



BERMUDA

CIVIL AIRPORTS ACT 1949

1949 : 43

TABLE OF CONTENTS

1	Interpretation
2	Establishment of Department, etc.
2A	Functions of Department
3	Limitations on exercise of functions by Minister
4	Functions of Minister
5	Supplemental powers of Minister
6	Regulations general scope
7	Airport roads
7A	Airport traffic officers
8	Airport a public place for purposes of summary offences
9	Minister may make regulations
10	Regulations; further provisions
11	Offences
12	Arrest
	SCHEDULE

[preamble and words of enactment omitted]

Interpretation

- 1 (1) In this Act, unless the context otherwise requires—
- “air navigation services” includes information, directions and other facilities furnished, issued or provided for the purposes of or in connection with the navigation or movement of aircraft and also the control of movement of vehicles in any part of the airport used for the movement of aircraft;

CIVIL AIRPORTS ACT 1949

“Airport Department” means the Department of Airport Operations established under section 2(1);

“Bermuda Airport” means the civil airport, known as the L.F. Wade International Airport, shown in the Schedule;

“civil aircraft” means any aircraft (including balloons, gliders, airships, flying boats, sea planes and aeroplanes) other than military aircraft, that is to say, naval, military or air force aircraft and any aircraft commanded by a person in naval, military or air force service detailed for the purpose; and “civil aviation” and “civil airport” shall be construed accordingly;

“functions” includes powers and duties;

“Minister” means the Minister responsible for civil aviation;

“Officer of the Airport Department” means any public officer duly appointed to the Airport Department;

(2) The Minister may by Order amend the Schedule.

(3) An Order made under subsection (2) shall be subject to the affirmative resolution procedure.

[Section 1 amended by 1994:48 effective 28 December 1994; amended by 2008:40 s. 2 effective 10 December 2008; subsection (1) "Minister" deleted and substituted by BR 5/2011 para.5 effective 25 February 2011; subsection (1) "the Airport Department" deleted and "Airport Department" substituted and "Officer of the Airport Department" deleted and substituted by 2016 : 28 s. 30 effective 1 October 2016]

Establishment of Department, etc.

2 (1) The Department of Airport Operations is hereby established.

(2) The Airport Department shall, subject to the general direction and control of the Minister, be under the supervision of a public officer who shall be known as the Permanent Secretary and, in addition to the Permanent Secretary, the Airport Department shall consist of a public officer who shall be known as the General Manager of Airport Operations.

[Section 2 replaced by 1994:48 effective 28 December 1994; and amended by 1998:20 effective 18 June 1998; section heading and subsection (1) amended and subsection (2) repealed and substituted by 2016 : 28 s. 30 effective 1 October 2016]

Functions of Department

2A (1) The Airport Department shall assist the Minister in the discharge of his functions under this Act, and any other enactment, relating to the operation of the Bermuda Airport, other than functions in respect of which the Bermuda Civil Aviation Authority is charged with the duty to assist the Minister.

(2) *[repealed]*

[Section 2A inserted by 1994:48 effective 28 December 1994; section heading amended and subsection (2) repealed by 2016 : 28 s. 30 effective 1 October 2016]

CIVIL AIRPORTS ACT 1949

Limitations on exercise of functions by Minister

3 Subject as hereinafter provided, the Minister shall exercise and discharge the functions specified in the succeeding provisions of this Act:

Provided that the functions of the Minister specified in section 4(1) and (2) shall be exercised and discharged in such manner as not to conflict or be inconsistent with—

- (a) any provision of law in force in Bermuda relating to civil aviation or any direction, order or notice made, given or issued under any such provision of law;
- (b) any international convention relating to civil aviation adhered to for the time being by Her Majesty's Government in the United Kingdom or by Her Majesty's Government in Bermuda, insofar as such provisions apply in relation to civil aviation in Bermuda;
- (c) any agreement relating to civil aviation in Bermuda entered into and for the time being subsisting between Her Majesty's Government in the United Kingdom or Her Majesty's Government in Bermuda and Her Majesty's Government in any of Her Majesty's dominions or the government of any foreign state.

Functions of Minister

4 (1) The Minister shall have the general administration, control and management of the Bermuda Airport.

(2) It shall be the duty of the Minister to provide at Bermuda Airport such services and facilities as are in the opinion of the Minister necessary or desirable for the operation of the airport.

(3) In carrying out his duty under subsection (2), the Minister shall have regard to the development of air transport and to efficiency, economy and safety of operation.

(4) Without prejudice to the generality of subsection (2), the duty imposed upon the Minister by that subsection shall include the duty to provide at the Bermuda Airport air navigation services and airport infrastructure support services.

(5) The Minister shall make arrangements for securing the systematic co-ordination of the functions of Department of the Government of Bermuda falling to be exercised at the Bermuda airport, including the control of immigration, the safeguarding of the revenue, the handling of mail and other post office services, the provision of public transportation and the promotion of the tourist trade.

(6) The Minister shall cause such statistical data to be obtained and recorded, and such records or reports to be published as he may think expedient.

(7) The Minister shall maintain meteorological services in Bermuda.

(8) The Minister, in exercising and discharging his functions under subsections (2), (3), and (4) shall have regard to the aims and intentions of those international conventions relating to civil aviation which are for the time being adhered to by Her Majesty's Government in the United Kingdom or by Her Majesty's Government in Bermuda,

CIVIL AIRPORTS ACT 1949

and shall, without prejudice to anything in section 3, use his best endeavours to give effect to those aims and intentions.

(9) In this section “airport infrastructure support services” includes the provision at the Bermuda Airport of equipment and facilities in support of air navigation services, meteorological services and such other services as in the opinion of the Minister are necessary to facilitate the movement of aircraft whether such movement is on the ground or in the air.

[Section 4 replaced by 1994:48 effective 28 December 1994; subsections (4) and (9) amended by 2007:23 effective 2 July 2007; subsection (5) amended by 2016 : 28 s. 30 effective 1 October 2016]

Supplemental powers of Minister

5 (1) For the purpose of exercising and discharging his functions under section 4, the Minister shall, without prejudice to the generality of section 4, have the following supplemental powers—

- (a) the Minister may, in co-operation with the Minister responsible for Works and Engineering, cause plans to be prepared, select sites, and cause the necessary works to be executed—
 - (i) for the improvement, alteration or maintenance of any works, buildings, plant, equipment or facilities appurtenant to the Bermuda airport or connected with the operation of any air navigation services;
 - (ii) for the construction of new works or buildings, and for the provision of new plant, equipment or facilities for the purposes of the Bermuda airport or in connection with the operation of any air navigation services;
- (b) the Minister may enter into any contract necessary for carrying out any of the works, matters or things referred to in section 4;
- (c) the Minister may, for such purposes, whether or not directly connected with civil aviation, as the Minister considers appropriate, allot areas, buildings or parts of buildings at the Bermuda airport for the use of any department or branch of the Government of Bermuda or of Her Majesty’s Government in the United Kingdom, or for the use of any company, undertaking or organization having lawful business at the airport, and may withdraw or vary any such allotment;
- (d) subject to subsection (1A), the Minister may lease or let any area, building or part of a building at the Bermuda airport to any department or branch of Her Majesty’s Government in the United Kingdom or of the Government of the United States of America, or to any company, undertaking or organization having lawful business at the airport; and
- (e) the Minister may enter into a contract with any company, undertaking or organization for placing the Bermuda airport, or any buildings, plant, or equipment appurtenant thereto, or any facilities or services (whether in being or not) being facilities or services at the Bermuda airport connected

CIVIL AIRPORTS ACT 1949

with the operation of civil aviation services, under the management and control of the company, undertaking or organization, on such terms and conditions, and subject to such exceptions, limitations or restrictions, as appear to the Minister expedient.

(1A) The Minister shall obtain the approval of the Cabinet and of the Legislature before entering into any lease or letting agreement under subsection (1)(d) that is for—

- (a) a term exceeding 5 years; or
- (b) terms, renewable at the option of the lessee or tenant, exceeding in the aggregate 5 years.

(1B) No lease or letting agreement referred to in subsection (1A) shall be for—

- (a) a term exceeding 120 years; or
- (b) terms, renewable at the option of the lessee or tenant, exceeding in the aggregate 120 years.

(1C) The approval of the Legislature referred to in subsection (1A) shall be expressed by way of resolution passed by both Houses of the Legislature approving the lease or letting agreement in question and communicated to the Governor by message.

(2) Any power conferred upon the Minister by this Act to provide buildings or other premises for any purpose shall be deemed to include a power to equip the buildings or premises with such furniture, equipment, apparatus and instruments as may be reasonably necessary for the premises to be used for that purpose.

(3) Any power conferred upon the Minister by this Act to provide buildings or other premises or to provide accommodation or equipment for any purpose shall be deemed to include a power to enter into an agreement with any person for the use, upon such terms as may be agreed, of any suitable buildings, premises, accommodation or equipment provided by, or under the control of, that person; and, if it appears to the Minister convenient in the circumstances, to enter into an agreement for the services of any staff employed in connection therewith.

[Section 5 amended by 1994:48 effective 28 December 1994; subsection (1)(c) substituted by 2003:2 s.2 effective 19 March 2003; section 5 amended by 2009:27 s.2 effective 7 July 2009]

Regulations general scope

6 (1) Provision may be made generally by regulations made under this Act—

- (a) for the administration, control and management of the Bermuda airport;
- (b) for regulating the operation of civil aircraft so designed as to be able to operate on or from the waters of Bermuda;
- (c) for regulating and controlling air navigation services:

Provided that no such regulations shall conflict or be inconsistent with any provision of law, convention or agreement such as is referred to in the proviso to section 3.

CIVIL AIRPORTS ACT 1949

(2) Without prejudice to the generality of subsection (1), provision may be made by such regulations—

- (a) for regulating the times of arrival at the Bermuda airport or departure from the Bermuda airport of aircraft using the airport;
- (b) for controlling or restricting the entrance of persons to the Bermuda airport, or to any specified areas, buildings or other places therein;
- (c) for regulating the movement within the Bermuda airport of passengers arriving at or leaving the airport;
- (d) for regulating at the Bermuda airport the marshalling and despatch of vehicles (including public service vehicles) and of boats used for carrying persons to and from the airport;
- (e) with respect to the safe custody and re-delivery or disposal of any property accidentally left at the Bermuda airport and fixing the charges to be made in respect thereof;
- (f) for regulating the conduct of persons employed at, or using, the Bermuda airport;
- (g) with respect to the reception, handling, storage and disposal of baggage, mails and freight within the Bermuda airport;
- (h) for regulating the movement, storage, fuelling and servicing of aircraft within the Bermuda airport and the use of equipment for such purposes;
- (i) for prescribing methods for disposing of sewage from aircraft within the Bermuda airport;
- (j) for prescribing safety measures and fire precautions in respect of buildings, stores, plant, aircraft and vehicles within the Bermuda airport; and the Minister shall consult the Chief Fire Officer before he makes such regulations;
- (k) *[repealed]*
- (l) for fixing scales of rates chargeable in respect of air navigation services where those services are operated otherwise than by the Minister, and for fixing scales of fees (if any) falling to be paid in respect of aeronautical communication services where those services are operated by the Minister.

[Section 6 amended by 1994:48 effective 28 December 1994; and by 1997:12 effective 27 March 1997; subsection (2)(k) repealed by BR 15 / 2017 reg. 3 effective 16 March 2017; Section 6 subsection (2)(j) amended by 2014 : 33 s. 55 effective 1 January 2018]

Airport roads

7 (1) Notwithstanding anything in the Motor Car Act 1951 [*title 21 item 4*], the Motor Car Insurance (Third Party Risks) Act 1943 [*title 21 item 5*], or the Road Traffic Act 1947 [*title 21 item 3*], any road or place capable of being used by vehicular traffic within the Bermuda airport shall, for the purposes of those Acts, be deemed to be a highway; and,

CIVIL AIRPORTS ACT 1949

subject to the succeeding provisions of this section, those Acts shall have effect accordingly in relation to the use of any such road or place by motor cars and other vehicles.

(2) Nothing in the following provisions of the Motor Car Act 1951 [*title 21 item 4*], shall have effect in relation to the use of a motor car within the Bermuda airport—

- (a) section 10 (which relates to restrictions on the horsepower, weight, dimensions and other characteristics of motor cars);
- (b) section 40 (which relates to restrictions on the use of trucks) ;
- (c) section 41 (which relates to the use of self-propelled constructional machines);
- (d) section 43 (which relates to restrictions on the use of tractors) ;
- (e) section 47 (which relates to restrictions on the use of trailers).

(3) Provision may be made by regulations made under this Act for restricting the horsepower, weight, dimensions and other characteristics of motor cars and trailers used within the Bermuda airport:

Provided that such regulations shall not have effect so as to exclude from the Bermuda airport, by reason only of its horse-power, weight, dimensions and other characteristics, any motor car or trailer which may, by virtue of any provision of the Motor Car Act 1951 [*title 21 item 4*] be used generally on the highways of Bermuda.

(4) For the avoidance of doubt, it is hereby declared that a motor car licence issued by the Minister responsible for transport control and related matters under Part IV of the Motor Car Act 1951 [*title 21 item 4*], in respect of the use of a motor car which may lawfully be licensed only by reason of subsection (2)(a) shall not, of itself, authorize the use generally of that motor car on the highways of Bermuda.

(5) Nothing in the following provisions of the Road Traffic Act 1947 [*title 21 item 3*], shall have effect in relation to the use of a vehicle within the Bermuda airport—

- (a) section 18(2) (which relates to the position of passengers in motor cars);
- (b) section 23(1) (which relates to the regulation of the towing of vehicles);
- (c) section 26 (which relates to the carriage of loads on vehicles).

(6) The Minister shall have, for the purposes of the Road Traffic Act 1947 [*title 21 item 3*], the like powers in relation to a road or place within the Bermuda airport which is by virtue of this section deemed to be a highway as a Municipality in relation to a street or highway within a Municipal area; and any provision of the Road Traffic Act 1947 which confers a power upon a Municipality in relation to its municipal area shall be construed as conferring a like power upon the Minister in relation to the Bermuda airport.

(7) Without prejudice to subsections (1) to (6), provision may be made by regulations made under this Act—

- (a) for regulating within the Bermuda airport the towing of trailers and other vehicles;

CIVIL AIRPORTS ACT 1949

- (b) for restricting and regulating the carriage of loads on vehicles within the Bermuda airport;
- (c) for requiring vehicles used in designated areas within the Bermuda airport to be specially marked or lighted.

Airport traffic officers

7A (1) The Governor may appoint persons to regulate and control traffic at any road or place within the Bermuda Airport that is deemed under section 7 to be a highway (in this section referred to as "airport roads").

(2) Persons appointed under subsection (1) shall be known as airport traffic officers and shall act under the direction of the General Manager of Airport Operations.

(3) Airport traffic officers shall wear such uniform as the General Manager of Airport Operations may determine.

(4) For the purpose of regulating and controlling traffic on airport roads, airport traffic officers shall have—

- (a) the same powers that traffic officers appointed under section 7 of the Motor Car Act 1951 have under that Act, the Auxiliary Bicycles Act 1954 and the Traffic Offences Procedure Act 1974; and
- (b) the same powers that traffic wardens appointed under section 29 of the Road Traffic Act 1947 have on highways under that Act, except that in the case of section 29(4) of that Act the reference to "the Commissioner of Police" shall be read as a reference to "the General Manager of Airport Operations".

[Section 7A inserted by 2008:22 s.2 effective 26 June 2008]

Airport a public place for purposes of summary offences

8 The Summary Offences Act 1926 [*title 8 item 26*], shall have effect in relation to the Bermuda airport as though such airport were a public place within the meaning of section 1 of that Act.

Minister may make regulations

9 (1) Regulations authorized to be made under this Act shall be made by the Minister:

(2) The power of the Minister to make regulations shall include a power to revoke, amend or vary any regulations made by the Minister:

(3) *[omitted] [covered by Interpretation Act 1951 section 35]*

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

Regulations; further provisions

10 Regulations made under this Act—

CIVIL AIRPORTS ACT 1949

- (a) may, for or in connection with any of the purposes of the regulations, provide for the inspection by a person authorized by the Minister in that behalf, of any premises, plant, machinery, aircraft or vehicles within the Bermuda airport;
- (b) may require that the regulations, or any part thereof or extract therefrom, shall be displayed in any prescribed place within the Bermuda airport;
- (c) may prescribe the form of any notice, order, certificate or other document to be used for giving effect to or in connection with any provision of this Act or of any regulations made thereunder.

Offences

11 (1) Any person who contravenes any provision of any regulations made under this Act or any order, direction or requirement lawfully made, given or imposed by any person under the authority of those regulations, commits an offence against the regulations:

Provided that where a person engaged or employed in the administration of such regulations omits to perform any duty imposed on him as such the omission shall not constitute an offence against the regulations,

(2) Regulations made under this Act may provide for the punishment of persons guilty of offences against the regulations, so, however, that any such punishment shall not in respect of a first offence exceed a fine of \$420 and shall not in respect of a second or subsequent offence exceed a fine of \$840, or imprisonment for a term of three months, or both such fine and imprisonment.

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

(4) Offences against regulations made under this Act shall be prosecuted before a court of summary jurisdiction.

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

(6) Where an offence against regulations made under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

[Section 11 amended by 1994:48 effective 28 December 1994; subsection (3) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999; amended by 2016 : 28 s. 30 effective 1 October 2016]

CIVIL AIRPORTS ACT 1949

Arrest

12 (1) A police officer, an Airport policeman, or an officer of the Airport Department authorized in writing by the Minister in that behalf may require any person whom he finds committing an offence against this Act or against any Regulations made under this Act to give his name and address.

(2) Any person who—

- (i) refuses to give his name or address when lawfully required to do so under subsection (1), or
- (ii) continues to commit an offence against this Act or against any Regulations made under this Act after having been informed that he is committing an offence,

may be arrested without warrant by a police officer, an Airport policeman or an officer of the Airport Department.

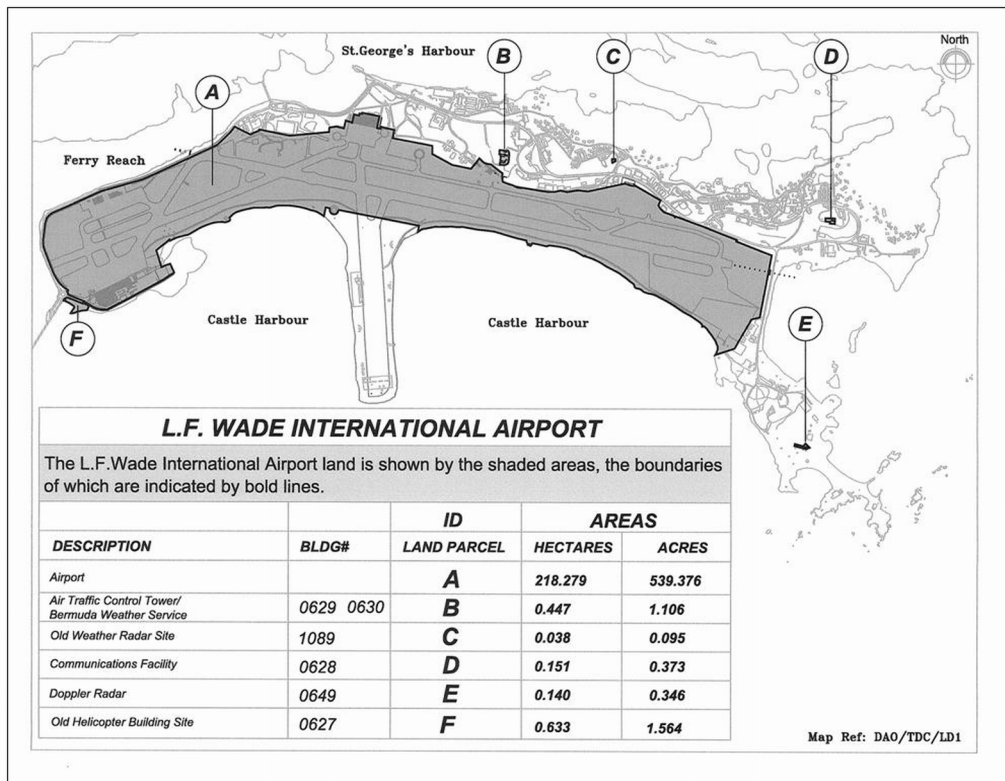
(3) In this section, “Airport policeman” means any person appointed by the Minister for the purpose of maintaining law and order within the Bermuda Airport.

[Section 12 amended by 2016 : 28 s. 30 effective 1 October 2016]

CIVIL AIRPORTS ACT 1949

SCHEDULE

(section 1(2))



The original map (ref: DAO/TDC/LD1A) is available for inspection during office hours at the offices of the Department of Airport Operations.

[Schedule inserted by 2008:40 s. 3 effective 10 December 2008; repealed and replaced by BR 67 / 2010 para. 2 effective 1 September 2010; repealed and replaced by BR 76 / 2015 para. 2 effective 6 August 2015]

[Assent Date: 15 June 1949]

[this Act was brought into operation on 1 August 1949 by notice published in Gazette No. 30 of 1949]

CIVIL AIRPORTS ACT 1949

[Amended by:

1951 : 78
1951 : 89
1951 : 93
1952 : 11
1958 : 10
1959 : 66
1968 : 222
1968 : 231
1970 : 518
1977 : 35
1984 : 1
1994 : 48
1997 : 12
1998 : 20
1999 : 8
2003 : 2
2007 : 23
2008 : 22
2008 : 40
2009 : 27
BR 67 / 2010
BR 5 / 2011
2014 : 33
BR 76 / 2015
2016 : 28
BR 15 / 2017]