



## BERMUDA

### MARINE BOARD (MOORINGS) REGULATIONS 2000

BR 39 / 2000

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The Minister, in exercise of the power conferred upon him by section 103 of the Marine Board Act 1962, makes the following Regulations:

#### Citation

- 1 These Regulations may be cited as the Marine Board (Moorings) Regulations 2000.

#### Interpretation

- 2 In these Regulations, unless the context otherwise requires—  
“applicant” means a person applying for a licence under regulation 4;

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“approved” means approved, in writing, by the Minister;

“floating dock” means a floating structure–

- (a) which is attached to the foreshore or to the bed of the sea;
- (b) to which access is provided from the foreshore; and
- (c) to which a boat or a ship may be moored or secured;

“licence” means a licence issued by the Minister under regulation 5 authorizing an applicant to put down, leave down or erect a mooring in the territorial waters of Bermuda and “licensee” shall be construed accordingly;

“mooring” means a device which is used to secure a boat or a ship in a fixed location and includes a mooring pile and a floating dock;

“mooring pile” means a pole, post or pillar, fixed or driven into the bed of the sea, to which a boat or a ship may be moored or secured; and

“owner” includes a licensee.

### Control of moorings

3 (1) A person shall not, except under the authority of a licence granted by the Minister to him in respect of a mooring, put down, leave down or erect or cause or permit to be put down, left down or erected, any mooring in the territorial waters of Bermuda.

(2) A person, other than the holder of a licence authorizing him so to do, shall not, except with the written permission of such holder, moor, or cause or permit any boat or ship to be moored, to a mooring.

### Application for licence

4 An application for a licence under these Regulations–

- (a) shall be made to the Minister, and
- (b) shall be in such form and contain such particulars as the Minister may from time to time determine.

### Grant of licence, etc.

5 (1) Subject to regulation 6, the Minister may grant or refuse to grant a licence to an applicant, and where the Minister grants a licence to an applicant that licence may be subject to such terms and conditions as the Minister may impose.

(2) A licence granted under paragraph (1) shall, subject to the payment of the licence fee, be valid for the period commencing on the date of the grant of the licence and ending on 31 May next following and may, from time to time, be renewed.

(3) A licensee shall affix the licence decal to the mooring in respect of which the licence was granted in such a way that the licence decal is clearly visible above the surface of the water.

*[Regulation 5 paragraph (2) amended by BR 34 / 2012 para. 2 effective 27 April 2012]*

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### Consultation

6 The Minister shall not grant a licence in respect of a floating dock or a mooring pile unless the Minister has consulted with the Minister for the time being responsible for planning and that Minister has indicated, in writing, that he has no objection to the grant of such licence.

### Revocation of licence

7 The Minister may at any time revoke a licence granted under regulation 5.

### Maintenance of mooring

8 (1) The owner of a mooring shall maintain the mooring in a serviceable and seaworthy condition.

(2) The owner of a mooring in respect of which a licence is in force shall not divest himself of that mooring (whether by sale, letting, lending or otherwise) except with the prior written permission of the Minister obtained upon a written request for so doing.

(3) The Minister may, in writing, order the removal of the mooring-

- (a) where the owner of a mooring fails to maintain that mooring in a serviceable and seaworthy condition; or
- (b) in respect of a mooring which is not in a serviceable and seaworthy condition, where the Minister is satisfied that the owner is absent from Bermuda or otherwise cannot be contacted.

(4) The cost of and incidental to the removal of a mooring may be recovered from the owner as a civil debt.

### Minister may restrict mooring in designated areas

9 (1) The Minister may, by notice published in the Gazette, designate any area of water in the territorial waters of Bermuda to be an area in which no mooring may be put down, left down or erected, or in which no boat or ship may be moored.

(2) Subject to paragraph (3), no person shall put down, leave down or erect any mooring, or moor any boat or ship in contravention of a notice issued under paragraph (1).

(3) Notwithstanding paragraph (2), the Minister may, where he considers it necessary or expedient so to do, subject to such conditions as the Minister may impose in writing, permit a person to moor a boat or a ship in an area designated under paragraph (1).

### Production of licence

10 The owner of a mooring shall if requested so to do by a police officer or by an officer of the Department of Marine and Ports Services, within seven days of such request, produce to the officer making the request, a certificate of the grant of a licence.

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### Exclusion of certain lighting requirements

11 Any boat or ship moored to a mooring, in respect of which a licence has been granted by the Minister is exempt from the provisions of the Act of the Parliament of the United Kingdom entitled the Merchant Shipping Act 1979 with respect to light on craft anchored or moored.

### Offence and penalty

12 (1) A person who contravenes a provision of these Regulations commits an offence.

(2) A person convicted of an offence under paragraph (1) is liable on conviction by a court of summary jurisdiction to a fine not exceeding \$1,000, or imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(3) Without derogating from paragraph (1), where a mooring is put down, left down or erected without the authority of the Minister, the Minister may—

- (a) order the removal of that mooring; and
- (b) if the owner fails to remove it within the period specified, the Minister may cause the mooring to be removed.

(4) The cost of such removal shall be recoverable as a civil debt from the owner.

### Consequential amendment of Government Fees Regulations 1976

13 Paragraph (9) of Head 28 of the Schedule to the Government Fees Regulations 1976 is amended by deleting the words “4(1) of the Marine and Ports Authority (Moorings) Regulations 1967” and substituting the words “5(1) of the Marine Board (Moorings) Regulations 2000”.

### Savings

14 (1) Nothing contained in these Regulations shall be construed as derogating from the Marine and Ports Authority (Berthing and Anchoring) Regulations 1967.

(2) A licence granted by the Minister under the Marine and Ports Authority (Moorings) Regulations 1967 which is valid on the commencement date continues in force as if it were granted under these Regulations.

(3) A notice published in the Gazette by the Minister under the Marine and Ports Authority (Moorings) Regulations 1967 which is valid on the commencement date continues in force as if it were published under these Regulations.

(4) For the purposes of this regulation “commencement date” means the date on which these Regulations come into operation.

### Rescinds SR & O No. 28 of 1967

15 The Marine and Ports Authority (Moorings) Regulations 1967 are rescinded.

### Commencement

16 These Regulations come into operation on 1st July 2000.

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Made this 10th day of April 2000  
Minister of Transport

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*[Amended by:*

BR 34 / 2012]