



BERMUDA

TIMESHARING (LICENSING AND CONTROL) REGULATIONS 1982

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*[made under section 20 of the Timesharing (Licensing and Control) Act 1981 [title 26 item 33A] and brought into operation on 21 May 1982]*

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### SCHEDULE

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### Citation

1 These Regulations may be cited as the Timesharing (Licensing and Control) Regulations 1982.

### Interpretation

2 In these Regulations, "Act" means the Timesharing (Licensing and Control) Act 1981 [title 26 item 22].

### Appropriate authorities

3 The appropriate authority responsible for the inspection of timesharing schemes for the purpose of ensuring compliance with the provisions of these Regulations—

- (a) in respect of regulations 5 to 20, shall be the Chief Fire Officer who shall ensure compliance with the provisions of the Fire Safety Act 2014 and Regulations made thereunder;
- (b) in respect of regulations 24 to 32, shall be the Chief Environmental Health Officer and the Director; and
- (c) in respect of any other regulation shall be the Director.

*[Regulation 3 amended by 2014 : 33 s. 55 effective 1 January 2018; Regulation 3 amended by 2018 : 66 s.2 effective 10 January 2019]*

### Standard of upkeep

4 (1) Every interior part of all structures of every timesharing scheme and all the fittings, fixtures, furniture and equipment thereof and all articles and utensils used therein shall be kept clean and in good condition and repair and, in particular, but without prejudice to the generality of the foregoing—

- (a) all internal walls and ceilings shall be adequately washed with colour wash or cleaned in some other appropriate way when they require so treating;
- (b) all stairs and flights of stairs shall be equipped with properly constructed and adequate handrails and all stairs and flights of stairs, corridors and lobbies shall be properly lit and illuminated.

(2) Every exterior part of the structures shall be kept clean and in good condition and repair and, in particular, but without prejudice to the generality of the foregoing—

- (a) all woodwork thereof shall be adequately treated with paint, varnish or some other appropriate preservative when it requires such treatment;
- (b) all plaster surface thereof shall be adequately treated with colour wash or paint when they require so treating, such colour wash or paint being of a colour suitable therefor;
- (c) all roofs thereof shall be adequately treated with cement wash or colour wash when they require so treating;

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- (d) all exposed metalwork shall be adequately treated with paint when it requires so treating, unless the metal thereof is non-corrosive;
- (e) all exterior stairs and flights of stairs shall be provided with properly constructed and adequate handrails and shall be properly lit and illuminated.

(3) The grounds of every timesharing scheme shall be kept in neat and trim condition and the roads and pathways thereof and any outdoor furnishings shall be kept in good order and repair and, in particular, but without prejudice to the generality of the foregoing—

- (a) footpaths and steps shall be provided in any part of such grounds where the same are reasonably necessary for the safety and convenience of purchasers and guests and handrails shall be provided on steep paths and steps;
- (b) all roads, footpaths and steps shall be kept in good order and condition and free from obstruction, including obstruction caused by overhanging trees and excessive growth of nearby bushes and vegetation;
- (c) an area adequate for the reasonable needs of purchasers and guests (and other persons resorting to the timesharing scheme) shall be surfaced and reserved for the parking of cars, cycles and other vehicles and shall be kept in good order and repair;
- (d) all roads, footpaths and parking areas used in the night time by purchasers or guests shall be adequately lit and illuminated;
- (e) all lawns, trees and vegetation shall be kept properly trimmed;
- (f) all flower beds shall be kept properly weeded.

### Avoidance of undue danger

5 Every timesharing scheme shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from the premises in case of fire or other emergency.

### Exits

6 (1) Every timesharing scheme shall be provided with exits sufficient to permit the prompt escape of occupants in case of fire or other emergency. The design of exits and other safeguards shall be such that reliance for safety to life in case of fire or other emergency will not depend solely on any single safeguard; additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

(2) Every timesharing scheme shall be provided with exits of kinds, numbers, location and capacity appropriate to the individual buildings or structure thereof having regard to the number of persons likely at any one time to be present therein and the height

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and type of such buildings and structures so that all such persons shall be afforded convenient facilities for escape.

(3) In every timesharing scheme exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts thereof at all times when it is occupied and no lock or fastening shall be installed which prevents free escape from the inside of any structure in the scheme.

(4) Every exit from a timesharing scheme shall be clearly visible or the route to reach it shall be conspicuously indicated in such a manner that every occupant will readily know the direction of escape from any point and each path of escape, in its entirety, shall be so arranged or marked that the way to a place of safety outside is unmistakable. Any doorway or passage not constituting an exit or way to reach an exit, but of such a character as to be subject to being mistaken for an exit, shall be so arranged or marked as to minimize its possible confusion with an exit and the resultant danger of persons endeavouring to escape from fire finding themselves trapped in a place from which there is no other way out.

(5) In every timesharing scheme adequate and reliable illumination shall be provided and maintained for all exit facilities.

(6) Every part of a timesharing scheme in which the reasonable safety of occupants may be endangered by the blocking of any single means of egress due to fire, smoke or fumes shall have at least two means of egress remote from each other, so arranged as to minimize any possibility that both may be so blocked.

### Fire alarms

7 In every timesharing scheme adequate fire alarm facilities, in accordance with the provisions of the Fire Safety Act 2014, shall be provided and maintained to warn occupants of the existence of fire so that they may escape therefrom.

*[Regulation 7 amended by 2014 : 33 s. 55 effective 1 January 2018]*

### Enclosure of vertical openings

8 In every timesharing scheme every vertical way of exit and other vertical opening between the floors thereof shall be so enclosed and protected as to afford reasonable safety to occupants while using such exits and to prevent spread of fire, smoke or fumes through vertical openings from floor to floor before occupants have entered exits.

### Water supply for firefighting

9 In every timesharing scheme an adequate supply of water for the use of the Bermuda Fire and Rescue Service pumps used in fighting a fire therein shall be maintained and adequate access thereto for the use of the Bermuda Fire and Rescue Service appliances and pumps shall be provided and maintained, in accordance with the provisions of the Fire Safety Act 2014.

*[Regulation 9 amended by 2007:23 s.17 effective 2 July 2007; Regulation 9 amended by 2014 : 33 s. 55 effective 1 January 2018]*

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### Storage of flammable liquids and explosives

10 No flammable liquids or explosive substances shall be used, stored or kept in any timesharing scheme except under and in accordance with terms and conditions of a written permit issued by the Chief Fire Officer, in accordance with the provisions of the Fire Safety Act 2014.

*[Regulation 10 amended by 2014 : 33 s. 55 effective 1 January 2018]*

### Fire extinguishing equipment

11 (1) In every timesharing scheme there shall be provided and maintained such fire extinguishing equipment (including portable fire extinguishers, hose reels, interior and exterior stand pipes and hydrants) of such types and in such quantities and places marked or indicated in such manner as may be specified by the Chief Fire Officer, having regard to the degree of hazard from fire therein in accordance with the provisions of the Fire Safety Act 2014.

(2) No person shall wantonly tamper with, damage, discharge or remove any fire extinguishing equipment installed in a timesharing scheme.

(3) No vaporizing liquid extinguisher shall be installed in any timesharing scheme.

*[Regulation 11 amended by 2014 : 33 s. 55 effective 1 January 2018]*

### Fire Procedure Rules to be published by managing agent

12 (1) Every managing agent shall publish rules approved by the Chief Fire Officer (hereinafter called Fire Procedure Rules) prescribing the action to be taken in case of fire in the timesharing scheme of which he is managing agent and shall ensure that employees are aware of the action to be taken by them in accordance with such rules in case of fire

(1A) Rules made under paragraph (1) shall comply with the provisions of the Fire Safety Act 2014.

(1B) The Statutory Instruments Act 1977 shall not apply with respect to Rules made under this regulation.

(2) Extracts from the Fire Procedure Rules, so far as they apply to action to be taken by purchasers or guests, shall be displayed in every unit of a timesharing scheme together with a floor plan of the scheme showing the location of exits and the direction of travel from the unit to such exits.

*[Regulation 12 amended by 2014 : 33 s. 55 effective 1 January 2018]*

### Duty to take precautions to prevent fire

13 It shall be the duty of every managing agent and every employee to take all reasonable precautions to prevent fire, explosion or spread of fire or smoke and to ensure that exits and equipment for the protection of the premises and its occupants from fire are maintained in efficient condition and readily available for use in case of fire.

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### Instruction of employees in fire safety measures

14 Every managing agent shall ensure that employees are adequately instructed in precautions to be taken by them to prevent fire, explosion or spread of fire and smoke and of action to be taken by them in accordance with Fire Procedure Rules.

### Compulsory display of Bermuda Fire and Rescue Service telephone number

15 In every timesharing scheme the emergency telephone number of the Bermuda Fire and Rescue Service shall be constantly displayed at the telephone switchboard or principal telephone switchboard or principal telephone connected with the public exchange.

### Testing of fire alarms

16 Every timesharing scheme's fire alarm system shall be tested at least once each month and after such test shall be restored promptly to normal condition for operation.

### Presence on premises of person in charge

17 In every timesharing scheme there shall be at all times a person in charge of and in attendance at, the premises thereof whose name and the period during which he is on duty shall be entered into the log book to be kept in accordance with regulation 18 by the managing agent who shall sign such entry,

### Record to be kept

18 At every timesharing scheme there shall be kept a record in such form as may be approved by the Chief Fire Officer pursuant to section 40(1) of the Fire Safety Act 2014, in which shall be entered a record of every fire drill, fire training session, test of alarm system and outbreak of fire and each such entry shall be signed by the person conducting such drill, session or test or in the case of an outbreak of fire, by the person in charge of the premises at the time and such record shall be produced for inspection, upon request, by the Chief Fire Officer or any person authorized by him to make such request.

*[Regulation 18 amended by 2014 : 33 s. 55 effective 1 January 2018]*

### Employees to report fire

19 It shall be the duty of every person employed in a timesharing scheme to report immediately any outbreak or suspected outbreak of fire to the person in charge of the premises or the person designated for that purpose in the Fire Procedure Rules of that timesharing scheme and it shall be the duty of the person in charge as aforesaid forthwith to notify, or cause to be notified, the Bermuda Fire and Rescue Service.

*[editorial amendment made to substitute "Bermuda Fire and Rescue Service" for "public Fire Service". See regs 9 and 15]*

### No alteration without notice to Chief Fire Officer

20 No alteration to the structure, layout or equipment of any timesharing scheme or of any precautions required to be taken or of any Fire Procedure Rules shall be made unless

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the Chief Fire Officer has been given adequate notice thereof, and has inspected the premises in accordance with the provisions of the Fire Safety Act 2014.

*[Regulation 20 amended by 2014 : 33 s. 55 effective 1 January 2018]*

Swimming pools and private beaches; life saving and first aid attendant

21 (1) Where there are swimming pools or private beaches on the premises of a timesharing scheme every managing agent shall cause to be in attendance thereat during such times as the pools or beaches are open and in use by bathers such number of life saving attendants as he may deem necessary for the safe operation of the pools or beaches.

(2) In paragraph (1) of this regulation and in regulation 23, a “life saving attendant” means a person possessing a valid certificate of competency in life saving and first aid issued by an association or body approved by the Director.

Swimming pools and private beaches; life saving apparatus or equipment and first aid supplies

22 (1) Every managing agent shall provide and maintain at every swimming pool and private beach belonging to the timesharing scheme such life saving apparatus or equipment and first aid supplies as the Director may specify in writing.

(2) No person shall wilfully or negligently remove or interfere with any life saving apparatus or equipment or the first aid supplies provided under paragraph (1).

Swimming pools and private beaches; warning signs

23 Every managing agent shall cause one or more notices or signs to be displayed in a conspicuous place—

- (a) near a swimming pool or private beach belonging to the timesharing scheme notifying bathers of the hours of duty of life saving attendants and warning such bathers of the dangers of swimming when life saving attendants are not on duty;
- (b) near a private beach belonging to the timesharing scheme warning bathers of the potential risk of unseen currents and undertow and of the dangers of swimming in poor weather conditions.

Adequate equipment and utensils for catering

24 Every timesharing scheme in which food or drink is provided for purchasers and guests or members of the public resorting thereto or both or in which purchasers and guests are provided with catering in facilities of any description, shall be provided with adequate equipment and utensils for the storage, preparation and service thereof and all such equipment and utensils shall, as the case may be, be designed, constructed, located, installed, maintained, handled, used, cleaned and washed in accordance with regulations 25, 26, 27 and 28.

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### Installation of equipment

25 (1) All equipment used in a timesharing scheme for the storage, preparation or service of food or drink—

- (a) shall be so installed as to facilitate the cleaning thereof in an efficient and sanitary manner;
- (b) shall be installed so that all floor areas around such equipment are accessible for the purposes of cleaning them, unless such equipment is readily moveable, and, when moved, renders all such floor areas accessible for cleaning;
- (c) which is designed to stand upon or be fixed to any floor and which is so constructed or installed that it is not readily moveable for the purpose of ordinary cleaning of a day-to-day character (except as part of catering-in facilities) shall—
  - (i) be installed upon a raised platform of concrete or other smooth masonry in such a manner that liquids or debris cannot seep or settle thereunder or in any spaces not accessible for cleaning or inspection, or shall be mounted on legs, so that it is no lower than six inches from the floor; and
  - (ii) be installed flush to the wall at the rear thereof with time space between it and such wall closed and sealed, or shall be installed at such a distance from such wall that there is a space between the rear thereof and such wall sufficiently wide as to be accessible for cleaning and inspection;
- (d) where it is equipment such as is specified in subparagraph (c) and is installed next to other such equipment or a side thereof is next to a wall, shall have the space between it and such other equipment or such wall closed and sealed unless it is sufficiently wide to be accessible for cleaning and inspection and, where such equipment or such other equipment is not sealed to a wall at the rear thereof, to enable any space at the rear thereof to be cleaned and inspected;
- (e) which is placed on tables or counters and is not sealed thereto, shall be mounted on legs so that it is no lower than four inches from such table or counter;
- (f) shall be so arranged as to provide adequate aisles and working spaces so that employees may perform their duties without causing any unnecessary risk of food contamination by the contact of their clothing or person with food, or surfaces used for the preparation of food or the placing of food, prior to its use.

(2) All refrigerating compartments and refrigerators shall be provided with thermometers with scale divisions not larger than 2 degrees Fahrenheit (1 degree Celsius) and an accuracy within 2 degrees Fahrenheit (1 degree Celsius). Thermometers shall record the temperature in the warmest part of the refrigerated space.

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(3) This regulation and regulations 25, 26, 27, 28(1) and (2), 29 and 30 shall not apply to a unit in a timesharing scheme.

### Sinks

26 (1) In every timesharing scheme in which food and drink is stored, prepared or served—

- (a) adequate and conveniently located sinks, equipped with running water, and waste disposal units or containers or similar equipment shall be provided for the washing, trimming and similar preparation of food and for the disposal, or deposit prior to disposal, of waste food;
- (b) an adequate and conveniently located two-compartment sink or sinks, equipped with running hot and cold water and adequate impervious draining boards, shall be provided for the washing of kitchenware and equipment which do not require sterilization:

Provided that cooks' and bakers' sinks need not be provided with draining boards if they are used only for utensils in use and an adequate sink or sinks complying with the requirements of this paragraph are provided for the washing of such utensils after use; and

- (c) adequate and conveniently located facilities shall be provided for the manual or mechanical dishwashing of eating and drinking vessels which are used on more than one occasion and such facilities shall include facilities for the removal of scraps and food residues from such vessels before they are placed in wash water or a wash compartment.

(2) Separate sinks and other facilities shall be provided (except for catering-in facilities) for the purposes specified in subparagraphs (a), (b) and (c) of paragraph (1) and a sink or other facility provided for one of the purposes specified in any of such subparagraphs shall not be used for a purpose specified in another such sub-paragraph:

Provided that if the Chief Environmental Health Officer, in all the circumstances of a particular case is satisfied that, in any particular timesharing scheme provision has been made for the performance of the operations specified in paragraph (1) which is, having regard to the amount of food or drink usually prepared in such scheme adequate for the proper and sanitary performance of such operations he may advise the Minister to grant to the operator of such scheme an exemption from compliance with all or any of the provisions of paragraphs (1) and (2) and in any such case may give such directions and instructions in relation to the carrying out of such operations as he thinks fit:

And further provided that if the Chief Environmental Health Officer is satisfied that provision is made in any timesharing scheme for the carrying out of any of the operations specified in sub-paragraphs (a), (b) and (c) of paragraph (1) which does not comply with the provisions of that paragraph but which is, in his opinion, sanitarily superior or equal to the provisions thereof he may, if he thinks fit, sanction the use thereof in lieu of compliance with such provisions or any of them and in any such case may give such directions in relation to such alternative provisions as he thinks fit.

*[Regulation 26 paragraph (2) amended by 2018 : 66 s.2 effective 10 January 2019]*

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### Ventilation over stoves

27 (1) Adequate local exhaust ventilation shall be installed and maintained at or above all stoves, ranges, griddles, deep-fat frying units and other equipment in or on which food is cooked in a timesharing scheme from which, in the opinion of the Chief Environmental Health Officer, appreciable quantities of steam, odours, grease or smoke are likely to be released when in use, and, in the case of stoves and ranges, vented hoods shall also be installed and maintained.

(2) An exhaust ventilation and vented hoods and all parts thereof provided in accordance with paragraph (1) shall be kept clean and in efficient working order and all exhaust fan openings shall be screened when not in use.

*[Regulation 27 para (1) amended by 2018 : 66 s.2 effective 10 January 2019]*

### Repeated cleaning of equipment and utensils

28 (1) All equipment and utensils used in the preparation of food in a timesharing scheme other than utensils used only on one occasion, shall be of such material, workmanship and design as to be smooth, easily cleaned, resistant to wear, denting, buckling, pitting, chipping and scouring and shall be capable of withstanding scrubbing, scouring and the repeated corrosive action of cleaning compounds and other usual conditions under which they are used or cleaned and all the surfaces thereof which are likely to come into contact with food or food debris shall be readily accessible for cleaning and inspection and shall be of non-toxic material.

(2) Notwithstanding paragraph (1) it shall be lawful to use any equipment or utensil in the preparation of food in a timesharing scheme which does not wholly comply with that paragraph if such equipment or utensil was installed or used in that scheme before 21 May 1982 and if it is of such a design that it can be maintained in a clean and sanitary condition.

(3) No cracked or chipped dish, glass or enamelware shall be used for the storage, preparation or service of any food or sink in a timesharing scheme and every cracked or chipped dish, glass or enamelware shall be removed from a timesharing scheme or a unit thereof or destroyed so that it is not capable of use.

### Towels

29 An adequate supply of clean towels shall be provided in every timesharing scheme for the drying of equipment and utensils used for the storage, preparation or service of food or drink after such equipment and utensils have been washed and require drying with a towel and no person shall use any towel for such drying which is in an unsanitary condition.

### Cleansing and sterilization of equipment and utensils

30 (1) All vessels designed to be used for eating and drinking purposes in a timesharing scheme on more than one occasion shall after each use be thoroughly cleaned and sterilized.

(2) All surfaces upon which food is prepared or placed before service and all utensils and implements used on more than one occasion for the storage or preparation of food shall, after each use, be thoroughly cleaned.

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(3) The surface of any equipment upon which food is cooked shall be cleaned at least once each day.

(4) The surfaces of all equipment and all utensils upon or in which food is highly susceptible to contamination is prepared continuously or frequently throughout a day shall, each day in which they are so used, be cleaned and sterilized at such intervals as may be specified by the Chief Environmental Health Officer.

(5) All surfaces of equipment used for the preparation of food which do not come into contact with food prepared thereon or therein shall be cleaned at such intervals as are necessary to keep them free of dust, dirt, and food particles and in clean and sanitary condition.

(6) All surfaces of equipment and utensils upon or in which food is prepared shall, after they have been cleaned, be stored, covered or handled in such a manner as to be protected from manual contact, splash, dust, dirt, insects and all other forms of contamination.

(7) All work table tops used in the preparation of food shall be of metal or hardwood with no cracks or of such other impervious material as may be approved by the Chief Environmental Health Officer.

(8) All coverings used on tables and shelves in any kitchen shall be of such materials and quality as are approved by the Chief Environmental Health Officer.

(9) All stoves, ranges, ovens, dishracks, meat-blocks, meat slicers, choppers, grinders, tenderizers, saws, can openers, knife racks, coffee making equipment, tables, shelves, floors, walls, ceilings, doors and windows and all other equipment in, and all parts of, every kitchen and other places in which food is prepared shall be properly constructed and maintained in good repair, in a clean and sanitary condition and free from any accumulation of grease or dirt.

(10) All equipment and utensils used in the storage, preparation or service of food shall, before they are washed, be pre-flushed, pre-scraped and when necessary, pre-soaked so that gross food particles and other soiling are removed therefrom.

(11) Effective concentration of a suitable detergent shall be used in both manual and mechanical dishwashing. Mechanical dishwashers shall be provided with thermometers to show the wash and rinse temperatures.

(12) After washing and before they are used by purchasers or guests, all spoons, knives and forks shall be picked up and touched only by their handles and all cups, glasses and bowls shall be so handled that there is no contact by fingers with any internal surface or external surface adjacent to the rim thereof.

*[Regulation 30 amended by 2018 : 66 s.2 effective 10 January 2019]*

### Garbage

31 (1) All garbage shall be removed from a timesharing scheme and a unit thereof with sufficient frequency to prevent the occurrence of a nuisance from odour therefrom and flies and vermin attracted thereto or breeding therein.

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(2) All garbage containing food waste shall, before it is removed from a timesharing scheme shall be stored in a room (hereinafter in this Regulation called a "garbage storage room") which is used solely for the storage of garbage and which complies with the following provisions—

- (i) that the sole access thereto is through a tightly fitting door or doors which give access either to the exterior of the scheme or to a passage leading directly to the exterior of the scheme;
- (ii) the walls of which are constructed and finished with hard, durable, impervious material and which are suitably covered to the floor surface thereof;
- (iii) the floor of which is constructed and finished with hard, durable, impervious material so laid as to slope to a trapped drain connected with a drainage system approved by the Chief Environmental Health Officer;
- (iv) which is, unless refrigerated, provided with adequate means of natural ventilation adequately screened against flies;
- (v) which is equipped with adequate electrical illumination;
- (vi) which is equipped with adequate leak proof non-absorbent containers with tight fitting lids for the storage of such garbage;
- (vii) which is, in the case of a timesharing scheme licensed to provide sleeping accommodation for one hundred purchasers or more, equipped with a means of refrigeration capable of reducing to and maintaining the temperature thereof at a temperature of not higher than 50 degrees Fahrenheit.

(3) The doors of every garbage storage room shall be kept closed at every time other than when garbage is deposited therein or removed therefrom.

(4) In the case of every garbage storage room which is equipped with refrigeration, the temperature thereof shall be maintained at a temperature not higher than 50 degrees Fahrenheit.

(5) Every garbage storage room and every bin and container used for the storage of garbage shall be thoroughly cleaned after each occasion when garbage is removed therefrom and water which has been used for such cleaning shall be disposed of in a manner approved by the Chief Environmental Health Officer.

*[Regulation 31 amended by 2018 : 66 s.2 effective 10 January 2019]*

### Ventilation

32 All public, private and service rooms of every timesharing scheme shall be adequately ventilated in every respect.

### Development standards

33 (1) Where a new timesharing scheme is being developed, there shall be—

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- (a) a plan for the proposed density of units per acre of the total surface area involved that is satisfactory to the Minister responsible for Planning;
- (b) a plan to retain as much mature vegetation as possible on the premises of the timesharing scheme;
- (c) a plan to retain as much open green space as possible on the premises of the timesharing scheme so as to afford ample grounds for outdoor activities and recreational facilities;
- (d) a plan to landscape the grounds of the timesharing scheme up to a standard approved by the Minister;
- (e) a plan to provide outdoor recreational facilities for the enjoyment of the purchasers and guests to the satisfaction of the Minister.

(2) Where the development of a timesharing scheme consists of the conversion of an hotel licensed under the Hotels (Licensing and Control) Act 1969 [*title 17 item 2*] to a timesharing scheme, a developing owner shall satisfy the Minister as to the extent of the outdoor recreational facilities and amenities to be provided in the timesharing scheme.

(3) The architectural design and facade of every timesharing scheme shall maintain the traditional Bermudian decor and roof lines.

### Number and type of units

34 In determining the number and types of units he intends to offer to purchasers a developing owner shall take in account the maximum number of beds authorized by his developing owner's licence.

### Calculation of gross floor area

35 In determining the gross floor area of a unit the whole unit shall be measured and no account shall be taken of any closet space or of the thickness of the walls of the unit.

### Sofa bed in living room

36 Where the living room of a unit is intended to be used as a place for sleeping it shall be of a sufficient size so that an open sofa bed may be used without having to move any furniture in the living room and so that adequate storage space for clothing may be provided in the said room.

### Maximum number to be accommodated in any one unit

37 In determining the number of persons who may be accommodated in any one unit the Minister shall take into account—

- (a) the number of bathrooms in the unit;
- (b) the gross floor area of the unit.

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### Sizes of units

38 (1) The internal area of the following types of units in a timesharing scheme shall, unless the Minister in any particular case otherwise determines, be—

- (a) for the efficiency unit, that is to say, a bedsitting room with a bathroom and kitchen accommodation, to be used for the accommodation of not more than two persons (which expression in this paragraph means a person over twelve years of age), not less than 400 square feet;
- (b) for a one bedroom, one bathroom unit to be used for the accommodation of not more than two persons, not less than 550 square feet;
- (c) for a one bedroom, two bathroom unit having a living room of sufficient size to be adapted as a place for sleeping, to be used for the accommodation of not more than four persons, not less than 650 square feet;
- (d) for a two bedroom, two bathroom unit to be used for the accommodation of not more than four persons, not less than 800 square feet;
- (e) for a three bedroom, three bathroom unit to be used for the accommodation of not more than six persons, not less than 1,200 square feet.

(2) Where a unit is provided with kitchen accommodation it shall, unless the Minister in any particular case otherwise determines, also be provided with an adequate dining room area which shall not be a part of the living room.

### Timesharing inventory

39 (1) In determining the number of units that a developing owner may bring on to the market from time to time the Minister shall take into account—

- (a) the availability of timesharing inventory at any given time;
- (b) the seasonality of the tourist traffic;
- (c) the progress of timesharing sales in general; and
- (d) the percentage of units in a timesharing scheme available in Bermuda in relation to hotel beds so available at any given time.

(2) A developing owner or managing agent shall not release timesharing inventory for sale without the prior consent in writing of the Minister.

### Interior standards of units

40 A developing owner or managing agent shall not provide in any timesharing scheme accommodation for any purchaser or guest in any unit which does not comply with the following provisions, that is to say, that it is a unit—

- (a) which can be so secured that entry thereto can only be obtained by a purchaser or guest accommodated therein or by an authorized employee of the scheme;

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- (b) which has at least one external door capable of being opened by the purchaser or by a guest and at least one window in each room of the unit (except the bathroom and kitchen) capable of being opened by the purchaser or a guest;
- (c) which is, at every window and external door thereof equipped with opaque curtains or venetian blinds capable of being drawn to or closed by the purchaser or a guest;
- (d) equipped with an ironing board and an electric iron where the managing agent does not provide in the timesharing scheme for the use of purchasers and guests a laundry or valet service;
- (e) equipped with at least one watt per square foot of electrical illumination;
- (f) in addition to the illumination to be provided in accordance with paragraph (e), equipped with an electric light over or near to each bed and each sofa intended for use as a bed capable of being operated from such bed or sofa by a switch;
- (g) such heating and cooling equipment as is appropriate to the prevailing climatic conditions;
- (h) equipped with an electric socket in a bathroom or bedroom near a mirror for use with a razor, a hairdryer, an electric toothbrush or other similar equipment;
- (i) furnished with adequate floor coverings in each room to the satisfaction of the Minister;
- (j) equipped with at least one clock and one radio or one clock-radio.

Sleeping accommodation

41 A developing owner or managing agent shall not provide in any timesharing unit, sleeping accommodation for any purchaser or guest in any room which does not comply with the following provisions, that is to say, that it is a room—

- (a) the sole or principal means of access to which is not through another room in which sleeping accommodation is provided unless such purchaser or guest is related to the person provided with sleeping accommodation in such other room or both the purchaser or guest and that other person consent to the arrangement;
- (b) provided with a minimum of two linear feet of enclosed hanging closet space for each bed authorized for the unit; such closet space shall be functionally structured for hanging garments and the storage of items belonging to the purchaser or a guest and shall contain not less than 12 wooden or plastic clothes hangers. If a living room is to be used as a place for sleeping, then closet space shall be provided in the unit in a room other than a bedroom for the use of the person sleeping in the living room;

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- (c) equipped with one separate bed for each purchaser or guest accommodated therein or, where such purchasers or guests acquiesce, one double sized bed for each two such purchasers or guests, each bed being provided with one mattress (not being an air mattress) and at least one blanket for each purchaser or guest, one bed pillow, one pillow case, two sheets and one bedspread and, in the case of a double sized bed with one additional bed pillow, one additional pillow case and one additional blanket. If a sofa is to be used as a bed, all of the above items, (except the bed spread) shall be stored in the unit and made available for use as and when necessary;
- (d) equipped with a dressing table and a dresser with drawers, or a dressing table with drawers sufficient for the needs of each purchaser or guest accommodated therein;
- (e) equipped with at least one chair;
- (f) equipped with at least one mirror.

Bathrooms

42 (1) There shall be one bathroom for every two persons over the age of twelve years accommodated in a unit, and such bathroom shall be equipped and provided with—

- (a) one water closet;
- (b) one hand basin;
- (c) one shower or bath with shower curtain or shower doors;
- (d) an adequate supply of hot and cold water;
- (e) a medicine cabinet or similar fixture, having a mirror thereon and placed over or adjacent to the hand basin;
- (f) a disposal bin;
- (g) at least one bathroom rug or mat;
- (h) one clean bath towel, one clean hand towel and one clean face cloth for each purchaser or guest accommodated therein each day;
- (i) at least two tablets of soap, which shall be replaced as and when necessary;
- (j) at least two rolls of toilet tissue, which shall be replaced as and when necessary.

(2) No bathroom shall be allocated for the use of a purchaser or a guest in a unit if access to it is obtained through a room in which some other person is provided with sleeping accommodation.

Kitchens

43 (1) Every kitchen in a unit shall be provided with the appliances, equipment and other items specified in the Schedule.

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(2) If a unit is provided with the items specified in paragraphs (a), (c) and (d) of the Schedule, it shall be deemed to have a kitchen and as a consequence the unit shall also be provided with a dining area (other than the living room) which shall be furnished with one dining room table and at least one and one half matching chairs for each bed authorized for the unit.

### Living room

44 (1) There shall be a sitting area of living room in each unit which shall be provided with at least one and one half upholstered chairs or other such chairs for every bed authorized for a unit as in the opinion of the Minister are suitable for a living room. In addition the Minister may require the managing agent to provide other suitable furniture for the living room.

(2) Where the sitting area or living room is to be used as a place for sleeping, there shall be provided a sofa or couch capable of being opened into a bed, and the living room shall also meet the requirements specified in these Regulations relating to bedrooms.

### Interior design; quality and durability

45 All interior design requirements of a unit shall be of the highest quality furniture, fixtures and equipment and all materials used in a unit shall have an average functional life of not less than five years and shall conform to standards approved by the Minister.

### Laundry facilities

46 Where the managing agent of a timesharing scheme does not provide for the purchasers or guests a daily laundry service, he shall cause to be installed in a convenient place on the premises of the timesharing scheme one washing machine and one dryer (whether coin operated or not) for every ten units in a timesharing scheme.

### Annual closing of each unit for cleaning and repair

47 (1) Every managing agent of a timesharing scheme shall close each unit for a period of at least seven days every year during which period he shall cause each such unit to be thoroughly cleaned and repaired so that the unit is maintained at all times in proper repair and in a clean and good condition.

(2) The annual cleaning and repairs which a managing agent is required to carry out under paragraph (1) on each unit shall include—

- (a) the shampooing or replacement of all carpeting as may be required;
- (b) the cleaning or replacement of all curtains as may be required;
- (c) the cleaning or reupholstering of all furniture as may be required;
- (d) the dusting of the entire unit;
- (e) the repair or replacement of all furniture, fixtures and equipment as may be required;
- (f) thorough cleaning of all bathrooms and kitchens and the appliances, equipment and items therein;

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- (g) painting of all interior walls and woodwork;
- (h) cleaning or replacement of all bedspreads, pillows, mattress covers, blankets, shower curtains, as may be required;
- (i) cleaning of all windows, inside and outside;
- (j) replacement of any furniture, fixtures or equipment that is worn, damaged beyond reasonable repair, faded or otherwise unfit to be left in the unit;
- (k) restocking of all linens, towels, kitchen equipment (if any), cleaning implements (if any), as may be required;
- (l) washing of all dishes, utensils, glasses, pots and pans, and other such equipment (if any);
- (m) such other cleaning and repairs which may be required as a result of an annual inspection under section 26 of the Act.

### Weekly cleaning of units

48 (1) Every managing agent of a timesharing scheme shall, for a period of not less than five hours every week, before a new purchaser or his guest occupies a unit, cause the unit to be thoroughly cleaned and repaired so that the unit is maintained at all times in proper repair and in a clean and good condition.

(2) The weekly cleaning and repairs which a managing agent is required to carry out under paragraph (1) on a unit shall include

- (a) a thorough vacuuming of all carpeting and floor areas;
- (b) a thorough dusting of all furniture, fixtures and equipment;
- (c) the repair of all furniture, fixtures and equipment as may be required;
- (d) the cleaning of all windows, inside and outside;
- (e) a thorough cleaning of all bathrooms and kitchens (if any) and all appliances, equipment and items therein;
- (f) a complete change of all linens, towels and kitchen towels and cloths (if any);
- (g) restocking or replacement of all inventory as may be required;
- (h) removal as far as is possible of any stains on carpeting and furniture, and marks on the walls and furniture;
- (i) washing of all dishes, utensils and glasses and all other items used by purchasers and guests.

### Linen and bath towels

49 (1) At the commencement of each week of the occupation of a unit by a purchaser, or his guests, a unit shall be provided with a supply of fresh linen and bath towels sufficient for the use of the number of persons accommodated in the unit.

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(2) In addition to the items required to be provided under paragraph (1), every unit shall be provided with, or there shall be contained in storage in the unit, a sufficient supply of fresh linen so as to allow bed linen to be changed at least once during a week's occupation of the unit and a sufficient supply of bath towels to allow the towels to be changed at least every other day.

(3) A managing agent and a purchaser or his guests shall determine at the commencement of the occupation of a unit whether the purchaser himself or his guests or the maid employed by the managing agent for the purpose of the timesharing scheme will change the linen and the towels during the time the purchaser or his guests occupies the unit.

### Maid service

50 A managing agent shall provide maid service at least once a week for the purpose of carrying out the weekly maintenance required by regulation 48 and at such other times as may be arranged by the purchaser or his guests and the managing agent.

### Contractual obligation to provide unit

51 Where the developing owner or marketing agent of a timesharing scheme has made a contract with a purchaser to provide a unit for that purchaser and his guests, the managing agent shall provide, on the days and nights specified in such contract, a unit in the timesharing scheme of which he is the managing agent for the exclusive use and occupation of that purchaser and his guests, if any.

### Presence of person in charge

52 The managing agent of a timesharing scheme shall ensure that there is a person in charge of and in attendance at, the premises at all times appointed by him to whom purchasers or guests therein may be referred for the purpose of obtaining information and making complaints and who is authorized to give instructions to employees of the timesharing scheme.

### Register of purchasers or guests to be maintained

53 (1) There shall be maintained and kept at every timesharing scheme a register or some other form of record which is, in any particular case, approved by the Minister in which shall be entered the name and home address of each purchaser or guest provided with sleeping accommodation therein, the unit allotted to him and the dates upon which he commenced and ceased to occupy such unit.

(2) Such register or record shall be produced upon request, for inspection by any duly authorized officer of the Department, the Department of Health and the Bermuda Police Service, the Chief Fire Officer and any person authorized by him to make such request.

(3) In any prosecution for an offence against the Act or the Regulations in which a fact is in issue a statement contained in any such register tending to establish that fact shall be admissible as evidence of that fact and it shall not be necessary to call as a witness the maker of the statement.

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(4) No person shall make any entry in any such register which is to his knowledge false.

*[regulation 53 amended by 1997:37 effective 6 May 1999]*

What is to be registered on arrival

54 (1) Upon the day on which a purchaser or guest arrives at a timesharing scheme and is provided with sleeping accommodation therein, the managing agent shall ensure—

- (a) that the name and home address of such purchaser or other guest is entered in the register or record required to be kept under regulation 53;
- (b) that each such occupant is provided with a key to the unit in which sleeping accommodation is provided for him;
- (c) that such occupant is, where a service charge is made upon his account informed of that fact; and
- (d) that such occupant is informed of any charge which may be made to his account by virtue of the Miscellaneous Taxes Act 1976 *[title 14 item 46]*.

(2) A printed notice giving details of any charges under subparagraphs (c) and (d) of paragraph (1) shall be displayed at the registration desk and in each timesharing unit.

Maximum number of guests

55 The maximum number of purchasers or guests who may be provided with sleeping accommodation in a timesharing scheme at any one time shall not exceed—

- (a) the maximum number of purchasers or guests for the use of whom a bathroom can be allocated under these Regulations;
- (b) the maximum number of purchasers or guests for whom units can be provided under these Regulations.

Developing owners licence

56 (1) An application for the grant, transfer or variation of a licence to develop a timesharing scheme shall be made in such form as the Minister may from time to time determine and copies of the application form shall be made available to any person on request made to the Director.

(2) An applicant for the grant, transfer or variation of a licence to develop a timesharing scheme shall furnish the Minister with—

- (a) a complete set of the architectural plans of the timesharing scheme;
- (b) a plan of all the facilities and amenities of the scheme;
- (c) plans of every floor of every unit and every communal building of the scheme, in such detail as the Minister may specify, together with such number of copies thereof as the Minister may require;

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- (d) details concerning the exterior and interior design of the scheme including project (schematics), working drawings, scale models, sample boards and other items as appropriate and as may be required by the Minister;
- (e) a detailed construction schedule;
- (f) in the case of the conversion of a hotel licensed under the Hotels (Licensing and Control) Act 1969 [*title 17 item 2*] to a timesharing scheme, a phasing programme for the conversion;
- (g) the inventory release schedule desired;
- (h) a report of construction materials to be used;
- (i) details of the financial sources of the timesharing scheme;
- (j) details of such other matters and plans as the Minister may from time to time require.

### Marketing agents licence

57 (1) An application for the grant, transfer or variation of a licence to market a timesharing scheme shall be made in such form as the Minister may from time to time determine and copies of the application form shall be made available to any person on request made to the Director.

(2) An applicant for the grant, transfer or variation of a licence to market a timesharing scheme shall furnish the Minister with—

- (a) details of the experience of the applicant in the field of marketing generally;
- (b) details of the means by which he intends to market and sell timesharing intervals in a timesharing scheme inside or outside Bermuda;
- (c) a programme by means of which he proposes to meet the marketing requirements of the developing owner of the timesharing scheme in question;
- (d) such other information, details or particulars as the Minister may consider necessary.

(3) Any such applicant shall also satisfy the Minister that he is able to comply in all respects with the Act and the regulations made thereunder.

### Managing agents licence

58 (1) An application for the grant, transfer or variation of a licence to manage a timesharing scheme shall be made in such form as the Minister may from time to time determine and copies of the application form shall be made available to any person on request made to the Director.

(2) An applicant for the grant, transfer or variation of a licence to manage a timesharing scheme shall furnish the Minister with a detailed plan of the operation of the timesharing scheme together with such number of copies thereof as the Minister may

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specify and with such other information, details or particulars as the Minister may consider necessary.

(3) Any such applicant shall also satisfy the Minister that he is able to comply in all respects with the Act and the regulations made thereunder.

Applicant entitled to copy of report made to Minister

59 (1) Where a report is made to the Minister by the Chief Environmental Health Officer or the Director of Planning or the Chief Fire Officer which contains a recommendation that a licence be not granted or varied or that an exemption from compliance with any regulation be not granted the applicant shall be given a copy thereof and an opportunity to make representations thereon,

(2) Where notwithstanding any such recommendation the Minister determines to grant or vary any licence or grant any exemption, the Minister shall give reasons in writing for not following such recommendation.

(3) Where the Minister refuses to grant, vary or transfer a licence the Minister shall give reasons in writing for such refusal.

*[Regulation 59 para (1) amended by 2018 : 66 s.2 effective 10 January 2019]*

Display of licence

60 The licences granted in respect of a timesharing scheme shall be displayed in a prominent place in that timesharing scheme near the registration desk.

Compliance with other licensing requirements

61 Save as is herein otherwise provided, nothing in these Regulations shall exempt a licensee of a timesharing scheme from obtaining and having in force any licence or permit required under any other Act or Regulations for the carrying out of any kind of business or operation in the timesharing scheme in respect of which he is licensed.

Offences

62 (1) Any person to whom a licence has been granted under the Act who operates a timesharing scheme in contravention of any of the provisions of these Regulations or who contravenes, or fails to comply with any of the provisions of these Regulations, or any order, instruction or requirement lawfully made, given or imposed by any person under the authority thereof, or who fails to perform any duty imposed upon him thereby, commits an offence against these Regulations:

Punishment on summary conviction: a fine of \$1,000 for each such offence.

(2) Where it is proved that a timesharing scheme has been operated in contravention of any of the provisions of these Regulations, and where, in respect of the operation of a timesharing scheme there is proved to be a contravention of or failure to comply with any of the provisions of these Regulations, or any order, instruction or requirement lawfully made, given or imposed by any person under the authority thereof or any failure to perform any duty imposed upon any person thereby—

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- (a) the person to whom a licence has been granted to develop the timesharing scheme;
- (b) the person for the time being licensed as managing agent;
- (c) the person whose act or omission constitutes such contravention or failure,

shall without prejudice to any proceedings which may be taken against any other person, and subject as herein provided, commits an offence against these Regulations:

Provided that in any case where a developing owner or managing agent is charged with an offence against these Regulations in pursuance of this paragraph it shall be a defence for him to prove—

- (i) that the offence occurred without his consent; and
- (ii) that the offence was not due to any act or omission on his part; and
- (iii) that he had taken reasonable steps to prevent the commission of the offence,

(3) Any person to whom a marketing agent's licence has been granted under the Act who markets a timesharing scheme otherwise than in accordance with the terms and conditions of his licence or in contravention of any of the provisions of these Regulations commits an offence:

Punishment on summary conviction: a fine of \$500 for each day during which such offence continues or imprisonment for six months or both such fine and imprisonment.

(4) Where the developing owner, managing agent or marketing agent of a timesharing scheme is a body corporate and it is proved that such contravention or failure was committed with the consent or connivance of, or was attributable to any wilful neglect on the part of any director, manager, secretary or similar officer of the body corporate then such director, manager, secretary or similar officer shall, without prejudice to any proceedings which may be taken against any other person, commits an offence against these Regulations.

### Evidence

63 In any proceedings relating to the operation of any premises as a timesharing scheme without a licence—

- (a) if it is proved that the premises were so operated with the knowledge and consent of the owner thereof or, where the premises are occupied under a tenancy agreement, the tenant thereof, such owner or tenant, as the case may be, shall be deemed to be the operator; and
- (b) a written statement made by any person on oath before a Justice of the Peace which tends to establish that the premises were operated as a timesharing scheme at any particular time shall be admissible as evidence of the truth of the matters stated therein if the person making the statement is not within the jurisdiction of the court at the date of such proceedings.

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### Swimming pools; health requirements

64 Every managing agent of a timesharing scheme shall cause every swimming pool belonging to the timesharing scheme to be maintained at all times to a standard satisfactory to the Chief Environmental Health Officer.

*[Regulation 64 amended by 2018 : 66 s.2 effective 10 January 2019]*

### Particulars to be entered in Register of Timesharing Intervals

65 The Land Title Registrar shall enter in the Register of Timesharing Intervals in respect of every purchaser the following particulars—

- (a) the name and address of the purchaser;
- (b) the name and address of the timesharing scheme in which the purchaser has bought the timesharing interval;
- (c) the number of the timesharing interval in the timesharing scheme which the purchaser is entitled to occupy and use;
- (d) the time of the year when the purchaser is entitled to occupy and use the timesharing interval;
- (e) the date upon which the purchaser's right to occupy and use the timesharing interval is to come into force;
- (f) the date upon which the purchaser's right to occupy and use the timesharing interval is to expire.

*[Regulation 65 amended by 2017 : 9 s. 11 effective 20 February 2017]*

SCHEDULE

(Regulation 43)

Every kitchen in a unit shall be provided with—

- (a) a refrigerator;
- (b) a freezer (if such is not included in the refrigerator);
- (c) a stove or at a minimum a hot plate having at least two burners or heating elements;
- (d) a sink and fittings for the supply of hot and cold water so connected as to dispose of waste water;
- (e) sufficient cupboard and drawer space to house all items listed below in Items (j) to (p);
- (f) a disposal bin;
- (g) a kettle for boiling water;
- (h) a coffee-maker or percolator;
- (i) a toaster or toaster oven;
- (j) china - a minimum of two of each of the following items for every bed in a unit—
  - dinner-size plates
  - smaller plates
  - cups and saucers
  - salad/cereal bowls
  - and one serving platter and 1 vegetable serving dish;
- (k) glassware-a minimum of three of each size of the following items for every bed in a unit—
  - 12-16 oz. glasses
  - old fashioned glasses
  - juice glasses
  - wine glasses;
- (l) eating utensils - a minimum of three of each of the following items for every bed in a unit—
  - dinner knives
  - steak knives

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- forks
- teaspoons
- tablespoons;
- (m) cooking utensils - wooden handled, stainless steel or Teflon—
  - 1 strainer spoon
  - 1 large cooking spoon
  - 1 small cooking spoon
  - 2 cooking forks
  - 1 spatula
  - 1 large carving knife
  - 2 small sharp kitchen knives
  - 1 can opener
  - 1 cutting/bread board;
- (n) pots and pans, with lids—
  - 1 large and 1 small frying pan
  - 2 smaller pots (approx. 1 quart)
  - 1 larger pot (approx. 2 quarts)
  - 1 colander or steam basket;
- (o) bar items—
  - cork screw
  - bottle opener
  - ice bucket
  - coasters (as many as there are glasses)
  - cocktail shaker and strainer
  - fruit knife and small cutting board;
- (p) miscellaneous items—
  - sugar bowl
  - creamer
  - salt and pepper shakers
  - at least 2 small bowls for condiments or hors d'oeuvres
  - napkins

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place mats  
dish washing cloth or sponge  
heavy duty plastic garbage bags  
supply of paper towels  
dishwashing liquid  
scouring powder or equivalent  
drainboard and dish draining basket;

(q) such other items as the Minister may from time to time specify in writing.

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*[Amended by:*

1997 : 37

2007 : 23

2014 : 33

2017 : 9

2018 : 66]