



BERMUDA
1994 : 28

MARINE BOARD AMENDMENT ACT 1994

[Date of Assent 20 July 1994]

[Operative Date 20 July 1994]

WHEREAS it is expedient to amend the Marine Board Act, 1962:

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 Marine Board Act, 1962, (hereinafter referred to as "the principal Act" may be cited as the Marine Board Amendment Act 1994.

Amends section 71 of principal Act

2 Section 71 of the principal Act is amended—

(a) by inserting next after subsection (1) the following—

"(1A) Without prejudice to any regulations made under this Act, the Director, or any officer (including, in the case of Hamilton docks or St. George's docks, but not otherwise, any officer of the Corporation of Hamilton or the Corporation of St. George's, respectively,) duly authorized in that behalf, may, subject to such general or special instructions issued

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by the Ports Authority, give written or verbal directions to the owner, master or agent of any boat relating to the berthing, anchorage, mooring or moving of that boat.

(1B) For the purposes of subsection (1A), the Corporation of Hamilton, in the case of Hamilton docks, and the Corporation of St. George's, in the case of St. George's docks, may designate berthing facilities in respect of boats.

(1C) The owner, master or agent of a boat who berths that boat in Hamilton docks or St. George's docks shall pay to the Corporation of Hamilton, or as the case may be, to the Corporation of St. George's, such fee, in respect of such berthing as may, from time to time, subject to subsection (1D), be prescribed by the Corporation of Hamilton or the Corporation of St. George's, as the case may be; and for the purposes of this subsection the Corporation of Hamilton and the Corporation of St. George's are authorized to prescribe such fees.

(1D) No fees shall be prescribed pursuant to subsection (1C) except with the prior written approval of the Minister.

(1E) In this section and in section 75 "prescribed" means levied by ordinance under the Municipalities Act 1923."; and

(b) by deleting subsection (2) and substituting the following—

"(2) Without prejudice to the generality of subsections (1) and (1A)—

- (a) directions given under subsection (1) may regulate the location, timing, manner and period of the berthing, anchorage and mooring of any ship; and
- (b) directions given under subsection (1A) may regulate the location, moving, timing, manner and period of the berthing, anchorage and mooring of any boat.

(2A) The Director or any officer referred to in subsection (1A) may, if the owner, master or agent of a boat fails to comply with a direction given under that subsection move the boat to a berth which the Director or the officer, as the case may be, considers safe."; and

(c) by deleting subsection (3) and substituting the following—

"(3) The owner, master or agent—

(a) of any ship, who fails to comply with a direction given under subsection (1); or

(b) of any boat, who fails to comply with a direction given under subsection (1A)

commits an offence against this Act."

Amends section 75 of principal Act

3 Section 75 of the principal Act is amended by inserting next after subsection (1) the following—

"(1A) The Corporation of Hamilton and the Corporation of St. George's shall be responsible for the collection of fees prescribed pursuant to section 71(1C) in respect of the berthing of boats and the moneys so collected shall form part of the revenue of the authority so responsible for the collection thereof."

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