



## **BERMUDA**

### **BERMUDA NATIONAL PARKS ACT 1986**

**1986 : 45**

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### **PART I PRELIMINARY**

#### **Short title and commencement**

1 This Act may be cited as the Bermuda National Parks Act 1986 and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

#### **Interpretation**

2 In this Act, unless the context otherwise requires—

“Amenity Park” means a protected area that is classed as an Amenity Area in the First or Second Schedule;

“authorized officer” means—

- (a) a police officer; or
- (b) an officer of a Department authorized in writing by the Minister to carry out functions under this Act or the regulations;

“camp” means—

- (a) to erect a tent or shelter of natural or synthetic material,
- (b) to prepare a sleeping bag or other bedding material for use,
- (c) to park a motor vehicle, or
- (d) to moor a vessel,

for the purpose of remaining overnight;

“Commission” means the National Parks Commission established under section 9;

“court” means a court of summary jurisdiction;

“Department” means, in the case of—

- (a) Amenity Parks, the department responsible for parks;
- (b) Marine Parks and Nature Reserves, the department responsible for environmental protection;
- (c) Recreational Parks, the department responsible for sport and recreation;

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“Director” means the Director of a Department;

“management plan” means a management plan prepared by a Director pursuant to section 11;

“marine area” includes tidal waters and tidal lands and the subsoil beneath such tidal lands and coastal waters;

“Marine Park” means a protected area that is classed as a Marine Park in the First or Second Schedule;

“marine products” includes all forms of marine plants and animals, artifacts or handicrafts or traces thereof, wrecks, relics, or traces thereof, and all other material comprising tidal land within the marine area;

“Minister” means the Minister responsible for parks;

“National Parks Plan” means a National Parks Plan prepared for the National Parks System pursuant to section 7A;

“Nature Reserve” means a protected area that is classed as a Nature Reserve in the First or Second Schedule;

“nature reserve”*[repealed by 2009 : 1 s. 2]*

“open space” means any public park, public garden, public beach, or any land owned, or held on lease or agreement by the Government which is used for purposes of educational, social or recreational pursuits or lies unoccupied;

“peripheral area” means an area outside but immediately adjacent to the outer boundaries of a protected area;

“protected area” means any area of land or water or both land and water specified in the First or Second Schedule and declared to be a protected area pursuant to section 3(2) or (3);

“Recreational Park” means a protected area that is classed as a Recreational Park in the First or Second Schedule;

“regulations” means regulations made under this Act;

“the System” means the National Parks System of Bermuda established pursuant to section 3(1);

“vehicle” means any thing by means of which a person or thing might be conveyed from one place to another on land.

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“vessel” means any ship or craft, or any structure capable of navigation, and includes a power boat, row boat, sailboat, windsailboard, surfboard, canoe or kayak.

*[Section 2 “Department” amended by 2000:20 Sch para 8(1) effective 26 June 2000; “Minister” deleted and substituted by BR 5/2011 para.5 effective 25 February 2011; Section 2 amended definitions “authorized officer”, “camping or to camp”, “Department”, “Director”, “management plan”, “Minister” and “National Parks Plan”, and inserted definitions “Amenity Park”, “Marine Park”, “Nature Reserve”, “Recreational Park”, “regulations” and “vessel”, and repealed “nature reserve” by 2009 : 1 s. 2 effective 1 April 2018; Section 2 definition “Department” amended by BR 2 / 2024 para. 5 effective 8 January 2024]*

### **PART II**

#### **THE NATIONAL PARKS SYSTEM**

##### **Establishment of National Parks System**

3 (1) There is established a National Parks System which shall comprise such areas of land or water or both land and water as may from time to time be specified in the First or Second Schedule as protected areas in accordance with this Act.

(2) The areas of land or water or both land and water specified in the First Schedule being owned by, leased to or managed by the Government are declared to be protected areas within the System and each such area shall be managed and administered so as to protect, maintain and enhance the natural or historic purposes for which it was specified in accordance with its classification in the said Schedule and its management plan.

(3) The areas of land or water or both land and water specified in the Second Schedule being privately owned are declared to be protected areas within the System and each such area shall be managed and administered in accordance with its classification in the said Schedule and any agreement made under section 6(1).

(4) Subject to section 4, the Minister may by notice published in the Gazette amend the First Schedule by—

- (a) adding to the Schedule, or deleting from the Schedule any area or part of an area specified in the Schedule as a protected area; or
- (b) removing a protected area or part of a protected area from one class to another class in the Schedule.

(4A) A notice under subsection (4) is subject to the affirmative resolution procedure.

(4B) The Minister may, by notice published in the Gazette, amend the First Schedule by renaming an area or part of an area specified in the Schedule; and such notice is not subject to Parliamentary scrutiny.

(5) The Minister shall cause a map of each area specified in the First and Second Schedules to be prepared and shall cause notice of the preparation thereof, and of the

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places where copies thereof may be inspected at reasonable hours to be notified in the Gazette.

(6) A notice under subsection (5) is subject to the negative resolution procedure.

*[Section 3 amended by 2009 : 1 s. 3 effective 1 April 2018; Section 3 subsection (4B) inserted by 2020 : 45 s. 2 effective 11 December 2020]*

### **Notification**

4 (1) The Minister shall by notice published in the Gazette announce any proposal for—

- (a) the construction of any road or building, the change of use or the change of boundary with respect to a protected area;
- (b) any amendment to the First Schedule,

and shall give opportunity for and shall take into account public comments before acting on the proposal.

(2) A notice under subsection (1) shall specify the nature of and the reason for the proposed action, and the time within which and manner by which public comments will be received.

(3) For greater certainty, a notice referred to in subsection (1) is not a statutory instrument for the purposes of the Statutory Instruments Act 1977.

*[Section 4 amended by 2009 : 1 s. 4 effective 1 April 2018]*

### **Objectives of protected areas**

5 A protected area specified in the First or Second Schedule shall have one or more of the following objectives—

- (a) to safeguard and maintain plants and animals as well as geological, marine and other natural features or products, and fragile ecosystems of national or international significance where strict protection is required and human use is generally limited to scientific research and educational purposes in order to protect and preserve these special or fragile natural resources;
- (b) to provide for the use of the area in its natural state with a minimum of commercial and mechanized activity;
- (c) to provide open space for use by the public for educational, social or recreational purposes;
- (d) to protect and maintain historic monuments and buildings (including forts), marine products, sites of particular historic, archaeological, or aesthetic value and to so manage them so as to protect them from deterioration, and to provide public enjoyment, research and educational opportunities.

*[Section 5 amended by 2009 : 1 s. 5 effective 1 April 2018]*

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### **Private areas**

6 (1) Any area of land or water or both land and water, other than an area owned by the Government, which meets one or more of the objectives for protected areas under section 5 may become part of the System by agreement between the Minister and the owner of the area, and the Minister shall thereafter by notice published in the Gazette include the area in the Second Schedule.

(2) Any agreement made pursuant to subsection (1) between the Minister and the owner of an area for inclusion of the area in the System shall—

- (a) specify the management, administrative, financial, and enforcement responsibilities of the Minister and the owner of the area to ensure furtherance of the objectives for which the area is included in the System;
- (b) identify what regulations shall apply to the area;
- (c) designate responsibility for the preparation of a management plan for the area;
- (d) specify such other measures as are considered necessary and appropriate, in the opinion of either party, to ensure furtherance of the objectives for which the area is protected under this Act; and
- (e) specify the Director who is responsible for the administration and management of the area.

(3) Subject to the agreement, the Minister may at any time by notice published in the Gazette delete from the Second Schedule any area included therein if either party has given the requisite notice specified in the agreement to the other party, and any agreement between the Minister and the owner regarding the inclusion of those areas in the System shall thereupon cease to have effect:

Provided that in the case of any such deletion any agreement for financial compensation shall have immediate effect.

(4) A notice under this section is subject to the negative resolution procedure.

*[Section 6 subsection (2) amended by 2009 : 1 s. 6 effective 1 April 2018]*

### **Historic artefacts**

6A (1) All historic artefacts in protected areas are vested in the Crown absolutely and shall be deemed to be in the possession of the Minister.

(2) A person who finds a historic artefact shall give notice to the Minister that they have found it and, as directed by the Minister, shall either hold it pending further direction from the Minister or deliver it to the Minister.

(3) The Minister shall enter details of the name of the finder and the location at which the historic artefact was found in a register of finders.

(4) Where a person finds a historic artefact and gives the notice referred to in subsection (2), the Minister may, having regard to the circumstances in which the

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artefact was found, pay a good faith honorarium, without prejudice, to the person finding the artefact. In considering such payment, due regard shall be taken of the national interest, specifically the need to preserve, protect and safeguard Bermuda's historic and cultural heritage.

(5) Any honorarium under subsection (4) shall be paid out of the Consolidated Fund.

(6) Any person who fails, without reasonable excuse, to comply with subsection (2) commits an offence against this Act.

(7) For the purposes of this section, the term “historic artefact” means any object of historical or cultural significance that is manufactured, used or modified by humans including coins, food remains, weapons, ammunition, industrial waste and other products produced by human activities, but not including a wreck or historic artefact as defined in section 2 of the Historic Wrecks Act 2001.

*[Section 6A inserted by 2009 : 1 s. 7 effective 1 April 2018]*

### **PART III ADMINISTRATION**

#### **Administration**

7 Subject to this Act and to the general direction and control of the Minister—

- (a) the Director of the department that is responsible for parks shall be responsible for the administration of this Act with regard to Amenity Parks;
- (b) the Director of the department that is responsible for environmental protection shall be responsible for the administration of this Act with regard to Marine Parks and Nature Reserves; and
- (c) the Director of the department that is responsible for sport and recreation shall be responsible for the administration of this Act with regard to Recreational Parks.

*[Section 7 repealed and replaced by 2009 : 1 s. 8 effective 1 April 2018; Section 7 amended by BR 2 / 2024 para. 5 effective 8 January 2024]*

#### **National Parks Plan**

7A The Director of the department that is responsible for parks, in consultation with the Director of the department that is responsible for environmental protection and the Director of the department that is responsible for sport and recreation, shall prepare and keep under review a National Parks Plan for the System which shall contain a statement of general policies and objectives for the System, and shall include information on the

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priorities and needs concerning acquisition, development, management and research of lands for protected areas.

*[Section 7A inserted by 2009 : 1 s. 8 effective 1 April 2018; Section 7A amended by BR 2 / 2024 para. 5 effective 8 January 2024]*

### **Functions of Director**

8 (1) Each Director shall, subject to any directions given by the Minister, undertake the administration and management of the protected areas for which their Department is responsible.

(2) Without prejudice to the generality of subsection (1), each Director shall, in relation to the protected areas for which their Department is responsible—

- (a) be responsible for the cleaning and maintenance of the protected areas;
- (b) promote and assist with the development and carrying out of training, educational and information exchange programmes in respect of protected areas;
- (c) encourage and oversee any scientific research undertaken in a protected area and promote scientific exchange with international organizations and experts on matters related to protected areas;
- (d) subject to section 6(2)(c), prepare a management plan for each protected area;
- (e) undertake all other matters necessary to ensure the proper implementation of the provisions of this Act and any regulations and management plans made thereunder or pursuant thereto.

(3) A Director may, subject to such conditions as they may specify, delegate any of their functions under this Act or the regulations to any officer of their Department.

*[Section 8(2)(aa) inserted by 2000:20 Schedule para 8(2) effective 26 June 2000; Section 8 amended by 2009 : 1 s. 9 effective 1 April 2018]*

### **Establishment of Commission**

9 (1) There is established a body to be called the National Parks Commission which shall, subject to any general directions of the Minister, have the powers conferred and discharge the functions imposed upon it by this Act.

(2) The Third Schedule shall have effect with respect to the constitution, members and proceedings of the Commission and otherwise in relation thereto.

### **Functions of Commission**

10 (1) Subject to this Act, the primary function of the Commission shall be to advise the Minister on matters affecting the long-term conservation and management of the System.

(2) Without prejudice to the generality of subsection (1), the functions of the Commission shall include—

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- (a) the periodic review of the National Parks Plan and providing advice and comments thereon as needed, in the opinion of the Commission, to ensure that the Plan is current and responsive to the policies and objectives of this Act;
- (b) making recommendations to the Minister regarding any matter affecting protected areas within the scope of its functions, including recommendations on areas of priority for acquisition as protected areas and on amendments to the First Schedule;
- (c) advising the Minister on any proposal to change the boundaries, use, classification or any other aspect of an existing protected area, including the making of recommendations as to whether such change enhances or diminishes the conservation policies and objectives for the area;
- (d) reviewing any draft or final management plan for a protected area specified in the First Schedule, and making recommendations to the Minister as to the adequacy of any such plan;
- (e) undertaking activities to promote public awareness and education in matters relating to protected areas through seminars, public events, publications and other appropriate means;
- (f) co-ordinating and exchanging information on protected areas and related matters within government and non-government organizations;
- (g) establishing sub-committees and other formal and informal arrangements with other bodies, to use such expertise and services as may be available to enable the Commission to perform its functions under this Act;
- (h) exercising such other functions and powers as may be conferred upon it by this Act or any regulations made thereunder.

### **PART IV**

#### **MANAGEMENT**

##### **Requirement for management plan**

11 (1) For each protected area a management plan shall be prepared by the Director of the Department that is responsible for that area, and the plan shall be in effect within five years from the date the area is declared a protected area under this Act.

(2) A management plan may provide that a protected area shall consist of one or more classes or zones to which different uses and purposes apply.

(3) A management plan shall serve as a guide for all activities related to the management and administration of the protected area so that the purposes for which the area was established are met and maintained, and such plan shall be developed to the level of detail and need appropriate for the area and may be amended from time to time as the circumstances require.

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(4) The Director shall, where appropriate, consult with other departments or agencies of the Government or any private interest or scientific body, on the design and implementation of the management plan for each protected area, and ensure that any activity being planned or under consideration by any other authority or body in the vicinity of the protected area is taken into account.

*[Section 11 subsection (1) amended by 2009 : 1 s. 10 effective 1 April 2018]*

### **Content of management plan**

12 (1) A management plan shall be so designed as to ensure that the protected area to which it applies is managed in such manner as to achieve the objectives set out in section 5.

(2) Subject to sections 5 and 6, a management plan shall contain a description of—

- (a) the long-term goals and purposes of the protected area and the problems that must be considered in order to achieve those goals and purposes;
- (b) the boundaries and existing natural or historic features of—
  - (i) the area as a whole;
  - (ii) any classes or zones within the area;
  - (iii) any peripheral areas or roadside verges or both which will require special attention in order to safeguard the purposes of the protected area;
- (c) the management, administrative, scientific and support needs required to accomplish the goals and purposes of the protected area;
- (d) the kinds of activities that will be regulated or prohibited within the protected area or within particular zones of the protected area;
- (e) such other information as may be necessary to satisfy the requirements of this Act.

*[Section 12 amended by 2009 : 1 s. 11 effective 1 April 2018]*

### **Approval and update of plan**

13 (1) A management plan for a protected area specified in the First Schedule shall be prepared in draft form by the Director of the Department that is responsible for that area, in consultation with the Commission, and members of the public and other bodies and persons affected by the plan shall be informed by notice published in the Gazette that the draft plan is available for review and comment according to the manner specified in the notice.

(2) The Director shall, after giving due consideration to any comments received, re-submit the plan to the Commission for its consideration and shall take into account the comments of the Commission before submitting the final plan to the Minister for his approval.

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(3) The Minister shall, by Government Notice published in the Gazette, notify members of the public of the date when every management plan takes effect.

(4) At least once every ten years every such plan shall be reviewed and revised if necessary to reflect new information and changing conditions and shall be approved in accordance with the procedures specified in this section.

(5) For greater certainty, a notice referred to in subsection (1) or (3) is not a statutory instrument for the purposes of the Statutory Instruments Act 1977.

*[Section 13(3) substituted by 1991:24 effective 19 June 1991; Section 13 subsection (1) amended by 2009 : 1 s. 12 effective 1 April 2018; Section 13 subsection (5) inserted by 2009 : 1 s. 12 effective 1 April 2018]*

### **Existing conditions protected until plan in effect**

14 Until a management plan required under this Act is in effect for a protected area, management of the area shall be undertaken in such a manner as to ensure protection of the natural or historic features that existed at the time of its declaration as a protected area, and no change of use that may in the opinion of the Minister diminish the natural environment or historic features shall be allowed.

## **PART V**

### **REGULATED ACTIVITIES**

#### **Authority to regulate**

15 (1) Any activity undertaken within a protected area shall be consistent with the purposes of the protected area and the provisions of its management plan and, where necessary, activities may be regulated or prohibited by the Minister to ensure that the objectives and purposes of the protected area and provisions of the management plan are complied with.

(2) Any regulations to regulate or prohibit activities in a protected area shall take into account that different protected areas or protected area zones may have purposes and management needs requiring varying methods of control.

(3) Any regulations concerning the conduct of individuals or groups within a protected area shall apply also within any building and on any road in the protected area and may apply, when so specified, to roadside verges.

(4) The Minister may, after consultation with the Commission, grant a written permit, on such terms and subject to such conditions as he may consider necessary, authorizing an activity which would otherwise be prohibited in that protected area where such activity is in the overriding public interest.

*[Section 15 amended by 2009 : 1 s. 13 effective 1 April 2018]*

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### **ENFORCEMENT AND LEGAL PROCEEDINGS**

#### **Cancellation or suspension of permits**

16 (1) Where the holder of a permit issued under this Act is charged with a contravention of this Act or any regulations the permit shall be suspended until final determination of the charge.

(2) If upon the trial of the charge the holder of the permit is convicted thereof the permit shall, ipso facto, be cancelled, but if he is acquitted the suspension referred to in subsection (1) shall thereupon terminate and the permit shall continue to run in accordance with its terms.

(3) The holder of the permit shall, in any case referred to in this section, deliver the permit to the Minister, and the Minister shall hold the permit pending the outcome of the trial.

*[Section 16 amended by 2009 : 1 s. 14 effective 1 April 2018]*

#### **Environmental damage an offence**

17 Any person who, except in accordance with a permit issued under this Act, conducts an activity within a protected area which causes or is likely to cause damage to the environment of the protected area commits an offence against this Act.

*[Section 17 amended by 2009 : 1 s. 15 effective 1 April 2018]*

#### **Powers of authorized officers**

18 (1) An authorized officer may, without a warrant—

- (a) require to be produced, examine and take copies of any permit or other document required under this Act;
- (b) require to be produced and examine any thing being used in connection with an activity within a protected area;
- (c) require any person to give to the authorized officer the name and address of any person whom the officer has reasonable grounds to believe may be involved in the commission of an offence against this Act.

(2) Where an authorized officer has reasonable grounds for believing that an offence has been committed against this Act he may, without a warrant—

- (a) enter and search any land, building (except one used exclusively as a dwelling house), tent or structure of any kind within a protected area in which he has reason to believe that evidence of the commission of such offence is to be found;
- (b) in any place within a protected area stop, detain, and search any vehicle or vessel which appears to have been used or is being used in the commission of an offence against this Act;
- (c) seize any vehicle, vessel, weapon, or thing within a protected area in connection with which an offence appears to have been committed

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against this Act, or any plant or animal or any thing whatsoever which he has reason to believe is being possessed within a protected area in contravention of this Act or the regulations, and the authorized officer shall give to the person in possession of such vehicle, vessel, weapon, animal, plant or thing a receipt for the thing seized;

- (d) within a protected area, arrest any person whom he reasonably suspects of having committed an offence against this Act.

(3) In order to facilitate the exercise of his powers under this section an authorized officer may obtain from the appropriate department or agency of Government information on any vehicle or vessel suspected of being involved in the commission of an offence.

(4) An authorized officer, who is not a police officer, shall have the powers of a police officer for the purposes of enforcement of this Act and any regulations.

*[Section 18 amended by 2009 : 1 s. 16 effective 1 April 2018]*

### **Obstructing and abetting**

19 Any person who unlawfully obstructs or aids and abets any other person in obstructing an authorized officer in the exercise of his duties under this Act commits an offence against this Act.

### **Burden of proof**

20 Where a person is accused of possessing any thing for the possession of which a permit is required then such possession shall be prima facie evidence against the accused that he possessed that thing in contravention of this Act or the regulations, and the burden of proof shall be on him to prove the contrary.

*[Section 20 amended by 2009 : 1 s. 17 effective 1 April 2018]*

### **Forfeitures**

21 (1) Subject to subsection (2), any thing seized by an authorized officer pursuant to section 18, shall, upon conviction of the accused, be liable to be forfeited to the Crown and may be disposed of as the court directs.

(2) Any thing seized pursuant to section 18 which is part of a natural resource of a protected area shall become the property of the Crown, and the Minister shall dispose of any such thing that may be perishable and cannot be preserved and the proceeds of such disposal shall be held by the Minister pending final disposition by the court.

(3) Where any thing is seized and the person charged does not appear to answer the charge laid against him then after sixty days the thing seized shall be forfeited to the Crown and may be disposed of as the court directs.

*[Section 21 amended by 2009 : 1 s. 18 effective 1 April 2018]*

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### **Protection of actions of officers**

22 (1) Any authorized officer, when acting in performance of his duties under this Act, shall wear or carry and produce, upon request, identification that he is an authorized officer under this Act.

(2) No action, suit, prosecution or other proceedings shall be brought or instituted against an authorized officer in respect of any act done bona fide in pursuance or execution or intended execution of this Act.

### **GENERAL**

#### **Duty to minimize harmful effects of outside activities**

23 (1) Where effects harmful to the environment of a protected area may in the opinion of the Minister occur from activities taking place in a peripheral area the Minister shall endeavour to reach agreement with the person responsible for the activity so as to minimize the harmful effects, and where any agreement is reached any violation of such agreement shall be an offence against this Act.

(2) If an agreement cannot be reached with the person responsible for an activity referred to in subsection (1), the Minister may require the person responsible to stop the activity or to take any measures that the Minister considers necessary to minimize the harmful effects of the activity.

(3) A requirement under subsection (2) shall be communicated by written notice delivered to the person responsible for the activity.

(4) If a person fails to comply with a requirement under subsection (2), the Minister may apply to the Supreme Court for an order requiring the person to comply with the notice or authorizing the Minister to take any measures the court considers necessary to ensure compliance with the notice, and the court may issue such order.

(5) Every person who fails to comply with a requirement under subsection (2) commits an offence against this Act.

*[Section 23 amended by 2009 : 1 s. 19 effective 1 April 2018]*

#### **Leases to be approved by Minister**

24 Notwithstanding anything contained in any Act to the contrary, any lease, licence or other authorization issued by the Government or a department thereof for the construction or alteration of roads or rights-of-way, for the construction or alteration of buildings, for the alteration of land or for the undertaking of commercial, recreational, agricultural or residential or other activities in a protected area shall have the prior written approval of the Minister.

*[Section 24 amended by 2009 : 1 s. 20 effective 1 April 2018]*

#### **Power to make regulations**

25 (1) Subject to this Act, the Minister may make regulations for administering this Act and for giving effect to its objects and intentions, and without prejudice to the generality of the foregoing, may make regulations for—

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- (a) ensuring the proper use, management, administration and protection of protected areas and the natural and historic resources within such areas;
- (b) controlling the conduct of individuals in a protected area so as to protect the natural and historic resources of the area and safeguard the safety, health and well-being of persons lawfully using protected areas;
- (c) controlling the camping by persons in protected areas;
- (d) controlling the taking into and use of animals in protected areas for any purpose;
- (e) authorizing the Minister or a Director to issue permits for activities in and use of protected areas and prescribing the procedures for application for permits and their issuance;
- (f) *[repealed by 2009 : 1 s. 21]*
- (fa) prescribing fees, other than fees that are prescribed under the Government Fees Regulations 1976;
- (g) setting seasonal periods for certain uses of and activities in protected areas and establishing opening and closing hours for public use of protected areas;
- (h) controlling commercial activities and soliciting for any purpose whatsoever within protected areas;
- (i) disposing of abandoned vehicles, vessels or things left in protected areas;
- (j) regulating traffic, and undertaking other measures necessary to control vehicular traffic (including parking) in protected areas;
- (k) prescribing the measures specified in a management plan for a protected area specified in the First Schedule and, subject to section 6, for a protected area specified in the Second Schedule;
- (l) controlling the dumping of refuse and waste in a protected area;
- (m) controlling the use of water within a protected area;
- (n) controlling the use of fire in a protected area;
- (o) controlling quarrying activities in a protected area;
- (p) the use and occupation of land within a protected area;
- (q) providing for such other measures as may be required to ensure furtherance of the objectives of protected areas;
- (r) prescribing the form of a ticket under section 35.

(1A) The Minister shall consult the Chief Fire Officer before he exercises his power under subsection (1)(n) to make Regulations controlling the use of fire in a protected area.

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(2) Regulations made under this Act may be made in respect of protected areas generally, particular classes of protected areas or particular protected areas.

(3) Regulations made under this Act may be made so as to apply to persons generally or to particular categories or groups of persons.

(4) Regulations made under this Act are subject to the negative resolution procedure.

*[Section 25 amended by 2014 : 33 s. 55 effective 1 January 2018; Section 25 amended by 2009 : 1 s. 21 effective 1 April 2018; Section 25 subsection (1)(fa) inserted by 2017 : 43 s. 2 effective 1 April 2018]*

### **Order to waive fees due to impromptu or in exceptional circumstances**

25A (1) Notwithstanding any requirement to pay a fee prescribed under section 25(fa), the Minister may, on application in writing by a person setting out the impromptu or exceptional circumstances necessitating the request, by order waive the fee—

- (a) in whole or in part;
- (b) for a specified period, subject to subsection (5);
- (c) with respect to a specified person or class of persons.

(2) No such waiver shall be granted unless the Minister—

- (a) has consulted the Minister responsible for the enactment under which the fee is prescribed;
- (b) is satisfied that there are exceptional circumstances justifying the waiver in that particular case; and
- (c) has notified the Accountant General in writing.

(3) An order under subsection (1) may provide for the waiving of a fee—

- (a) in accordance with any or all of the provisions of paragraphs (a) to (c) of subsection (1);
- (b) with retrospective effect, subject to subsection (5); and
- (c) subject to such conditions as the Minister may deem appropriate to impose on the person benefitting from the waiver granted.

(4) A public authority whose application for waiving a fee has been granted shall—

- (a) maintain proper books or records with respect to the fee waived and provide such details of the value of the fee waived as the Accountant General may direct; and
- (b) provide such other information relating to the fee waived as the Accountant General may request.

(5) No waiver of a fee shall be granted under this section for a period going beyond the financial year in which the fee is waived.

## **BERMUDA NATIONAL PARKS ACT 1986**

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(6) Where a person benefitting from a waiver of a fee granted by the Minister under this section which is subject to any condition and such person fails to comply with such condition, the Minister may—

- (a) determine to cancel the waiver granted for the entire period for which it was granted or for a portion of such period; and
- (b) require the fee due to have been paid during the period of the cancelled waiver to be paid and, where necessary, be recovered before a court of summary jurisdiction in the manner provided by the Magistrates Act 1948 for the recovery of a debt or liquidated demand.

(7) In this section, “exceptional circumstances” means—

- (a) hurricanes and other major adverse natural or weather related events significantly impacting Bermuda negatively, whether directly or indirectly;
- (b) an event or occurrence significantly impacting a sector of the economy or community in Bermuda negatively, whether directly or indirectly, that could not reasonably have been foreseen;
- (c) a situation where a person has been selected to participate on behalf of Bermuda, or is required to represent Bermuda, at an internationally sponsored event taking place in Bermuda;
- (d) such other event or circumstance that the Minister may deem to be an exceptional circumstance with respect to a particular case, after consulting public officers connected with the case.

(8) An order made under this section shall be subject to the negative resolution procedure.

*[Section 25A inserted by 2017 : 44 s. 2 effective 1 April 2018]*

### **Offences**

26 (1) Any person who contravenes a provision of this Act or any regulations made thereunder commits an offence against this Act.

(2) Any person who in a protected area—

- (a) fails to do that which he is directed to do or required to do by an authorized officer; or
- (b) does that which he is forbidden to do by an authorized officer,

commits an offence against this Act.

### **Trial of offences**

27 Offences against this Act shall be prosecuted before a court of summary jurisdiction.

## **BERMUDA NATIONAL PARKS ACT 1986**

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### **Punishment of offences**

28 (1) Where a person commits an offence against this Act or any regulations made thereunder:

Punishment on summary conviction: in respect of each offence imprisonment for 3 months or a fine of \$5,000 or both such imprisonment and fine and, in the case of a second or subsequent conviction imprisonment for 6 months or a fine of \$10,000 or both such imprisonment and fine; and in the case of a continuing offence a further fine of \$1,000 for every day during which the offence continues.

(2) A person found guilty of an offence against this Act or any regulations made thereunder may, if there has been damage done to a protected area and the court thinks fit, be ordered to pay, in addition to any penalty for which he is liable for the offence, a sum not exceeding the cost of the damage done to the protected area, as assessed by the court.

*[Section 28 subsection (1) amended by 2009 : 1 s. 22 effective 1 April 2018]*

### **Provision as to daily penalties**

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

### **Persons entitled to bring proceedings**

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

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

*[Section 30 subsection (1) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999; Section 30 subsection (2) amended by 2009 : 1 s. 23 effective 1 April 2018]*

### **Validation of fees charged**

30A (1) Where, prior to the coming into operation of the Amendment Act, the Department had charged and collected fees for any admittance, goods or services, such fees shall, on the coming into operation of the Amendment Act, be deemed to have been validly charged and collected and no action, suit or proceeding shall be brought against the Minister by reason only of such charge or of such collection.

(2) In this section—

“admittance” means the process of entering or being allowed to enter any premises or property under the care or control of the Department; and

## **BERMUDA NATIONAL PARKS ACT 1986**

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“Amendment Act” means the Bermuda National Parks Amendment (No.2) Act 2017.

*[Section 30A inserted by 2017 : 44 s. 3 effective 1 April 2018]*

### **Consequential**

31 *[omitted]*

### **Savings**

32 *[Repealed by 2009 : 1 s. 24]*

*[Section 32 repealed by 2009 : 1 s. 24 effective 1 April 2018]*

## **PART VI TICKETING OFFENCES**

### **Definitions**

33 In this Part—

“offence” means a contravention of this Act or the regulations;

“ticket” means a ticket referred to in section 35.

*[Section 33 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

### **Authorization of ticketing**

34 Notwithstanding section 27, and without prejudice to the procedure set out in the Summary Jurisdiction Act 1930 for laying an information and for issuing a summons, an information may be laid and a summons issued for an offence by means of a ticket issued in accordance with this Act.

*[Section 34 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

### **Form of ticket**

35 (1) A ticket shall consist of three parts – an information, a summons and a record of convictions – and shall be in a form prescribed by the regulations.

(2) The use on a ticket of any word or expression in the Fourth Schedule describing the offence, or any word or expression substantially to the same effect, in relation to an offence is sufficient for all purposes in connection with proceedings for that offence to describe the offence.

*[Section 35 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

## **BERMUDA NATIONAL PARKS ACT 1986**

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### **Issue of ticket**

36 An authorized officer who has reasonable cause to believe that a person has committed an offence may issue a ticket under this Act to that person by delivering to, or serving on, the person the summons part of the ticket in accordance with section 37.

*[Section 36 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

### **Summons**

37 (1) An authorized officer who issues a ticket shall, upon completing and signing the summons part of the ticket, either deliver the summons part to the person charged with the offence in respect of which the ticket is issued or serve it on that person by sending it by registered mail to the person's last known address.

(2) Unless the contrary is shown, the date of service of a summons served by registered mail is the fourteenth day after it was sent to the address referred to in subsection (1).

(3) Where the summons part is delivered to the person charged, the authorized officer shall request the person charged with the offence to sign the ticket in the place provided for signature, and the person's signature shall be sufficient proof that the person has received the summons.

(4) A person charged with an offence who refuses without reasonable excuse to accept delivery of the summons part of a ticket under subsection (1) commits an offence:

Punishment on summary conviction: a fine of \$100.

*[Section 37 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

### **Payment of penalty out of court**

38 (1) An authorized officer who issues a ticket in respect of an offence may enter on the summons part of the ticket the amount of any penalty specified in the Fourth Schedule for that offence, in which case the officer shall endorse on the back of the summons part of the ticket a notice that the person to whom the summons is directed may, within seven days after delivery or service of the summons as the case may be, pay out of court the specified penalty.

(2) Where a summons is endorsed under subsection (1), it shall provide for a plea of guilty in the following form—

#### **“PLEA OF GUILTY**

I am aware that I have a right to a hearing in respect of the offence with which I am charged and that by signing this plea of guilty I am waiving my right to a hearing and my signature may result in a conviction against me without a hearing. I hereby plead guilty to the offence as charged and consent to be convicted of the offence in my absence.

*[blank]*

## **BERMUDA NATIONAL PARKS ACT 1986**

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Signature of Defendant”

(3) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is prima facie proof that it is the signature of that person.

(4) Upon receipt of a summons duly signed with a plea of guilty and of the amount of the penalty specified in the summons, an officer of the court shall issue an official receipt for the amount of that penalty and shall place the summons before the court.

(5) The court shall formally convict the person charged of the offence specified in the summons and no further penalty may be imposed in respect of the offence.

(6) If a person charged with an offence does not plead guilty to the offence and pay the penalty specified in the summons, the person shall appear at the time and place specified in the summons for the hearing of the charge, and, if they fail to appear, the court may proceed in accordance with section 4 of the Summary Jurisdiction Act 1930.

*[Section 38 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

### **Information**

39 (1) The information part of a ticket shall be—

- (a) signed by the authorized officer who issues the ticket;
- (b) signed by the person who swears the information (the “informant”) and sworn before a justice of the peace; and
- (c) deposited with the court, together with the record of conviction part of the ticket.

(2) The information part of a ticket need not be sworn to before the summons part is delivered or served and the informant need not be the person who delivers or serves the summons.

*[Section 39 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

### **Amount of penalty**

40 Nothing in this Act prevents the court from imposing any penalty authorized by law in respect of an offence if—

- (a) no amount is entered on the summons; or
- (b) the person charged does not plead guilty to the offence and pay the penalty specified in the summons.

*[Section 40 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

## **BERMUDA NATIONAL PARKS ACT 1986**

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### **Record of conviction**

41 Where the court makes a conviction on a ticket information in respect of an offence, the court shall complete the record of conviction part of the ticket and an officer of the court shall cause a copy of it to be forwarded to the Commissioner of Police.

*[Section 41 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

### **Amendment of Fourth Schedule**

42 (1) The Minister may make regulations to amend the Fourth Schedule, including adding or deleting offences and changing the amounts of penalties specified for offences.

(2) An amount specified by regulations as the penalty for an offence shall not exceed \$500.

(3) The negative resolution procedure applies to regulations made under this section.

*[Section 42 inserted by 2009 : 1 s. 25 effective 1 April 2018]*

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### **FIRST SCHEDULE**

(Section 3)

#### **CLASS A—PROTECTED AREAS**

##### **NATURE RESERVES**

The following areas are hereby declared Class A protected areas and shall be managed to protect special or fragile natural features and provide limited public access.

Map No.

|     |                        |              |
|-----|------------------------|--------------|
| A1  | Abbots Cliff           | Hamilton     |
| A2  | Barnes Corner          | Southampton  |
| A3  | Castle Harbour Islands | St. George's |
| A4  | Cooper's Island        | St. George's |
| A5  | Daniel's Island        | Sandys       |
| A6  | Dunscombe Wood         | Devonshire   |
| A7  | Evan's Pond            | Southampton  |
| A8  | Gilbert                | Paget        |
| A9  | Hungry Bay             | Paget        |
| A10 | Lover's Lake           | St. George's |
| A11 | Mangrove Lake          | Hamilton     |
| A12 | Nelly Island           | Warwick      |
| A13 | One Rock Passage       | Pembroke     |
| A14 | Paynter's Hill         | St George's  |
| A15 | Pembroke Marsh         | Pembroke     |
| A16 | Shelly Bay             | Hamilton     |
| A17 | Smith's Island         | St. George's |
| A18 | Spanish Point Islands  | Pembroke     |
| A19 | Spittal Pond           | Smith's      |
| A20 | Stocks Harbour         | St. George's |
| A21 | Summerhaven            | Smith's      |
| A22 | Walsingham             | Hamilton     |
| A23 | Warwick Ridge          | Warwick      |
| A24 | White Crest Hill       | St. George's |
| A25 | Wilkinson Memorial     | Hamilton     |
| A26 | Winterhaven            | Smith's      |

##### **CLASS B- AMENITY PARKS**

(Section 3)

**BERMUDA NATIONAL PARKS ACT 1986**

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|     |  |              |
|-----|--|--------------|
| B1  | Achilles Bay Park                        | St. George's |
| B2  | Admiralty House Park                     | Pembroke     |
| B3  | Alexandra Battery Park                   | St. George's |
| B4  | Aquarium Park                            | Hamilton     |
| B5  | Arboretum Park                           | Devonshire   |
| B6  | Astwood Park                             | Warwick      |
| B7  | Avocado Lodge Park                       | Devonshire   |
| B8  | Barnes Corner Park                       | Southampton  |
| B9  | Blue Hole Hill Park                      | Hamilton     |
| B10 | Blue Hole Park                           | Hamilton     |
| B11 | Botanical Gardens Park                   | Paget        |
| B12 | Breman Island Park (off<br>Vaughn's Bay) | St. George's |
| B13 | Burchall Cove Park                       | Hamilton     |
| B14 | Burt Island Park                         | Warwick      |
| B15 | Church Bay Park                          | Southampton  |
| B16 | Clear Water Beach Park                   | St. George's |
| B17 | Coney Island Park                        | Hamilton     |
| B18 | Cooper's Island Park                     | St. George's |
| B19 | Crawl Waterfront Park                    | Hamilton     |
| B20 | Crow Lane Park                           | Paget        |
| B21 | Daniel's Head Beach Park                 | Sandy's      |
| B22 | Daniel's Head Park                       | Sandy's      |
| B23 | Devon Springs Park                       | Devonshire   |
| B24 | Mary Prince Emancipation<br>Park         | Devonshire   |
| B25 | Ducking Stool Park                       | Pembroke     |
| B26 | Ducks Puddle Annexe Park                 | Hamilton     |
| B27 | Ducks Puddle Park                        | Hamilton     |
| B28 | Elbow Beach Park                         | Paget        |
| B29 | Ferry Point Park                         | St. George's |
| B30 | Fort George Park                         | St. George's |
| B31 | Fort St Catherine Park                   | St. George's |
| B32 | Friendship Vale Park                     | Devonshire   |
| B33 | Garthowen Park                           | Devonshire   |
| B34 | Gates Fort Park                          | St. George's |
| B35 | Gibbs Hill Lighthouse Park               | Southampton  |

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|   |  |              |
|---|--|--------------|
| B36   | Government House<br>Waterfront Park                      | Pembroke     |
| B37   | Governor's Island Park                                   | St. George's |
| B38   | Great Bay Park   | St. George's |
| B39   | Great Head Park  | St. George's |
| B40   | Happy Valley Park  | Devonshire   |
| B41   | Harlem Heights Park                                      | Hamilton     |
| B42   | Harrington Sound Park                                    | Hamilton     |
| B43   | Hen Island Park  | St. George's |
| B44   | Higgs and Horseshoe Islands<br>Park                      | St. George's |
| B45   | Hog Bay Park   | Sandy's      |
| B46   | John Smith's Bay Park                                    | Smith's      |
| B47   | Kindley Field Park (Long Bird<br>Bridge –Stock's Harbor) | St. George's |
| B48   | Ladies Chambers Park                                     | Pembroke     |
| B49   | Little Head Park (Vaughn's<br>Bay-Red Hole)              | St. George's |
| B50   | Mangrove Bay Park  | Sandy's      |
| B51   | Mill Creek Park  | Pembroke     |
| B52   | Mullet Bay Park  | St. George's |
| B53   | Orange Valley Park                                       | Devonshire   |
| B54   | Paget Island Park  | St. George's |
| B55   | Palmetto Park  | Devonshire   |
| B56   | Parson's Road Park                                       | Pembroke     |
| B57   | Peggy's Island Park                                      | St. George's |
| B58   | Penhurst Park  | Smith's      |
| B59   | Pig's Field Park   | Pembroke     |
| B60-01; B60-02;<br>B60-03; B60-04;<br>B60-05; B60-06;<br>B60-07; B60-08;<br>B60-09; B60-10;<br>B60-11; B60-12 | Railway Trail Park (A-L maps)                            | All Parishes |
| B61   | Robinson's Bay Park                                      | Devonshire   |
| B62   | Rocky Hill Park  | St. George's |
| B63   | Scaur Hill Fort Park                                     | Sandy's      |
| B64   | Shelly Bay Park  | Hamilton     |
| B65   | Somerset Long Bay Park                                   | Sandy's      |

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|     |   |              |
|-----|---|--------------|
| B66 | Southshore Park<br>(Southampton)        | Southampton  |
| B67 | Southshore Park (Warwick)               | Warwick      |
| B68 | Southlands Park                         | Warwick      |
| B69 | Spanish Point Park (without<br>islands) | Pembroke     |
| B70 | St. David's Lighthouse Park             | St. George's |
| B71 | Tobacco Bay Park                        | St. George's |
| B72 | Tulo Valley Park                        | Pembroke     |
| B73 | Virginia Park                           | Sandy's      |
| B74 | Watch Hill Park                         | Southampton  |
| B75 | West Whale Bay Park                     | Southampton  |
| B76 | William Wilson Park                     | Pembroke     |

### **CLASS C- RECREATIONAL PARKS**

(Section 3)

|     |  |             |
|-----|--|-------------|
| C1  | Bernard Park                           | Pembroke    |
| C2  | Boaz Island Park                       | Sandys      |
| C3  | Darrell's Island Park                  | Warwick     |
| C4  | Death Valley Park                      | Southampton |
| C5  | Olive Bank Park                        | Warwick     |
| C6  | Ports Island Park                      | Pembroke    |
| C7  | Rubber Tree Park                       | Warwick     |
| C8  | Smith's Parish Community<br>Field Park | Smith's     |
| C9  | Warren Simmons Field Park              | Sandys      |
| C10 | White's Island Park                    | Pembroke    |

Maps of the Nature Reserves  
and Protected Areas can be  
viewed—

(a) on the Bermuda  
Government portal at  
[www.gov.bm](http://www.gov.bm);

(b) at the Department of  
Parks; or

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(c) at the Ministry of Public  
Works (Department of Land  
Surveys and Registration)

*[First Schedule amended by BR 35/1991 effective 12 July 1991; by BR 29/1992 effective 3 July 1992; by BR 48/2001 and BR 49/2001 both effective 7 September 2001 - map numbers and names as shown in those BRs - maps omitted; text of land descriptions omitted; See also BR 50/2001, BR 51/2001 and BR 25/2004; First Schedule amended by 2017 : 43 s. 3 effective 1 April 2018; First Schedule Class B amended by 2020 : 45 s. 3 effective 11 December 2020]*

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**SECOND SCHEDULE**

(Section 3)

**AGREEMENT PROTECTED AREAS**

**THIRD SCHEDULE**

(Section 9)

**CONSTITUTION AND OTHER PROVISIONS  
RELATING TO THE COMMISSION**

**Constitution of the Commission**

- 1 The Commission shall consist of 13 members of whom—
- (a) the Director, and the Assistant Director, Parks shall be ex officio members;
  - (b) eleven members shall be appointed by the Minister as follows:
    - (i) one member from the Bermuda National Trust;
    - (ii) one member from the Bermuda Audubon Society;
    - (iii) one member from the National Museum of Bermuda;
    - (iv) one member from the Bermuda Zoological Society;
    - (v) one member from the Bermuda Tourism Authority;
    - (vi) two members representative of users of the System; and
    - (vii) four members who may be considered by the Minister to have a sufficient interest or expertise in environmental protection, conservation of natural or historical resources; economic, commercial or entrepreneurial matters.

*[Paragraph 1(a) amended by 1991:24 effective 19 June 1991; Paragraph 1 amended by 2017 : 43 s. 4 effective 1 April 2018]*

**Appointment of chairman and vice-chairman**

- 2 The Minister shall appoint a chairman and a vice-chairman from among the members other than the ex officio members.

**Tenure of office**

- 3 A member, other than an ex officio member, shall hold office at the Minister's pleasure and, unless his appointment is sooner terminated, it shall terminate one year from the date on which it took effect. Such member shall, however, be eligible for re-appointment.

**Temporary appointment**

- 4 In the case of absence or inability of any member to act the Minister may appoint a person to act temporarily in his place.

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### **Resignation**

5 (1) Any member, other than an ex officio member, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument such member shall cease to be a member. The chairman may likewise resign his office by instrument addressed to the Minister.

(2) A member, other than an ex officio member, shall be deemed to have vacated his seat as a member if in the opinion of the Commission he is absent from four consecutive meetings without reasonable cause.

### **Removal of member**

6 The Minister may at any time revoke the appointment of any member other than the ex officio members if he considers it expedient to do so.

### **Effect of vacancy on the Commission**

7 The Commission shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of chairman or any other member.

### **Procedure on meetings**

8 (1) The Commission shall meet at such times and on such days as may be necessary or expedient for the transaction of its business.

(2) Minutes of each meeting of the Commission shall be kept in proper form.

(3) The chairman may at any time call a meeting of the Commission and shall call a meeting to be held within five days of a written request for that purpose addressed to him by any four members.

(4) The chairman shall preside at all meetings of the Commission at which he is present and, in the case of the chairman's absence from any meeting, the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(5) Subject to sub-paragraph (4) the decisions of the Commission shall be by a majority vote.

(6) A quorum of the Commission shall be seven.

(7) Subject to this Schedule the Commission may regulate its own proceedings.

(8) The validity of any proceedings of the Commission shall not be affected by any defect in the appointment of a member.

### **Committees**

9 (1) The Commission may appoint from among its members such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Commission may consider necessary.

## **BERMUDA NATIONAL PARKS ACT 1986**

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(2) The constitution of each such committee shall be determined by the Commission.

### **Office of member not public office**

10 The office of chairman, vice-chairman or member of the Commission shall not, by virtue of this Act alone, be a public office.

### **Validity of decision of Commission**

11 No decision or act of the Commission or act done under the authority of the Commission shall be invalid by reason of the fact that—

- (a) the full number of members for which provision is made in paragraph 1 of this Schedule was not appointed or there was a vacancy or vacancies amongst such members; or
- (b) a disqualified person acted as member of the Commission at the time the decision was taken or the act was done or authorized,

if the decision was taken or the act was done or authorized by a majority vote of the persons who at the time were entitled to act as members.

*[Third Schedule amended by 2017 : 43 s. 4 effective 1 April 2018]*

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### **FOURTH SCHEDULE**

(Sections 35 and 38)

### **OFFENCES AND PENALTIES**

#### ***Bermuda National Parks Regulations 1988***

| <b>DESCRIPTION OF OFFENCE</b>  | <b>PROVISION<br/>OF LAW</b> | <b>PENALTY<br/>\$</b> |
|--|-----------------------------|-----------------------|
| Entering prohibited part of protected area   | Regulation 3(a)             | 50                    |
| Entering or remaining in protected area that is closed                                       | Regulation 3(b)             | 50                    |
| Entering or loitering in or around a sanitary convenience                                    | Regulation 3(c)             | 50                    |
| Removing or damaging vegetation, soil or other substances                                    | Regulation 3(d)             | 100                   |
| Taking animal where it is prohibited   | Regulation 3(e)             | 100                   |
| Removing or damaging structure, artefact, cave formation or mineral deposit                  | Regulation 3(f)             | 100                   |
| Using a metal detector or similar device   | Regulation 3(g)             | 100                   |
| Delivering a public lecture, sermon or address   | Regulation 3(h)             | 50                    |
| Disturbing the public by singing or playing music  | Regulation 3(i)             | 50                    |
| Climbing a tree, gate, fence or building   | Regulation 3(j)             | 50                    |
| Erecting a structure or closing part of a protected area                                     | Regulation 3(k)             | 100                   |
| Carrying on sporting or entertainment activity in a place where not permitted                | Regulation 3(l)             | 50                    |
| Depositing dead animals, litter refuse or other substance                                    | Regulation 3(m)             | 100                   |
| Depositing or leaving bottle, tin, waste paper or similar thing                              | Regulation 3(n)             | 100                   |
| Generating electricity or creating excessive illumination to the annoyance of another person | Regulation 3(o)             | 100                   |

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| <b>DESCRIPTION OF OFFENCE</b>   | <b>PROVISION<br/>OF LAW</b> | <b>PENALTY<br/>\$</b> |
|---|-----------------------------|-----------------------|
| Operating a model power boat,<br>vehicle or airplane in area where<br>not permitted                             | Regulation 3(p)             | 50                    |
| Throwing or hitting an object to<br>the annoyance, danger or<br>damage of any person                            | Regulation 3(q)             | 50                    |
| Using threatening, abusive,<br>insulting or offensive words,<br>gestures or behaviour                           | Regulation 3(r)             | 50                    |
| Camping in an area other than a<br>designated camping area  | Regulation 4(a)             | 100                   |
| Camping without a permit  | Regulation 4(b)             | 100                   |
| Digging or levelling the ground<br>in a camping area  | Regulation 4(c)             | 100                   |
| Leaving camping equipment or<br>refuse in a camping area  | Regulation 4(d)             | 100                   |
| Connecting an apparatus or<br>appliance to a public utility   | Regulation 4(e)             | 50                    |
| Taking a horse other than on a<br>designated roadway or trail   | Regulation 5(1)(a)          | 100                   |
| Riding a horse in a manner<br>likely to cause danger to any<br>person   | Regulation 5(1)(b)          | 100                   |
| Riding a horse at a speed greater<br>than 15 km per hour  | Regulation 5(1)(c)          | 50                    |
| Leaving a horse unattended and<br>not properly tied   | Regulation 5(1)(d)          | 50                    |
| Leading from horseback a<br>riderless horse which is not<br>appropriately bridled                               | Regulation 5(1)(e)          | 50                    |
| Lunging or breaking in a horse  | Regulation 5(1)(f)          | 50                    |
| Riding a horse in excess of a<br>slow walk near users of a<br>protected area                                    | Regulation 5(1)(g)          | 50                    |
| Taking or riding a horse on<br>beach in a protected area where<br>prohibited between November 1<br>and April 30 | Regulation 5(2)(a)          | 100                   |

**BERMUDA NATIONAL PARKS ACT 1986**

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| <b>DESCRIPTION OF OFFENCE</b>   | <b>PROVISION<br/>OF LAW</b> | <b>PENALTY<br/>\$</b> |
|---|-----------------------------|-----------------------|
| Taking or riding a horse on a beach in a protected area where prohibited between May 1 and October 31 | Regulation 5(2)(b)          | 100                   |
| Bringing a dog unleashed to a protected area  | Regulation 6(a)             | 50                    |
| Bringing a dog to a public beach in a protected area between April 1 and October 31                   | Regulation 6(b)             | 100                   |
| Bringing a dog to a protected area with a leash greater than 3 m in length                            | Regulation 6(c)             | 50                    |
| Causing or permitting a dog to annoy or disturb any person  | Regulation 6(d)             | 50                    |
| Causing or permitting an animal to graze in a protected area  | Regulation 7(a)             | 50                    |
| Causing or permitting an animal to stray onto a protected area  | Regulation 7(b)             | 50                    |
| Causing or permitting an animal to disturb or take another animal in a protected area                 | Regulation 7(c)             | 100                   |
| Selling or offering for hire any article or animal  | Regulation 8(a)             | 100                   |
| Soliciting gifts, money, goods or services  | Regulation 8(b)             | 50                    |
| Driving a vehicle in a manner likely to cause danger to another person                                | Regulation 9(a)             | 100                   |
| Driving a vehicle at a speed greater than 15 km per hour  | Regulation 9(b)             | 50                    |
| Driving a vehicle other than where permitted  | Regulation 9(c)             | 100                   |
| Parking a vehicle other than where permitted  | Regulation 9(d)             | 100                   |
| Causing a vehicle to enter or exit a protected area except by a designated access                     | Regulation 9(e)             | 50                    |
| Washing or repairing a vehicle  | Regulation 9(f)             | 50                    |

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| <b>DESCRIPTION OF OFFENCE</b>   | <b>PROVISION<br/>OF LAW</b> | <b>PENALTY<br/>\$</b> |
|---|-----------------------------|-----------------------|
| Driving a vehicle into, or allowing a vehicle or vessel to remain in, a protected area that is closed           | Regulation 9(g)             | 50                    |
| Using a protected area or a facility in it other than for the purpose for which it was designed or designated   | Regulation 9(h)             | 50                    |
| Launching or using a vessel on a lake or pond in a protected area   | Regulation 10(a)            | 50                    |
| Using a vessel in an area closed to vessels   | Regulation 10(b)            | 100                   |
| Storing a vessel in an area where storage is not permitted  | Regulation 10(c)            | 100                   |
| Using or driving a vessel in a manner likely to cause danger to another person                                  | Regulation 10(d)            | 100                   |
| Lighting or using a fire without a permit   | Regulation 11(l)            | 100                   |
| Gaining or attempting to gain admittance to a facility in a protected area without paying the applicable charge | Regulation 15               | 50                    |

*[Fourth Schedule inserted by 2009 : 1 s. 28 effective 1 April 2018]*

[Assent Date: 23 December 1986]

[This Act was brought into operation on 23 January 1987 by BR 1/1987]

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*[Amended by:*

BR 30 / 1987

1991 : 24

BR 35 / 1991

BR 29 / 1992

1999 : 8

2000 : 20

BR 5 / 2011

2014 : 33

2009 : 1

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2017 : 43  
2017 : 44  
2020 : 45  
BR 2 / 2024]