



BERMUDA

SUMMARY OFFENCES ACT 1926

1926 : 2

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*[preamble and words of enactment omitted]*

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### Interpretation

- 1 In this Act, unless the context otherwise requires,—
- “dependant” means any person who is found as a fact to have been wholly or in part dependent upon any other person at the time of the commission of an alleged offence; and “dependent” means dependent as aforesaid;
- “driver” includes any person in charge of a vehicle;
- “fire apparatus” includes any fire engine, fire pump, fire ladder, hose reel, chemical extinguisher or truck carrying or towing any hose or other thing used for the purpose of fire fighting;
- “highway” includes every public road, street, lane, alley, wharf or other public place in Bermuda, and Admiralty and Defence Department roads;
- “horse” includes a mule, ass, and any other beast of draft or burden;
- “public place” means any highway, wharf, street, bridge and thoroughfare, and includes—
- (a) every place (including any foreshore or any beach or open space belonging to the Government) to which the public under ordinary circumstances have the right of legal access, whether with or without payment of any entrance fee or gate money; and
  - (b) any steamer, boat or vehicle plying for hire in Bermuda; and
  - (c) all land and land covered with water contiguous to a public place from which an act constituting an offence against this Act would ordinarily be viewable or audible to or by persons in such public place;
- “vehicle” includes any carriage, cart, dray, wagon, bicycle, velocipede or other similar vehicle, and every mechanically propelled vehicle.

### Offences against public policy

- 2 Any person—
- (a) who being able wholly or in part to maintain himself or his dependants wilfully neglects so to do ; or
  - (b) who runs away and leaves his dependants chargeable to any parish; or
  - (c) who returns to, and becomes chargeable in, any parish from which he has legally been removed; or
  - (d) *[Repealed]*
  - (e) who endeavours by the exposure of wounds or deformities, or by any show of violence or insult or by attempt at intimidation, to obtain alms; or
  - (f) who, when arrested, violently resists any police officer arresting him; or
  - (g) who is found tipping in any unlicensed shop; or

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- (h) *[deleted]*
- (i) who wilfully and maliciously breaks, damages, removes or tampers with, any electric or other bell or instrument, or any part of or appendage to any bell or instrument, provided or erected for use for giving alarm in case of fire; or
- (j) who refuses or neglects to assist any police officer in the execution of his duty; or
- (k) who in any highway or thoroughfare appears improperly or indecently dressed; or
- (kk) *[Repealed]*
- (m) who without reasonable cause, the proof whereof shall be upon him, in any manner makes, or circulates, or causes to be made or circulated, any false statement, which expressly or by implication suggests the presence in, on or about any aircraft, vessel, vehicle, structure building or other place of explosive or other dangerous or potentially dangerous substance; or
- (n) who resists or wilfully obstructs or assaults a police officer, customs officer or prison officer, while such officer is acting in the execution of his duty, or any person acting in aid of such officer while so acting,

commits an offence against this Act.

*[Section 2 amended by 1997:15 effective 1 April 1997; Section 2(kk) and proviso repealed by 2017 : 12 s. 2 effective 20 February 2017]*

### Inciting public officer to fail to carry out duty

3 (1) Any person who, whether in writing or by words or by his behaviour or otherwise, solicits or incites any public officer or any person in the service of the Government to fail to carry out his duties as such, commits an offence against this Act.

(2) Nothing in subsection (1) shall have effect in relation to any lawful action in furtherance of a labour dispute under the Labour Relations Act 1975 *[title 18 item 1]*.

### Dangerous weapons

4 Any person who manufactures, sells or hires or offers for sale or hire or exposes or has in his possession for the purposes of sale or hire or lends or gives to any other person—

- (a) any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, some times known flick knife” or “flick gun”; or
- (b) any knife which has a blade which is released from the handle or sheath by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever, or other device, sometimes known as a “gravity knife”; or

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- (c) any hollow cane or walking stick containing a metal blade which may be drawn or shot out and used as a sword or knife, commonly known as a "swordstick" or "swordcane",

commits an offence against this Act.

Offensive weapons in aircraft

5 (1) Any person who, in any aircraft—

- (a) has upon or about his person any offensive weapon; or
- (b) keeps or places any offensive weapon in any part of the aircraft which is accessible during flight,

commits an offence against this Act unless he can prove that he—

- (i) is the owner or charterer of such aircraft; or
- (ii) had the written authority of the owner or charterer of such aircraft or his duly authorized agent therefor.

(2) In this section "offensive weapon" means any article made or adapted for use for causing injury to the person or intended for such use by the person having it in his possession.

Misuse of telephone facilities

6 Any person who—

- (a) utters any words by telephone which are grossly offensive, or of an indecent, obscene or menacing character; or
- (b) utters any words by telephone which he knows to be false, for the purpose of causing annoyance, inconvenience or needless anxiety to any other person; or
- (c) persistently makes telephone calls without reasonable cause and for any such purpose as aforesaid,

commits an offence against this Act.

Restriction on the making of noise

7 (1) Except under the authority and in accordance with the terms of a permit issued by the Commissioner of Police, a person commits an offence if—

- (a) the person unreasonably causes noise which disturbs or annoys any person in the vicinity, or is likely to disturb or annoy any person in the vicinity, by—
  - (i) operating, or causing or allowing to be operated, any amplifier or loud speaker so as to amplify the sound made by the playing of any musical instrument or by the human voice or so as to amplify any other sound; or

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- (ii) playing or operating, or causing or allowing to be played or operated, any radio, television, music player or other device designed or adapted for the transmission of sound; and
  - (b) the sound in question is heard from a distance exceeding 100 feet from the source of the sound.
- (2) The issue of a permit by the Commissioner of Police under subsection (1) shall not affect any right or liability of any person under any Act or at common law.
- (3) Any person who between the hours of midnight and six o'clock in the morning unreasonably causes any noise by singing, shouting or other means whatsoever in such a manner as disturbs or annoys, or is likely to disturb or annoy, any person in the vicinity commits an offence.
- (4) A person shall not be convicted of an offence under this section unless it is proved that after having been required to desist by a police officer, or by any other person in the vicinity, he continued to make such noise.

*[Section 7 repealed and replaced by 2010 : 6 s. 2 effective 19 March 2010]*

### Tidiness of public places and beaches

8 Any person who in any public place, or on any beach or any place contiguous or adjacent thereto whether or not a public place, without lawful authority or excuse, the proof of which shall be upon him—

- (a) deposits or leaves any garbage, rubbish, litter, derelict article or offensive matter otherwise than in a place or receptacle intended for its reception; or
- (b) wilfully breaks any bottle or other glass or china article; or
- (c) fails immediately to dispose adequately of the broken pieces of any bottle or other glass or china article which is broken while in his charge,

commits an offence against this Act.

### Disorderly conduct in public street

- 9 (1) Any person who, in any public street, highway or thoroughfare—
- (a) begs or attempts to obtain alms; or
  - (b) by disorderly behaviour disturbs or incommodes any passenger or dweller in the vicinity; or
  - (c) except in case of emergency slaughters or kills any animal; or
  - (d) carries on carpentering or laundering; or
  - (e) not having the previous permission of the Permanent Secretary Department of Works and Engineering, or as respects a municipal area, of the appropriate officer of the Municipality concerned, deposits any

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rubbish, night soil or filth, or for more than half an hour any timber, board, rubble or stone; or

- (f) by the holding of any exhibition or show or by the playing of any band, orchestra or music causes a crowd to assemble to the interference with traffic or to the annoyance of any passenger or wayfarer or dweller in the vicinity; or
- (g) plays at any game of chance; or
- (h) throws away any receptacle which contains or contained any intoxicating liquor or other beverage,

commits an offence against this Act.

(2) Notwithstanding anything in subsection (1), it shall be lawful for any person to obtain or to attempt to obtain alms for the benefit of a *bona fide* charitable purpose in any public street, highway or thoroughfare under the authority and in accordance with the terms of a permit issued by the Commissioner of Police or, where the public street, highway or thoroughfare is situated in a municipal area, then by the Corporation of the Municipality concerned.

Drinking in public street or on verandah

10 Any person who—

- (a) in any public street, highway or thoroughfare; or
- (b) on the verandah or porch of any premises abutting on any public street, highway or thoroughfare (excluding private houses or premises in respect of which a licence for the sale of intoxicating liquor, other than a Licence (A), has been granted under the Liquor Licence Act, 1974 [*title 10 item 6*]),

drinks any intoxicating liquor, commits an offence against this Act.

Offences against public morality

11 Any person who, in any public place—

- (a) openly exhibits any obscene print, picture or other indecent exhibition; or
- (b) openly exposes his person; or
- (c) is found drunk and appears to be incapable of taking care of himself; or
- (d) behaves in a riotous, offensive or indecent manner; or
- (e) uses any threatening, abusive, insulting or offensive words, gestures or behaviour; or
- (f) by loitering or standing or any obstructive behaviour, wilfully obstructs or seeks to obstruct passengers, or without lawful authority hinders or seeks to hinder any lawful activity; or

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- (g) in such a way as to impede, interfere with or annoy passengers, touts or solicits for the purpose of any trade or business or is importunate in offering his services as a guide; or
- (h) being a night walker or common prostitute gives no satisfactory account of himself; or
- (i) solicits or importunes for immoral purposes; or
- (j) bathes, not being decently dressed therefor,

commits an offence against this Act.

### Use of threatening words or gestures

12 Any person who utters any threatening words, in writing or otherwise, or who, by gestures or otherwise, behaves in any threatening manner, commits an offence against this Act:

Provided that no person shall be convicted under this section unless the threat is to commit an unlawful act and the person threatened believes on reasonable grounds that the threat will be carried out.

### Making bonfire in public place

13 Any person who in any public place makes any bonfire commits an offence against this Act:

Provided that for the purpose of this section "public place" shall not include—

- (i) any place to which the public have, under ordinary circumstances, the right of legal access, whether with or without payment of any entrance fee or gate money; or
- (ii) any land contiguous to a public place,

merely by reason that any such act would ordinarily be visible or audible to or by persons in a public place.

### Offences against public safety

14 (1) Any person—

- (a) who causes danger or alarm by carrying about fire; or
- (b) who wantonly discharges any firearm to the disturbance of the public peace or to the danger, damage or alarm of any person; or
- (c) who throws or discharges any stone or other missile to the danger or damage of any person; or
- (d) who, being in charge of any vehicle to which a horse is attached, leaves such vehicle in a highway without a proper person in charge or without such horse being tied to some suitable object, or

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- (e) who is found on a highway contrary to an order made under subsection (2);

commits an offence against this Act.

(2) If the Governor is satisfied that it is in the interests of public safety that the public should be kept off the highways during the hours of darkness he may, acting in his discretion after consultation with the Governor's Council and, if circumstances permit after such consultation also with such other persons including the Opposition Leader as he thinks fit to consult, order that for a period not exceeding three days nobody without the written permission of a police officer of or above the rank of Chief Inspector shall be permitted to be on all or any of the highways specified in the order during all or any of the hours of darkness so specified.

- (3) For the purposes of subsection (2)—

“hours of darkness” means the period between 5.30 p.m. and 6.00 a.m. next following.

(4) An order made under subsection (2) shall be published in the Gazette or in such other manner as the Governor shall determine and shall come into force immediately on publication.

(5) The Statutory Instruments Act 1977 [*title 1 item 3*] shall not apply to an order made under subsection (2).

### Riding horses on beaches

15 (1) The Minister for the time being responsible for parks and related matters may by Order published in the Gazette prohibit the riding of horses on any beach specified in the Order or on any part of any such beach, either at all times or during such times as may be specified in the Order.

(2) Any person who rides a horse on a beach or part of a beach in contravention of an order made under this section commits an offence against this Act.

(3) The power conferred by this section on the Minister for the time being responsible for parks and related matters to make Orders shall include a power to revoke or vary any Order made thereunder.

(4) The negative resolution procedure shall apply to an Order made under this section.

*[Section 15(1) and (3) amended by 2000:20 Sch para 1 effective 26 June 2000]*

### Riding two-wheeled vehicle on foreshore

16 Any person who rides a two-wheeled vehicle, however propelled, on that part of the foreshore below high water mark to which the public have access, commits an offence against this Act.

### Offences relating to fire-fighting

17 Any person who—

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- (a) having reasonable cause to believe that any fire apparatus is about to pass through any place, fails to remove himself as quickly as practicable, together with any vehicle, animal or other thing in his charge, clear of the passage of such apparatus; or
- (b) wantonly and unnecessarily causes any animal or vehicle in his charge to pass over any hose being used or about to be used for fire fighting purposes; or
- (c) without proper authority, the proof of which shall be on him, remains inside, passes through, or attempts to pass through any naval, military or police cordon at any fire,

commits an offence against this Act.

### Offences relating to games in public places

18 Any person who, in any public place—

- (a) flies any kite over the public place to the annoyance or danger of any passenger or frequenter; or
- (b) plays cricket or any other game to the annoyance or danger of any passenger or frequenter, or any person in any house near or adjacent to such public place,

commits an offence against this Act.

### Offences against property

19 Any person who—

- (a) tears down, removes or defaces any sign, or breaks any window, or breaks or otherwise injures any door or door plate, knocker, door bell or fastening, or gate, or the wall of any house, yard or garden; or
- (b) without the owner's consent, posts or attaches any bill upon or to any land; or
- (c) wilfully breaks, destroys, defaces or damages any part of any building, wall, fence, gate, post, pale or tree, or any fixture or appendage thereto, or any shrub or seat, fixture, lamp, lamp post, or any ornament growing or placed upon or attached to any land; or
- (d) enters any land without the permission express or implied of the owner on which the owner or occupier has by notice published thereon, or by written notice posted to the trespasser at his usual or last known address by prepaid registered letter, forbidding trespassing; or
- (e) cuts, digs, or breaks up any turf or ground or wilfully damages any embankment, hedge, post or fixture; or
- (f) owns any dog which does any mischief or damage to any person, sheep, goat or other thing; or

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- (g) except in case of necessity, removes any boat from her moorings without the consent of the owner, or, having removed her through necessity, fails to replace her in safety; or
- (h) removes any boat, her rudder, scoop, oars, spars, sails or other apparel or equipment; or
- (i) being the proprietor of cattle or poultry, permits such cattle or poultry to stray out of any land in his possession or occupation; or
- (j) except in case of necessity, removes any vehicle or beast of burden from any place where such vehicle or beast of burden has been parked, or, as the case may be, has been tethered, by the owner or user thereof; or
- (k) does any act not warranted by law, or omits to discharge any legal duty, being an act or omission which obstructs or causes inconvenience to any other person in the enjoyment of any right common to the public, or whereby the value of any real or personal property of any other person may be prejudicially affected,

commits an offence against this Act.

Protection of public premises and activities

20 (1) Any person who—

- (a) enters any public premises as a trespasser; or
- (b) not being engaged in the discharge of duties, or the performance of obligations, connected with activities normally carried on in any public premises, wilfully neglects or fails to comply as soon as is practicable with a direction to leave those premises, being a direction given by—
  - (i) a person authorised in writing by a body or authority owning, or lawfully occupying or using, the premises to give such directions with respect to those premises; or
  - (ii) a police officer; or
- (c) knowingly interferes with the carrying on of any lawful activity in any public premises,

commits (without prejudice to any other provision of law) an offence against this Act:

Provided that nothing in paragraph (c) shall operate to prevent—

- (i) any lawful picketing carried on outside any public premises; or
- (ii) any other lawful act done

by or on behalf of a registered trade union in contemplation or in furtherance of a labour dispute under the Labour Relations Act 1975 [*title 18 item 1*].

(2) A police officer may remove from any public premises any person who commits an offence under subsection (1)(b) in those premises.

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(3) A person authorised to give directions for the purposes of subsection (1)(b) with respect to any public premises shall, if so required by any person to whom a direction is given under that paragraph to leave those premises, produce his authorisation to give such a direction.

(4) References in this section to public premises include references to any building which is owned, occupied or used for any purpose by or on behalf of the Government or a local or public authority or which is occupied or used for parliamentary, judicial or police purposes and includes a school, and any part of any such building the curtilage thereof and the boundary walls thereof and any place or thing which is within the curtilage of any such building.

### Restriction on flying certain flags

21 (1) Any person who otherwise than in conformity with the terms of a licence granted by the Governor, acting in his discretion, or under other lawful authority, flies or exhibits in any public place any of the following flags, that is to say—

- (a) the Royal Standard or the personal standard of any member of the Royal Family;
- (b) the flag for the time being appointed to be flown by the Governor;
- (c) the White Ensign, the Blue Ensign, or any flag appointed to be flown only on Her Majesty's Ships or in connection with establishments of the Royal Navy;
- (d) any flag for the time being appointed to be flown only by any Department, or any branch of any Department, of Her Majesty's Government in the United Kingdom or in Bermuda; or
- (e) any flag so closely resembling any such flag as aforesaid that it might reasonably be taken to be that flag,

commits an offence against this Act.

(2) Any person who, except otherwise than in conformity with the terms of a licence granted by the Governor, acting in his discretion, or under other lawful authority, flies or exhibits in any public place—

- (a) any flag mentioned in the foregoing subsection; or
- (b) the Union Jack; or
- (c) the flag of any of Her Majesty's dominions,

where that flag bears thereon any addition, or is in any way modified or defaced, commits an offence against this Act.

(3) Subject as hereinafter provided, any person who in any public place flies or exhibits the national flag of any Foreign State without at the same time flying or exhibiting the Union Jack or the flag of any of Her Majesty's dominions (any of which flags are hereinafter referred to in this section as a "British flag") in accordance with the following provisions—

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- (a) the British flag shall not be smaller than the flag of the Foreign State and shall be in not less good condition as the flag of the Foreign State; and
- (b) where the British flag and the flag of the Foreign State are flown from the same staff or jack the British flag be uppermost,

commits an offence against this Act:

Provided that nothing in the foregoing provisions of this subsection shall have effect—

- (i) in relation to the flying, by a foreign ship, of the national or any other official flag of the Foreign State to which that ship belongs; or
- (ii) in relation to the flying at the consulate, vice-consulate or consular agency of any Foreign State, of the national or any other official flag of that Foreign State; or
- (iii) in relation to the flying, at any military, naval or air establishment of the United States of America, of the national or any other official flag of the United States of America.

### Restriction on using Royal coat of arms and that of Bermuda

22 Subject as hereinafter provided, any person who, otherwise than in conformity with the terms of a licence granted by the Governor or under other lawful authority, uses or displays—

- (a) in connection with the carrying on of any business, trade, profession or calling; or
- (b) in connection with the activities of any body of persons, whether corporate or unincorporate,

the Royal coat of arms or the coat of arms of Bermuda, or any arms so closely resembling either of these coats of arms that they might reasonably be taken to be that coat of arms, commits an offence against this Act:

Provided that nothing in the foregoing provisions of this section shall have effect in relation to the reproduction or representation of the Royal coat of arms or the coat of arms of Bermuda on any article, goods or things sold or offered for sale unless the Governor, on its appearing to him that any reproduction or representation of the Royal coat of arms or the coat of arms of Bermuda on any articles, goods or things is objectionable on public grounds, declares, by order published in the Gazette, that such foregoing provisions shall have effect in relation to the reproduction or representation of the Royal coat of arms or to the reproduction or representation of the coat of arms of Bermuda on those articles, goods or things.

### Attempts

23 Any person who attempts to commit any summary offence constituted under this Act commits an offence against this Act and on conviction shall be liable to one half the punishment provided for in section 25.

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### Arrest without warrant

24 A police officer may arrest without warrant any person whom he finds committing an offence against this Act, or whom he finds committing an act which he honestly believes on reasonable grounds to constitute an offence against this Act.

### Punishment of offenders

25 Where a person commits an offence under this Act:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$2,880 or both such imprisonment and fine.

[Assent Date: 13 January 1926]

[This Act was brought into operation on 1 May 1926 by notice published in Gazette 17/1926]

[See as to acts done within the Bermuda National Library premises section 8 of the Bermuda National Library Act 1946 which applies certain sections of the Summary Offences Act 1926 relating to acts in public places or on highways]

[Note: 1989:44 (which amended section 7 of this Act) was assented to on 18 July 1989 and brought into operation on 11 August 1989]

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### *Amended by:*

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