

BERMUDA STATUTORY INSTRUMENT

SR&O 23/1965

MARINE BOARD (ISLAND BOATS) REGULATIONS 1965

*[made under section 103 of the Marine Board Act 1962 [title 22 item 3] and
brought into operation on 21 July 1965]*

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Interpretation

1 (1) In these Regulations, unless the context otherwise requires—

"the Examining Committee" means the body of persons appointed by the Minister for the purposes of Part II;

"Inspecting Officer" means any person duly authorized by the Minister to inspect Island boats for the purposes of these Regulations;

"Island boat" means any type of boat (not being a rowboat) which is operated for hire or reward in the waters of, or from place to place within Bermuda, and not ordinarily employed in voyages to any place beyond the sea;

"Island motor-boat" means an Island boat which is propelled by motorized power;

"Island sailboat" means an Island boat which is propelled only by a sail or sails;

"rental power-craft" means any boat which is propelled by motorized power and which is operated for rental purposes and which the licence holder is permitted to operate without a licensed crew;

"rental sailboat" means any boat which is propelled only by a sail or sails and which is operated for rental purposes, and which the licence holder is permitted to operate without a licensed crew.

(2) Any vessel visiting the waters of Bermuda under a charterparty shall—

- (a) for the purposes of Part I be deemed to be a boat, and Part I shall apply mutatis mutandis to such vessel;
- (b) for the purposes of Part II be deemed to be an Island motor-boat and an Island motor-boat in relation to the licensing of pilots, and Part II shall apply mutatis mutandis to such vessel;
- (c) for the purposes of regulation 24 be deemed to be an Island boat, and regulation 24 shall apply mutatis mutandis to such vessel;
- (d) appoint an agent in Bermuda whose duty it shall be to ensure that the vessel complies with these Regulations.

PART I

Meaning of "boat"

2 For the purposes of this Part, "boat" means any Island boat and includes rental power-craft and rental sailboat.

Application for licence

3 Every applicant for a licence in respect of a boat shall, in the first place, apply in writing to the Minister to have such a boat inspected.

Prerequisites for issue of licence

4 Subject to regulation 9, the Minister may on being satisfied—

- (a) that the hull, gear and equipment of the boat are adequate for the service intended, and are in good order and condition;
- (b) that the life-saving apparatus with which the boat is equipped is adequate and in good order and condition; and
- (c) as to the number of passengers which the boat is fit to carry,

issue a licence to the applicant therefor, valid for one year; and such licence shall specify the safety equipment which shall be carried in the boat and the maximum number of passengers which the boat is permitted to carry; and the licence may also contain such other conditions as the Minister may think fit to impose.

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Inspection of boats

5 At least once in every year, every licensed boat shall be inspected by an Inspecting Officer and the holder of the licence in respect of the boat shall afford all reasonable facilities for such inspection.

Further inspection before renewal of licence

6 Any holder of a licence to operate a boat, who desires the renewal of his licence, shall, at least one month before and not more than three months before the expiration of the licence, apply to the Minister to have such boat inspected.

Powers of Inspecting Officer

7 Any Inspecting Officer may visit and inspect at all reasonable times any boat to ensure that the conditions contained in the licence issued in respect of such boat are being complied with, and it shall be the duty of the holder of the licence or the operator of the boat to afford all reasonable facilities for such inspection.

Designated number on bows

8 Every licensed boat shall carry on each bow such number as may be designated by the Minister, and such number shall be not less than four inches in height and shall be prefaced by the letter "M".

Third party risk insurance

9 (1) No licence shall be issued by the Minister to operate a boat unless—

(a) there is in force in respect of such boat a policy of insurance against third-party risks liability to a minimum of \$100,000 in respect of damage or injury to property, or persons, not carried on the boat; and

(b) there is in force in respect of a boat specified in Column 1 of the Schedule hereto a policy of insurance to a minimum specified opposite such boat in Column 2 of the said Schedule in respect of death, or injury, to a person carried in the boat.

(1A) The minimum cover specified in paragraph (1)(b) shall be applied on "any one incident" basis.

(2) If at any time a policy of insurance as provided in the preceding paragraph expires or is cancelled or is amended to the possible detriment of a third party, any licence issued in respect of such boat shall be deemed to have been revoked by the Minister.

[Regulation 9 amended by BR 34/1995 effective 1 January 1996]

Licence fees

10 (1) The Minister may charge a fee, as hereinafter provided, for the issue of a licence to operate a boat, and such fee shall include the cost of any inspection of the boat.

(2) The licence fee payable annually in respect of every boat shall be such amount as may be prescribed under the Government Fees Act 1965 [*title 15 item 18*].

PART II

Application for engineer's licence

11 Every applicant for an engineer's licence in respect of Island motorboats (hereinafter referred to as "an engineer's licence") shall apply in writing to the Minister in such form as the Minister may from time to time determine, and shall pay to the Minister an examination fee of such amount as may be prescribed under the Government Fees Act 1965 [*title 15 item 18*].

Exemption from examination

12 An engineer holding a United Kingdom Ministry of Transport Certificate (either First or Second Class) for Internal Combustion Engines may, on satisfying the Minister that he is of good character and mentally and physically fit, be granted an engineer's licence without further examination.

Grant of engineer's licence

13 The Examining Committee shall not grant an engineer's licence to an applicant therefor unless they are satisfied—

- (a) that he is not less than eighteen years of age;
- (b) that he is of good character and temperate habits and is mentally and physically fit;
- (c) that he can write legibly, understands the first four rules of arithmetic and decimals and is acquainted with the weights and measures in use in Bermuda as far as they apply to the various duties of an engineer;
- (d) that he had served an apprenticeship to an engineer for at least four years and that during that time he been employed in the making or repairing of internal combustion engines, or that he has otherwise acquired an adequate knowledge of engineering;
- (e) that he has had experience in the operation and manipulation of internal combustion engines as fitted in boats;

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- (f) that he understands the principle on which the various types of combustion engines operate and is thoroughly acquainted with all the various fittings in connection with such engines; and
- (g) that he is able to make temporary repairs in the event of a breakdown and that he knows how to act on the occurrence of any of the ordinary casualties of an engine room.

[Regulation 13 para (a) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

Application for engine driver's licence

14 Every applicant for an engine driver's licence in respect of island motor boats (hereinafter referred to "engine driver's licence") shall apply in writing to the Minister in such form as the Minister may from time to time determine, and shall pay an examination fee of such amount as may be prescribed under the Government Fees Act 1965 [*title 15 item 18*].

Grant of engine driver's licence

15 The Examining Committee shall not grant an engine driver's licence to an applicant therefor unless they are satisfied—

- (a) that he is not less than eighteen years of age;
- (b) that he is of good character and of temperate habits;
- (c) that he is able to read and write legibly and understands the first four rules of arithmetic;
- (d) that he has sufficient mechanical skill to be able to make good any minor defects in the machinery, fittings and appliances;
- (e) that he is thoroughly acquainted with all the fittings of an internal combustion engine, that he knows their use and can handle the engine promptly; and
- (f) that he knows what precautions to take against fire arising from gasoline or oil and the best means of extinguishing such fire should occasion arise.

Conditions in engine driver's licence

16 (1) An engine driver's licence may specify the type of engine (gasoline or oil or both) and the horse-power of the engine which the holder of the licence is permitted to operate.

(2) No engine driver of an Island motor boat shall drive an engine of greater horse-power or of a type other than that specified in his engine driver's licence.

Application for pilot licence

17 Every applicant for a pilot licence shall apply in writing to the Minister in such form as the Minister may from time to time determine, and shall pay to the Minister an examination fee of four dollars and eighty cents.

Grant of pilot licence

18 The Examining Committee shall not grant a pilot licence to an applicant therefor unless they are satisfied—

- (a) that he is not less than eighteen years of age;
- (b) that he is of good character and temperate habits;
- (c) that his eyesight and hearing are good, that he can distinguish colours and that he is otherwise mentally and physically fit;
- (d) that he can read and write legibly;
- (e) that he has sufficient knowledge of sailing, handling and management of boats, of the lights required on board vessels and sailing craft, and of signal bells and steam whistles;
- (f) that he has sufficient knowledge of the Regulations for the Prevention of Collisions at Sea.

Limits in pilot licence

19 A pilot licence issued by the Minister shall specify the area and the draught and description of boat in respect of which the licence is valid.

Probationary period; renewal to age 55

20 (1) A pilot licence when first issued shall be valid for a probationary period of two years, and if at the end of that period the Minister is satisfied that the holder of the licence is a fit and proper person to hold a pilot licence, he may renew the licence which shall then be valid until the holder of the licence reaches the age of 65 years.

(2) The holder of a pilot licence may, on reaching the age of 65 years, apply to the Minister for a renewal of his pilot licence, and if the Minister is satisfied that the applicant is a fit and proper person to hold a pilot licence, he may renew the licence for such period as may be specified on the licence.

Revocation of licence

21 (1) If at any time it is made to appear to the Minister that the holder of a licence issued under this Part has ceased to be a fit and

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proper person to hold such licence, the Minister may by order suspend his licence until such time as the holder of the licence appears before the Examining Committee.

(2) The Examining Committee shall inquire into any allegations made in respect of a holder of a licence and shall take into consideration any reply made by him to the allegation, and they shall make to the Minister such recommendations as they may think appropriate.

(3) Upon receipt of the recommendations of the Examining Committee the Minister may either revoke the order suspending the licence or he may revoke the licence.

Inquiries into conduct of pilots

22 The Minister shall hold inquiries into the conduct of any licensed pilot whenever the Minister may deem it expedient; and all pilots shall, when so summoned by the Minister, appear before such an inquiry and no pilot shall, on being summoned, fail to appear or refuse to answer any question put to him at such inquiry.

Offences by pilots

23 Any pilot who—

- (a) through ignorance or negligence, causes a boat of which he is in charge to run aground; or
- (b) through ignorance or negligence, destroys, damages or injures any boat of which he is in charge, or the tackle or furniture thereof, or any goods laden thereon; or
- (c) when on board any boat for the purpose of properly piloting her, through ignorance or negligence, does any act tending to endanger the life or limb of any person on board such boat or on board any other boat, or refuses or omits to do any lawful act proper and requisite to be done for preserving such boat from loss, destruction or serious damage or for preserving any person belonging to or on board any such boat from danger to life and limb,

commits an offence against these Regulations.

PART IV

Must carry licensed pilot

24 No Island boat, other than a rental powercraft or a rental sailboat, shall be operated with passengers on board for hire or reward unless there is on board a licensed pilot in charge of such boat.

Island motor boats

25 (1) Every Island motor boat shall be operated by not less than two persons:

Provided that if—

- (a) the operator of the boat holds a pilot licence and an engine driver's licence; and
- (b) the steering and engine controls of such boat are, to the satisfaction of the Minister, so placed as to be easily operated by one person,

such Island motor boat may be operated by a licensed pilot, with or without such other crew as the Minister may specify in the licence.

(2) The provisions of this regulation shall only apply when the Island motor boat is carrying passengers for hire or reward.

Rental powercraft and sailboats

26 It shall be the duty of the owner of a rental powercraft or rental sailboat to ensure that the operator of a hired boat is able to operate such boat in a safe and proper manner.

PART V

Commencement

27 [omitted]

Revocation

28 [omitted]

SCHEDULE	(regulation 9(1)(b))
Size of Boat	Minimum Cover
1 to 15 passengers	\$250,000
16 to 30 passengers	\$500,000
31 to 50 passengers	\$750,000
51 to 100 passengers	\$1,500,000

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101 to 200 passengers	\$2,000,000
201 to 250 passengers	\$3,000,000
251 passengers and over	\$16,000 additional cover for each passenger in excess of 250.

[Schedule inserted by BR 34/1995 effective 1 January 1996]

[Amended by:

1970 : 32
SR&O 3/1973
1975 : 16
BR 40/1986
BR 61/1987
BR 34/1995
2001 : 20]