



**BERMUDA  
1954 : 63**

**PAGET PARISH WATERLOT ACT 1954**

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[7 July 1954]

**Interpretation**

1 In this Act—

"the Paget Parish Council" means the Parish Council for Paget Parish duly constituted for the time being under the Parish Councils Act 1971 [title 4 item 40];

"the Paget Parish Waterlot" means the lot of land situated at Red Hole in Paget Parish, formerly vested by virtue of the Paget Parish Land Act 1929 [repealed], in the Overseers of the Poor of Paget Parish, and more particularly described in the Schedule.

**Savings**

2 Nothing in this Act shall be construed so as to derogate from or abridge the Wreck Removal Act 1935 [title 22 item 6], or the Amenities (Control of Ruinous Structures) Act 1950 [title 20 item 8], or the

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Development and Planning Act 1974 [*title 20 item 1*], or any statutory instrument for the time being in force thereunder.

*[Section 2 amended by 1999:4 s.2(2)(a) effective 1 July 2000]*

### **Vesting of waterlot**

3 As from 7 July 1954 the Paget Parish Waterlot shall cease to be vested in the Overseers of the Poor Paget Parish and shall, subject to this Act, be vested in the Paget Parish Council.

### **Conditions and limitations affecting use of waterlot**

4 (1) The vesting of the Paget Parish Waterlot in the Paget Parish Council effected by section 3 shall be subject to the following conditions and limitations respecting the use and enjoyment of the land comprising the said Waterlot—

- (a) The Paget Parish Council shall ensure that facilities are afforded to all persons residing in Paget Parish to have access to and over the Paget Parish Waterlot for—
  - (i) pulling up, repairing, painting or cleaning boats of all descriptions;
  - (ii) drying and repairing the sails of boats and fishing nets and tackle;
  - (iii) allowing access to the waters of Hamilton Harbour for any purpose prescribed by regulations made under section 5;
- (b) The Paget Parish Council—
  - (i) shall grant and allow to the owners and their successors in title of the properties in Paget Parish known respectively as "Inwood" and "Milford", or any part of such properties, a right of way not less than fifteen feet in width over the Paget Parish Waterlot to the waters of Hamilton Harbour;
  - (ii) shall allow such owners or their successors in title as aforesaid to construct a wharf on the verge of the Paget Parish Waterlot bordered by the waters of Hamilton Harbour;
- (c) the Paget Parish Council shall not construct, or allow to be constructed, any building on that part of the land

comprising the Paget Parish Waterlot which is situated South of the public road known as the Harbour Road.

- (2) The Paget Parish Council may—
  - (a) let or lease any part of the Paget Parish Waterlot to any person, at such rent as the Paget Parish Council may determine, for any of the purposes mentioned in subsection (1)(a) or for such other purpose of a like nature as the Council may from time to time determine; so, however, that any such lease or letting shall not be inconsistent with the use and enjoyment of the land comprising the Paget Parish Waterlot by persons residing in Paget Parish;
  - (b) construct buildings or wharves on any part of the land comprising the Paget Parish Waterlot which is situated North of the public road known as the Harbour Road.
- (3) The Paget Parish Council—
  - (a) shall apply to the maintenance and improvement of the Paget Parish Waterlot so much of the income derived by the Council from the rents and profits of the Paget Parish Waterlot as the Council considers to be needful for that purpose; and
  - (b) may apply any surplus of that income to any other lawful purpose of the Council.

**Regulations**

- 5 (1) The Paget Parish Council shall make regulations for the management, preservation and orderly use of the Paget Parish Waterlot, and for prescribing purposes in pursuance of section 4(1)(a)(iii).
- (2) Regulations made as aforesaid may prescribe fines not exceeding \$1,680 for any contravention of the regulations.
- (3) Any criminal proceedings under any regulations made as aforesaid shall be taken before a court of summary jurisdiction.
- (4) Regulations made as aforesaid shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be provided in the regulations.

**Preservation of amenities of waterlot**

- 6 (1) Where any boat or part of a boat, or any wreckage or derelict equipment or any debris has been left on any part of the Paget Parish Waterlot, and it appears to the Paget Parish Council that the use and enjoyment of the Waterlot, or its amenities, are prejudicially affected thereby, then in any such case the Council may by notice require the

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owner of the boat, wreckage, equipment or debris or the person in charge thereof, or the person who caused or allowed the boat, wreckage, equipment or debris to be left on the Waterlot, to remove or dispose of it in such manner as the Council may direct.

(2) After the expiration of the period of thirty days next succeeding the date of the service of a notice in under subsection (1) any things in respect of which notice was given, and which have not been removed from the Paget Parish Waterlot or, as the case may be, which have not been disposed of as required by the notice, shall become the property of the Paget Parish Council, who may dispose of any such things in such manner as they think expedient.

(3) The amount of the cost incurred by the Paget Parish Council in exercise of their powers to dispose of any thing under subsection (2) shall, without limit of amount, be recoverable by the Council from any of the persons mentioned in subsection (1) before a court of summary jurisdiction in the manner provided by the Magistrates Act 1948 [*title 8 item 15*], for the recovery of a debt or liquidated demand.

(4) Any notice given to any person under subsections (1) and (2) shall be deemed to be duly served—

- (a) by delivering it to that person; or
- (b) by leaving it, or by sending it in a prepaid letter addressed to him at his usual or last known residence; or
- (c) where it appears impracticable to the Paget Parish Council to serve the notice in the manner mentioned in the two foregoing paragraphs, then by addressing it to the person concerned by the description of "owner" of the things in question (naming them) and by affixing one copy of the notice to the thing in question and by publishing another copy of the notice in the Gazette.

## **Repeal of Paget Parish Land Act 1929**

7 [omitted]

**SCHEDULE**

DESCRIPTION OF LAND COMPRISING PAGET PARISH WATERLOT

All that certain lot or parcel of land situate at Red Hole in Paget Parish which is intersected by the public road known as the Harbour Road and bounded on the North and Northwest by the waters of Hamilton Harbour and known as Red Hole, on the East by land in the possession of Beryl Sylvia Barnes and Vivienne June Gilmore and there measuring between the waters of Hamilton Harbour and the said public road nine feet and eleven inches or thereabouts and to the South of the said road one hundred and thirty-nine feet or thereabouts, on the South by land partly in the possession of Edwin Olney Jones and Cornelia F. Jones and partly in the possession of Lloyd Peniston Jones and there measuring four hundred and thirty-eight feet or thereabouts and on the West by a line drawn at an angle of 77 degrees 45 minutes to the said Southern boundary, together with all and singular the appurtenances thereto belonging.

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[Amended by:

1971 : 116

GN 339/1972

1984 : 26

1999 : 4]