire at the end of 31st March.

(4) After registration an owner who desires the renewal of registration shall not more than three months before the expiration of the certificate of registration of the boat, apply to the Minister to have the boat re-registered.

(5) Where for the first time a certificate of registration and a registration decal is issued to a registered owner in respect of a boat after the first day of the registration period, then the registration fee shall be reduced by one-twelfth part for each complete calendar month which has elapsed between the first day of the registration period and the date of the issue of the certificate of registration; thereafter the registration fee shall be payable for the full registration period.

(6) In this regulation the expression "registration period" means in relation to a certificate of registration issued in respect of a boat the period of twelve months immediately preceding the date prescribed for the expiration of a certificate of registration issued in respect of a boat.

[regulation 9 amended by BR 4/1993 effective 1 April 1993]

Change of particulars of ownership

10 (1) The registered owner of a boat shall forthwith inform the Minister in writing of —

- (a) any change in the particulars which were furnished to the Minister upon application being made for the registration of the boat;
- (b) the destruction of the boat or its permanent removal from Bermuda or its being rendered permanently unserviceable.

(2) Upon any change of ownership of a registered boat —

- (a) the registered owner of the boat shall within seven days after the date when the boat changed ownership inform the Minister in writing of the name and address of the transferee;
- (b) the transferee shall within seven days after the date when he became the owner of the boat apply to the Minister for a re-registration of the boat.

(3) The Minister may, whenever it appears to him necessary or appropriate to do so for giving effect to these Regulations or bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, may cancel the registration of the boat, and shall cancel that registration if he is satisfied that there has been a change in the ownership of the boat.

(4) Any person who contravenes paragraph (1) or (2) commits an offence.

Transfer of registration

11 (1) The Minister may grant a transfer of any registration of a boat upon such conditions and subject to such restrictions as the Minister may determine and all such conditions and restrictions, if any, shall be endorsed on the certificate of transfer.

(2) The provisions of these Regulations relating to the registration of a boat apply *mutatis mutandis* to the grant of a transfer under this regulation.

Display of registration number and decal

12 (1) The registered owner of a boat shall cause —

- (a) the registration number of the certificate of registration to be painted or embossed on both sides of the forward part of a boat where best it can be visible and the height of the numbers so painted or embossed to be not less than three inches; and
- (b) the annual registration decal to be displayed on the starboard side where best it can be visible and as close as practicable to the registration number of the certificate of registration.

(1A) Notwithstanding paragraph (1), where the Minister issues a notice under regulation 4(2) he may order therein the manner in which the registration number of the certificate of registration and the annual registration decal may be displayed or an alternative to such display by a person and the person so ordered shall comply with the order.

(2) Any person who —

- (a) contravenes paragraph (1) or fails to comply with the order in the notice mentioned in paragraph (1A); or
- (b) uses or keeps in or operates within or causes or allows any other person to use or keep in or operate within the territorial waters a boat that does not have its registration number painted or embossed or its annual registration decal displayed in accordance with paragraph (1) or does not have its registration number or

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its annual registration decal displayed in accordance with the order in the notice mentioned in paragraph (1A),

commits an offence.

[regulation 4 amended by BR 23/1994 effective 15 April 1994]

Breach of conditions or restrictions

13 A breach of any condition or restriction endorsed on a certificate of registration or of transfer by the Minister shall be deemed to be a contravention of these Regulations.

Lost certificate of registration

14 (1) The Minister, on proof to his satisfaction that a certificate of registration of a boat has been lost or destroyed, shall issue a duplicate of the lost or destroyed certificate to the person entitled thereto.

(2) Any conditions contained in the original of any lost or destroyed certificate of registration shall be entered upon the duplicate.

(3) If any lost certificate is subsequently found, the holder of the duplicate shall forthwith deliver up to the Minister the duplicate.

Powers of police

15 (1) Where a police officer pursuant to section 114A of the Act boards a boat the officer may request any person on board the boat to give all information in his possession as to the name, address, description and whereabouts of the owner or the operator of the boat and of the occupants of the boat at the time when the offence is alleged to have been committed and also any other information which may lead to the identification or the apprehension of the person who is alleged to have committed the offence.

(2) Where a police officer pursuant to section 114A of the Act has reason to believe that an offence has been committed against these Regulations he may request —

- (a) the owner of the boat to give all information in his possession as to the name, address, description and whereabouts of the operator of the boat; or
- (b) the owner or the operator of the boat to produce the certificate of registration of the boat and it is sufficient compliance with this request if the owner or the operator on whom the request is made produces the certificate of registration at a police station within seven days of the date of the request.

(3) Any person who without reasonable excuse fails to comply with the request of a police officer under paragraph (1) or (2) commits an offence.

Offences and penalties

16 (1) Any person who commits an offence under regulation 3(3) is liable on summary conviction to a fine of ten thousand dollars.

(2) Any person who commits an offence under regulation 10(4), 12(2) or 15(3) is liable on summary conviction to a fine of five hundred dollars.

[Amended by

BR 4/1993

BR 23/1994]