



BERMUDA

BUILDING AUTHORITY ACT 1962

1962 : 1

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SCHEDULE

[preamble and words of enactment omitted]

Interpretation

1 In this Act—

“the Minister” means the Minister charged with responsibility for Planning;

“dangerous commodity” includes petroleum, rock oil, Rangoon Oil, Burmah Oil, benzine, petrol naphtha, gasoline and any oil made from petroleum, coal,

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schist, shale, peat or any bituminous substance, and every product of petroleum and of the above mentioned substances.

Power of Minister in respect of dangerous commodities

2 The Minister may, in consultation with the Chief Fire Officer, by order published in the Gazette prohibit absolutely or under conditions, the manufacture, keeping, importation, conveyance and sale in Bermuda of any dangerous commodity in respect whereof the Minister deems it expedient for the public safety to issue such order.

[Section 2 amended by 2014 : 33 s. 55 effective 1 January 2018]

Regulations

- 3 (1) Subject section 2, the Minister may, by regulations made under this Act—
- (a) specify the precautions to be used in landing, storing, handling and transporting of any dangerous commodity;
 - (b) prescribe localities where and the quantities in which dangerous commodities may be stored and the anchorages wherein ships laden therewith may come to anchor;
 - (c) specify conditions under which licences for storing dangerous commodities will be granted by the Minister;
 - (d) provide for the control and supervision of theatres, cinema and dance-halls, concerts, public exhibitions, entertainments and performances held in Bermuda outside the limits of the City of Hamilton and the Town of St. George;
 - (e) provide for the provision of adequate protection against fire and precautions against any other danger in hotels, boarding-houses and lodging-houses;
 - (f) provide for the provision of adequate protection against fire in multiple dwelling units, places of employment, warehouses, and in buildings to which the public have or may have access including, without derogation from the generality of the provisions of this paragraph—
 - (i) the provision and maintenance of fire escapes, escape routes and exits, the removal of objects which might interfere with the use thereof and the keeping clear of passage ways thereto;
 - (ii) the provision and maintenance of fire doors, fire barriers, fire extinguishers and other devices or measures for controlling or fighting fires;
 - (g) require the removal from any such building as is mentioned in paragraphs (e) or (f) of any rubbish or trash of a combustible nature which may constitute a danger of fire; and

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- (h) provide for the inspection of, and the granting and cancelling of certificates in respect of elevators, boilers, engines, plant and machinery in any building or place in Bermuda to which the public have access.
- (2) Any regulations referring to the landing, transporting and storing of dangerous commodities in municipal areas shall, before adoption, be referred to the corporation of the municipality concerned, and shall so far as practicable conform with any municipal ordinance on the subject.
- (3) Regulations made under this Act may make provision—
 - (a) empowering such authorities or persons as may be specified in the regulations to administer or execute the provisions of the regulations and to make orders, impose requirements or give directions for the purposes of the regulations;
 - (b) empowering such authorities or persons as may be specified in the regulations to take measures, including the entry and inspection of any land or building and the carrying out of works, to secure compliance with the regulations or any order, requirement or direction made, imposed or given thereunder; and for enabling such authorities or persons to recover expenses incurred by them in the exercise of any such power.

Parliamentary scrutiny of regulations

4 (1) The affirmative resolution procedure shall apply to regulations made under this Act.

(2) Regulations made under this Act 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 specified in the regulations.

Search warrant in respect to dangerous commodities

5 Any magistrate, on information on oath, may by warrant direct any police officer to enter any premises, vehicle or craft where any dangerous commodity is or is suspected to be, and such police officer may at any time and with the use of such force and assistance as he may deem advisable, enter and inspect such premises, vehicle or craft and may take specimens, as he may see fit, of any dangerous commodity therein.

[Section 5 amended by 2009:52 s.5 effective 4 January 2010]

Destruction of dangerous commodities

6 Any dangerous commodity, or supposed or suspected dangerous commodity, which appears to an officer of the Department of Planning or to any police officer to be stored, handled or transported otherwise than in accordance with this Act or any order or regulation made thereunder, or any licence or order of the Minister, may be seized, and if the same appears to any Justice of the Peace to have been dealt with otherwise than in accordance with such Act, order, regulation, licence or order, then such dangerous commodity shall be destroyed or otherwise disposed of as the Justice may direct.

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Obstructing execution of Act

7 No person shall wilfully obstruct any person acting in execution of any provision of this Act or of any regulation, order or warrant made or issued in pursuance thereof.

Offences against Act

8 Any person who contravenes any provision of this Act or of any regulations made thereunder commits an offence against this Act.

Trial of offences

9 Offences against this Act or against any regulations made thereunder shall be prosecuted before a court of summary jurisdiction.

Punishment of offences against Act

10 Where a person commits an offence against this Act for which no special punishment is provided:

Punishment on summary conviction a fine of \$750 in respect of each offence, and, in the case of a second or subsequent conviction, a fine of \$1,500 or imprisonment for three months, or both such fine and imprisonment; and where any such offence as aforesaid is a continuing offence, the person guilty of the offence shall, in addition to any punishment provided in this section, be liable in respect of each day during which the offence continues a fine of \$150.

Provision as to daily penalties

11 Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence after conviction, the court by which a person is convicted of the original offence may specify a reasonable period to run from the date of conviction within which the defendant is to comply with any directions given by the court; and where a court has specified such a period, no daily penalty shall be imposed in respect of any day before the expiration of the period.

Persons entitled to bring proceedings

12 (1) Proceedings in respect of an offence against this Act shall not, without the written consent of the Director of Public Prosecutions, be instituted by any other person other than a party aggrieved or by the Minister.

(2) A prosecution for an offence against this Act may be conducted before a court of summary jurisdiction by any officer duly authorized by the Minister in that behalf.

[Section 12 subsection (1) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]

Transitory provisions

13 *[omitted]*

Savings

14 *[omitted]*

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Consequential amendments, etc.

15 *[omitted]*

Commencement and repeal

16 *[omitted]*

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SCHEDULE

[Text omitted. Effected consequential amendments to the Board of Trade Act 1930 and to certain statutory instruments made thereunder.]

[Assent Date: 17 January 1962]

[This Act was brought into operation on 1 January 1963]

[Amended by:

1964 : 36
1965 : 170
1968 : 221
1975 : 23
1977 : 35
1999 : 8
2009 : 52
2014 : 33]