



BERMUDA

PASSENGER SHIPS AND OTHER VESSELS ACT 1972

1972 : 91

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[preamble and words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires—
- “Minister” means the Minister for the time being responsible for transport;
- “passenger ship” means a ship engaged in carrying passengers to Bermuda from a place outside Bermuda or from a place in Bermuda to a place outside Bermuda, but does not include—
- (a) a ship whose primary function is the transportation of freight where the number of passengers carried does not exceed twelve; or
 - (b) a pleasure craft or superyacht;

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“permit” means permit issued under this Act;

“pleasure craft” means a vessel which at the time of its arrival is being used for private recreational purposes; but does not include a superyacht;

“prescribed fee” means the fee prescribed in the Government Fees Regulations 1976;

“superyacht” means a vessel measuring in length in excess of 24 metres, irrespective of tonnage, with passenger accommodation not exceeding twelve persons (excluding crew); but does not include a passenger ship or any vessel used for the transportation of goods for commercial purposes;

[Section 1 definitions "Minister", "passenger ship" and "permit" amended, and definitions "pleasure craft", "prescribed fee" and "superyacht" inserted by 2019 : 27 s. 3 effective 1 January 2020]

Passengers not to be put ashore without permit from Minister

2 No passenger ship may except in case of emergency—

- (a) enter the waters of Bermuda for the purpose of putting ashore any passengers;
- (b) put ashore any passengers,

unless the Minister's permit therefor has first been had and obtained and the entry, or putting ashore, as the case may be, is effected in accordance with such permit.

Minister may grant permit and impose conditions

3 (1) A permit for the purposes of section 2 shall be in such form as the Minister may determine and may be granted by the Minister upon application therefor upon payment of the prescribed fee.

(2) The Minister may in granting any permit impose such conditions thereon as he thinks fit and, without derogation from the generality of the foregoing, such conditions may relate to—

- (a) the periods when any ship may enter the waters of Bermuda or remain at any port or anchorage within Bermuda and the duration of any stay therein;
- (b) the sale of goods and of alcoholic liquor while the ship is within the waters of Bermuda;
- (c) the provision of entertainments while the ship is within the waters of Bermuda.

(3) *[Repealed by 2019 : 27 s. 3]*

(4) If the Minister has reason to believe that an offence against this Act has been committed in respect of any ship belonging to any person holding a permit (whether or not a prosecution has been brought in respect of such offence under section 5) he may by order in writing under his hand revoke such permit and, if he thinks fit, any other permit granted to such person whether granted in respect of such ship or any other ship.

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(5) *[Repealed by 2019 : 27 s. 3]*

[Section 3 subsection (1) amended, and subsections (3), (4) proviso and (5) repealed by 2019 : 27 s. 3 effective 1 January 2020]

Transit permit for pleasure craft and superyachts

3A (1) Except in case of emergency, on or before arrival at an anchorage, mooring or port in Bermuda for a proposed visit not exceeding five days, the owner or operator of a pleasure craft or superyacht shall apply for a transit permit and pay the prescribed fee.

(2) A transit permit may be subject to such conditions as the Minister thinks fit, including the periods when any pleasure craft or superyacht may remain at any specified port or anchorage within Bermuda and the duration of any stay, which shall not exceed five days.

(3) A pleasure craft or superyacht in the waters of Bermuda which has been granted a transit permit shall not—

- (a) remain in Bermuda for more than five days or put ashore any passengers (unless a cruising permit under section 3B is granted); or
- (b) provide chartering services.

(4) If the owner or operator of a pleasure craft or superyacht granted a transit permit seeks to extend the vessel's visit beyond five days, the owner or operator shall apply for a cruising permit under section 3B; and in calculating the prescribed fee, credit shall be given for the fee already paid in respect of the transit permit.

[Section 3A inserted by 2019 : 27 s. 3 effective 1 January 2020; Section 3A amended by 2019 : 53 s. 2 effective 1 January 2020]

Cruising permit for pleasure craft and superyachts

3B (1) Except in case of emergency, on or before arrival at an anchorage, mooring or port in Bermuda—

- (a) for a proposed visit exceeding five days; or
- (b) in any case where passengers are to be put ashore,

the owner or operator of a pleasure craft or superyacht shall apply for a cruising permit.

(2) Subsection (1) does not apply in the case of a superyacht in respect of which a charter permit is granted under section 3C.

(3) A cruising permit shall be in such form as the Minister may determine, contain the information under subsection (5) and may be granted by the Minister upon application and payment of the prescribed fee.

(4) A cruising permit shall be valid for such period, not exceeding six months, as the Minister may determine.

(5) An application for a cruising permit shall be accompanied by the following—

- (a) the pleasure craft's or superyacht's certificate of registration;

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- (b) the outward clearance form from the pleasure craft's or superyacht's previous port;
- (c) information on the passport details of all passengers and crew as required under section 51 of the Bermuda Immigration and Protection Act 1956;
- (d) the completed manifest required by section 37 of the Bermuda Immigration and Protection Act 1956;
- (e) the appropriate customs traveller declaration form as required under the Revenue (Customs Traveller Declaration) Notice 2010 for each passenger and crew member;
- (f) the Maritime Declaration of Health form as may be required under regulation 3(4)(a) of the Quarantine (Maritime and Air) Regulations 2017;
- (g) in the case of a superyacht, the name of the local agent; and
- (h) the prescribed fee.

(6) A pleasure craft in the waters of Bermuda which has been granted a cruising permit shall not provide chartering services.

(7) A superyacht in the waters of Bermuda which has been granted a cruising permit shall not provide chartering services while in Bermuda unless the owner or operator is granted a charter permit under section 3C; and, in calculating the prescribed fee, credit shall be given for the fee already paid in respect of the cruising permit.

[Section 3B inserted by 2019 : 27 s. 3 effective 1 January 2020; Section 3B subsection (1) deleted and substituted by 2019 : 53 s. 2 effective 1 January 2020]

Charter permit for superyachts

3C (1) No superyacht shall provide chartering services while in Bermuda unless a charter permit has first been obtained from the Minister, subject to such conditions as he may impose.

(2) The master of a superyacht originating outside Bermuda, or his local agent, may apply for a charter permit in respect of the superyacht as provided by this section.

(3) A charter permit shall be valid for such period, not exceeding six months, as the Minister may determine; and where a cruising permit has first been granted under section 3B in respect of a superyacht, any charter permit for that superyacht in respect of the same visit shall be valid for a maximum period of six months beginning with the date of the cruising permit.

- (4) An application for a charter permit shall be accompanied by the following—
- (a) all information listed in section 3B(5)(a) to (f) that would be required for a cruising permit;
 - (b) the qualifications, permits and licences of the superyacht's master;
 - (c) an indemnity insurance policy relating to the charter of the superyacht;

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- (d) the name of the local agent; and
- (e) the prescribed fee.

(5) A charter permit issued to a superyacht under this section shall apply to any smaller vessel on board the superyacht if—

- (a) the proposed usage of the smaller vessel has been disclosed in the application for the charter permit for the superyacht; and
- (b) the Ports Authority has determined in writing that the smaller vessel has the appropriate safety equipment and facilities.

(6) Any chartering services provided under this section in accordance with a charter permit shall be—

- (a) for a maximum of twelve passengers; and
- (b) for a minimum of 24 hours.

[Section 3C inserted by 2019 : 27 s. 3 effective 1 January 2020]

Exemptions from permit fees

3D No fee shall be payable for a transit permit or cruising permit in respect of a pleasure craft or superyacht—

- (a) arriving in Bermuda solely by reason of distress or emergency;
- (b) travelling on behalf of, or at the expense of, the Government of Bermuda or the Government of the United Kingdom or any foreign Government;
- (c) for the time being used solely for scientific research or nautical exploration;
- (d) which is a sail-training pleasure craft or superyacht;
- (e) participating either as a competitor or support vessel in a sailing race or event approved by the Minister for the purposes of this section;
- (f) *[repealed by 2019 : 53 s. 2]*
- (g) arriving solely by reason of assisting in the salvage of another vessel.

[Section 3D inserted by 2019 : 27 s. 3 effective 1 January 2020; Section 3D paragraph (f) repealed by 2019 : 53 s. 2 effective 1 January 2020]

Revocation of permit

3E If the Minister has reason to believe that an offence against this Act has been committed in respect of any pleasure craft or superyacht belonging to any person holding a permit (whether or not a prosecution has been brought in respect of such offence under section 5) he may by order in writing under his hand revoke such permit; and, if he thinks fit, any other permit granted to such person, whether granted in respect of that or any other pleasure craft or superyacht.

[Section 3E inserted by 2019 : 27 s. 3 effective 1 January 2020]

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Appeals against refusal, revocation or conditions

3F (1) Subsection (2) applies—

- (a) if the applicant for the grant of a permit under section 3, 3A, 3B or 3C is aggrieved by a refusal of the Minister to grant it or, where a permit is granted, is aggrieved by any condition or limitation specified in the permit;
- (b) if the holder of a permit granted under section 3 is aggrieved by the revocation of the permit by the Minister under section 3(4); and
- (c) if the holder of a permit granted under section 3A, 3B or 3C is aggrieved by the revocation of the permit by the Minister under section 3E.

(2) The applicant or permit holder may appeal to the Supreme Court on a point of law within 21 days after receipt of notification of such decision, or such longer period as the Supreme Court may allow.

(3) On any appeal under this section the Supreme Court may make such order, including an order for costs, as it thinks fit.

(4) Section 62 of the Supreme Court Act 1905 shall be deemed to extend to the making of rules under that section to regulate the practice and procedure on an appeal under this section.

[Section 3F inserted by 2019 : 27 s. 3 effective 1 January 2020]

Saving for other Acts

4 Nothing in this Act shall derogate from the Marine Board Act 1962 *[title 22 item 3]*, or any statutory instrument thereunder or from the Oil Pollution Act 1973 *[title 22 item 7]*.

Criminal liability of master

5 (1) If any passenger ship enters the waters of Bermuda or puts ashore any passengers in contravention of section 2 or, being a ship in respect of which a permit has been granted, does anything not authorised by that permit or if any member of the crew of such ship does any act in contravention of the permit or any condition thereof, the master of the ship shall be deemed to be guilty of an offence against this Act.

(2) If any pleasure craft or superyacht enters the waters of Bermuda or puts ashore any passengers in contravention of section 3A or 3B or, being a pleasure craft or superyacht in respect of which a transit permit, cruising permit or charter permit has been granted under section 3A to 3C, does anything not authorised by that permit, or if any member of the crew of such pleasure craft or superyacht does any act in contravention of the permit or any condition thereof, the master of the pleasure craft or superyacht shall be deemed to be guilty of an offence against this Act.

(3) A person convicted of an offence under this section is liable on summary conviction to a fine of \$25,000 and, in the case of a continuing offence, a fine of \$5,000 in respect of each day during which the contravention occurs.

[Section 5 subsection (1) amended, and subsections (2) and (3) inserted by 2019 : 27 s. 3 effective 1 January 2020]

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Repeal

6 [omitted]

[Assent Date: 18 May 1972]

[Amended by:

2019 : 27

2019 : 53]