



BERMUDA

AMERICA'S CUP RESTRICTED MARKETING ORDER 2017

BR 47 / 2017

TABLE OF CONTENTS

| | |
|---|---|
| 1 | Citation |
| 2 | Interpretation |
| 3 | Application |
| 4 | Street trading restrictions |
| 5 | Advertising restrictions |
| 6 | Offences and penalties |
| | SCHEDULE |
| | Plans showing restricted areas (a) to (e) |

WHEREAS the America's Cup Event Authority has by written application dated 22 March 2017 applied for a restricted marketing order under section 21 of the America's Cup Act 2015 in respect of the 35th America's Cup Events scheduled to be held in Bermuda during the period from 26th May to 27th June 2017;

AND WHEREAS the Minister responsible for the America's Cup has consulted the Economic Development Committee in accordance with section 21(2) of the America's Cup Act 2015, and taken into account the extent to which restrictions are required in order to obtain maximum benefit for Bermudians whilst preventing unauthorized commercial exploitation at the expense of the America's Cup Event Authority or any of its designated commercial partners;

The Minister responsible for the America's Cup, in exercise of the power conferred by section 21 of the America's Cup Act 2015, makes the following Order:

Citation

- 1 This Order may be cited as the America's Cup Restricted Marketing Order 2017.

AMERICA'S CUP RESTRICTED MARKETING ORDER 2017

Interpretation

2 In this Order—

“advertisement” means any sign, flag, boarding, building, structure, bill, poster, leaflet, handout, notice or other material used or intended to be used for the purposes of advertisement, whether joined with any other purpose or not;

“Events” means any of the 35th America’s Cup Events to be held in Bermuda during May and June 2017;

“restricted areas” means—

- (a) the area of the Great Sound and Hamilton Harbour shown in blue on the plan in the Schedule, including islands within that area;
- (b) all of Dockyard from Watford Bridge, shown in red on the plan in the Schedule;
- (c) those parts of Sandys Parish and Southampton Parish shown in red on the plan in the Schedule (that is, Watford Bridge going east along the railway trail to Morgan’s Point, all of Morgan’s Point and the seaward area along Middle Road from Morgan’s Point to Barnes Corner);
- (d) the area of Pembroke Parish from Admiralty House to Spanish Point shown in red on the plan in the Schedule;
- (e) the area of the City of Hamilton shown in red on the second plan in the Schedule;
- (f) the LF Wade International Airport;
- (g) all ferry stops, and the Ferry Terminal on Front Street in Hamilton;
- (h) all bus stops, and the Hubert W “Sparky” Lightbourne Central Terminal on Washington Street in Hamilton;

“street trading” means selling or giving away goods or services, but does not include operating an existing business out of existing permanent premises of that business;

“vessel” means any boat, yacht or other watercraft.

Application

3 This Order has effect from 9.00am on Monday 15 May 2017 to 11.00pm on 7 July 2017, but does not have effect at any time on the Bermuda Day Holiday on Wednesday 24 May 2017.

Street trading restrictions

4 No person shall engage in street trading in any public place within the restricted areas, unless authorized in writing by the America’s Cup Event Authority.

AMERICA'S CUP RESTRICTED MARKETING ORDER 2017

Advertising restrictions

5 (1) No person shall exhibit or distribute any advertisement in any public place within the restricted areas, unless authorized in writing by the America's Cup Event Authority.

(2) Paragraph (1) does not apply to an advertisement that is—

- (a) included as part of a periodical or newspaper in circulation in Bermuda;
or
- (b) exhibited on a permanent structure.

(3) No person who owns or operates a business from a permanent structure within the restricted areas shall exhibit, or cause or permit to be exhibited, on or attached to the permanent structure any advertisement that is clearly visible from anywhere within the restricted areas and which—

- (a) is outside the scope of that person's normal course of business; or
- (b) appears to be an attempt to associate with the Event,

unless authorized in writing by the America's Cup Event Authority.

(4) No person shall display, or cause or permit to be displayed, on or attached to a vessel an advertisement that is clearly visible from the restricted areas unless authorized in writing by the America's Cup Event Authority.

(5) This paragraph does not apply to any advertisement in place before 9.00am on Monday 15 May 2017 in any of the places listed in subparagraphs (f), (g) and (h) of the definition of restricted area (the airport, bus and ferry stops and terminals).

Offences and penalties

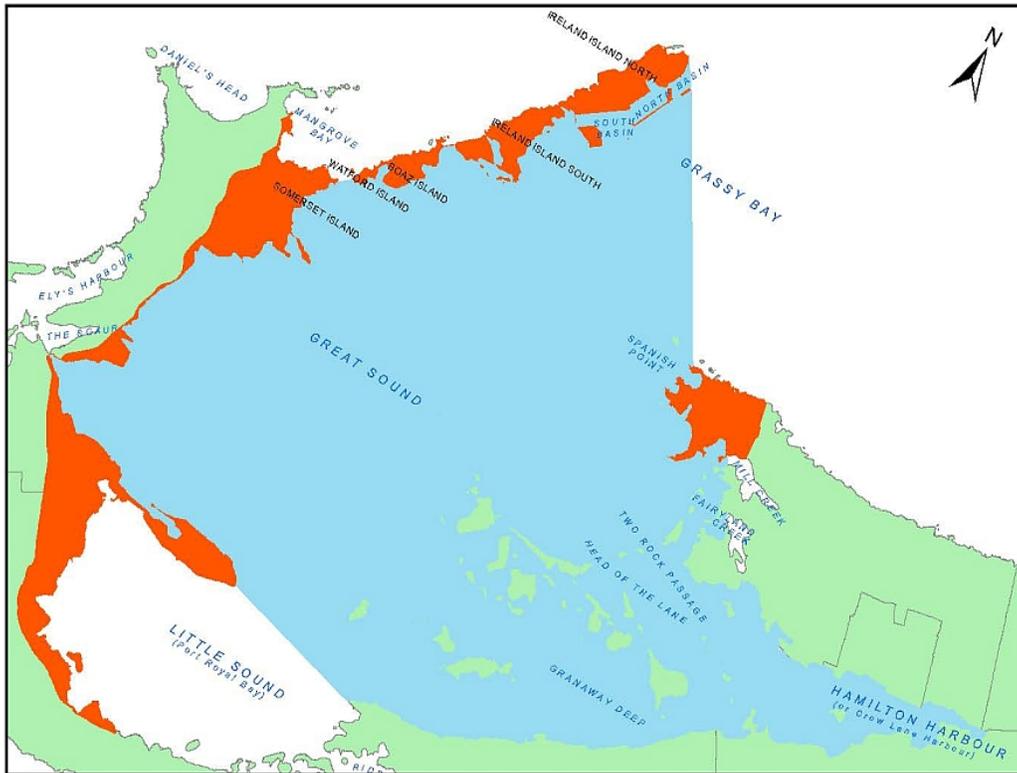
6 Section 23(5) of the America's Cup Act 2015 provides that a person who knowingly engages in any activity in breach of a restricted marketing order shall be liable on summary conviction to a fine not exceeding \$20,000.

AMERICA'S CUP RESTRICTED MARKETING ORDER 2017

SCHEDULE

(paragraph 2)

PLANS SHOWING RESTRICTED AREAS (A) TO (E)



AMERICA'S CUP RESTRICTED MARKETING ORDER 2017



Made this 11th day of May 2017

Minister of Economic Development