



BERMUDA

## OCCUPATIONAL SAFETY AND HEALTH TICKETING REGULATIONS 2012

BR 36 / 2012

The Minister of Health, in exercise of the powers conferred by section 36 of the Occupational Safety and Health Act 1982, makes the following Regulations:

### Citation

1 These Regulations may be cited as the Occupational Safety and Health Ticketing Regulations 2012.

### Form of ticket

2 For the purposes of sections 27 to 35 of the Occupational Safety and Health Act 1982 (the "principal Act"), a ticket shall be in the form set out in Schedule 1.

### List of offences, descriptions and fines

3 (1) Offences for which a ticket may be issued under section 30 of the principal Act are those that are contrary to the provisions of the Occupational Safety and Health Regulations 2009 listed in column 1 of Schedule 2.

(2) For the purposes of section 29(2) of the principal Act, the description of an offence that is contrary to a provision listed in column 1 of Schedule 2 is the description set out in column 2 of Schedule 2.

(3) The fine for an offence that is contrary to a provision listed in column 1 of Schedule 2 is the amount set out in column 3 of Schedule 2.



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**SUMMONS**

WHEREAS YOU ARE CHARGED THAT:

AT \_\_\_\_\_ am/pm on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

NAME \_\_\_\_\_  
first name initial surname

ADDRESS \_\_\_\_\_  
\_\_\_\_\_

TEL. \_\_\_\_\_ DoB \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ SEX - M / F

AT \_\_\_\_\_

**DID COMMIT THE OFFENCE OF**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTRARY TO** \_\_\_\_\_  
\_\_\_\_\_

**THE AMOUNT PAYABLE FOR OUT OF COURT SETTLEMENT**

IS \$ \_\_\_\_\_

**SEE OTHER SIDE FOR INSTRUCTIONS FOR OUT OF COURT SETTLEMENT**  
*(Police are not allowed to accept payment.)*

**IF NO AMOUNT IS SHOWN YOU MUST APPEAR IN COURT TO ANSWER THE CHARGE**

THIS IS THEREFORE TO COMMAND YOU IN HER MAJESTY'S NAME TO APPEAR BEFORE THE PRESIDING MAGISTRATE AT MAGISTRATES COURT HAMILTON.

on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ am/pm

TO ANSWER TO THE ABOVE CHARGE AND TO BE DEALT WITH ACCORDING TO LAW.

\_\_\_\_\_  
SIGNATURE OF ISSUING OFFICER      \_\_\_\_\_  
SIGNATURE OF PERSON CHARGED

Date when summons delivered or sent by registered mail

**Ticket No.**

**PLEASE READ CAREFULLY**

IF AN AMOUNT IS SHOWN ON THE SUMMONS, this case may be settled out of court if the form of plea of guilty below is signed and payment of the amount shown is received, with the summons, at Magistrates Court, Hamilton within 7 days after

- (a) delivery of the summons, or
- (b) service of the summons by registered mail.\*

[\*Unless the contrary is shown, the date of service by registered mail is 14 days after the summons was sent.]

**CHEQUES should be made PAYABLE TO  
"THE ACCOUNTANT GENERAL"**

**DO NOT SEND CASH BY MAIL**

**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.

\_\_\_\_\_  
*SIGNATURE OF PERSON CHARGED*

IF YOU DO NOT PLEAD GUILTY and pay the amount shown as above, YOU MUST APPEAR IN COURT at the time and date shown on the Summons to answer the Summons.

IF YOU FAIL TO APPEAR, the court may either:

- (a) proceed to hear and determine the case in your absence,
- OR
- (b) issue a warrant for your arrest.

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**RECORD OF CONVICTION**

CASE NO. \_\_\_\_\_ FILE NO. \_\_\_\_\_

**SETTLED OUT OF COURT**

DEFENDANT APPEARED IN COURT

NO APPEARANCE –

    WARRANT FOR ARREST ISSUED

    CASE HEARD IN ABSENCE OF DEFENDANT

**PLEA –** GUILTY  NOT GUILTY

**FINDING OF COURT –**

GUILTY  NOT GUILTY

CASE DISMISSED  WITHDRAWN

**SENTENCE –**

FINE \$ \_\_\_\_\_ TIME TO PAY \_\_\_\_\_ DAYS

IN DEFAULT OF PAYMENT \_\_\_\_\_ DAYS IMPRISONMENT

SUSPENDED SENTENCE \_\_\_\_\_

COMMENTS & RECOMMENDATIONS

DATE OF CONVICTION –

NAME OF MAGISTRATE –

\_\_\_\_\_  
I HEREBY CERTIFY THAT A CONVICTION HAS BEEN RECORDED in respect of the offence described in the information on the reverse side and that the information above relating to that conviction is true and correct.

\_\_\_\_\_  
SIGNATURE OF PERSON CHARGED

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SCHEDULE 2

(regulation 3 )

OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 2012

Column 1	Column 2	Column 3
Regulation	Description of Offence	Amount of Fine (\$)
Regulation 52	Failure of employer to provide adequate information and training to a person likely to enter a confined space at a place of employment	500
Regulation 163(1)	Failure of employee to report to the employer a defect in a machine or tool	500
Regulation 163(2)	Failure of employer to mark or tag as unsafe and remove from service a machine or tool that has a defect	500
Regulation 165	Failure of employer to equip every machine that constitutes a hazard to employees with the necessary guard	500
Regulation 233	Failure of employer to provide protective clothing, equipment and materials of approved standards	500
Regulation 234	Failure of employee to use protective clothing or equipment	500
Regulation 243	Failure of employer to maintain safe fall protection systems as prescribed	500
Regulation 244	Failure of employer to provide safe fall protection systems for the safety and health of employees	500
Regulation 245	Failure of employer to instruct employees in the use of fall protection systems	500
Regulation 246	Failure of employee to wear a full body harness for fall arrest	500

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Regulation 247	Failure of employer to install a fall protection system in accordance with prescribed requirements	500
Regulation 263	Failure of contractor to maintain construction site and equipment in accordance with prescribed requirements	500
Regulation 271(1)(a)	Failure of contractor to notify or to act in accordance with directions of the owner of gas, electrical and other services before excavating	500
Regulation 271(1)(b)	Failure of contractor to ensure that any service that may impose a hazard is disconnected or shut off before excavating	500
Regulation 271(2)	Failure of contractor to request the owner of a service hazard that cannot be disconnected to supervise the uncovering of the service during excavation	500
Regulation 271(3)	Failure of contractor to ensure that pipes, conduits and cables for services are supported to prevent failure or breakage during an excavation	500
Regulation 300	Failure of contractor to keep work platforms free of defects and surface irregularities	500
Regulation 305	Failure of contractor to provide work platforms of at least 60 cm (24 inches) in width	500
Regulation 306	Failure of contractor to provide on every side of a work platform the prescribed guard-rails and toe-boards	500
Regulation 307	Failure of contractor to provide adequate scaffolds that are supported, strutted and connected as prescribed	500
Regulation 322	Failure of contractor to ensure that the elevating work platform is used as prescribed	500
Regulation 324	Failure of employer to ensure that ladders used are of prescribed standards	500

Made this 17th day of May 2012

Minister of Health