

# COMMERCIAL RECREATIONAL WATERCRAFT (AMENDMENT) BILL, 2024

## Arrangement of Sections

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### Section

1.	Short title and commencement.....	2
2.	Amendment of section 2 of the principal Act.....	2
3.	Amendment of section 4 of the principal Act. ....	2
4.	Amendment of section 6 of the principal Act.....	3
5.	Amendment of section 7 of the principle Act. ....	3
6.	Amendment of section 8 of the principal Act. ....	3
7.	Amendment of section 9 of the principal Act. ....	4
8.	Amendment of section 11 of the principal Act. ....	4
9.	Amendment of section 13 of the principal Act.....	5
10.	Amendment of section 15 of the principal Act. ....	5
11.	Amendment of section 20 of the principal Act. ....	5
12.	Amendment of section 21 of the principal Act. ....	6
13.	Amendment of section 22 of the principal Act. ....	6
14.	Amendment of section 23 of the principal Act. ....	6
15.	Amendment of section 26 of the principal Act. ....	6



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## A BILL FOR AN ACT TO AMEND THE COMMERCIAL RECREATIONAL WATERCRAFT ACT (CH.278A)

Enacted by the Parliament of The Bahamas

### 1. Short title and commencement.

- (1) This Act, which amends the Commercial Recreational Watercraft Act (*Ch.278A*), shall be cited as the Commercial Recreational Watercraft (Amendment) Act, 2024.
- (2) This Act shall come into operation on the 1<sup>st</sup> day of July, 2024.

### 2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended by the deletion of the definition of “craft” and the substitution of the following —

“craft” or “commercial recreational watercraft” includes motorized crafts such as jet skis and boats towing parasails, banana boats, or similar leisure devices used for commercial recreational water sports;”

“commercial recreational water sport” means a leisure or sporting activity carried out in the water utilising a commercial recreational watercraft operated for hire.”

### 3. Amendment of section 4 of the principal Act.

The principal Act is amended by the deletion of section 4 and the substitution as follows —

“4. Powers of the Authority.

The Authority shall have the power to carry out and discharge all duties necessary to carry out its functions under the Act.”

**4. Amendment of section 6 of the principal Act.**

The principal Act is amended by the deletion of section 6(2)(b) and the substitution of the following —

“(b) Where the craft is subject to a hire purchase agreement, the name of the owner and purchaser or person to whom ownership will vest upon the conclusion of the hire purchase agreement.”

**5. Amendment of section 7 of the principle Act.**

The principal Act is amended by the deletion of section 7 and the substitution of the following—

- “(1) Each owner of a craft shall obtain a policy of insurance from an authorized insurer in respect of a craft being operated under this Act.
- (2) The Authority may prescribe requirements in respect of a policy of insurance under subsection (1).

**6. Amendment of section 8 of the principal Act.**

The principal Act is amended by the deletion of section 8 and the substitution of the following—

**“8. Registration requirement.**

- (1) No person may operate a a craft under this Act unless —
  - (a) he is a Bahamian citizen;
  - (b) the craft is registered with the Authority; and
  - (c) he is duly licensed with the Authority to operate the craft.
- (2) Subject to subsection (3) an owner shall apply to register a craft with the Authority for the port area in which the craft is to be operated.
- (3) An application under subsection (2) shall be in the form and manner prescribed by regulations.
- (4) An operator of a craft may apply to register a craft where he authorized in writing to make the application by the owner.
- (5) The Authority shall approve the registration of a craft or the grant of a licence to an operator where the Authority is satisfied the requirements under the Act and Regulations have been met.

- (6) An approval granted by the Authority under subsection (4) may be subject to conditions or restrictions which shall be endorsed on the registration document or licence.
- (7) The Authority may cancel, revoke or refuse to renew the registration of a craft or licensing of operator where the craft or operator is unfit for hire by the issue of a certificate of deletion in accordance with section 11A.
- (8) Where the Authority cancels, revokes or refuses to renew the registration of a craft or licence of an operator, the Authority shall allow the owner or operator an opportunity to make representations prior to the cancellation, revocation or refusal to renew.
- (9) The registration of a craft or the licence issued to an operator under this Act shall be granted for a period not exceeding one year and ending on the thirty-first day of December in each year.
- (10) The Minister shall determine from time to time the number of crafts of any type or class that may be registered at any one time in The Bahamas or in any part thereof, and notice of which number shall be published in the Gazette.
- (11) Where the Minister proposes to increase or decrease the maximum number of crafts under subsection (9) he shall publish his proposals for that purpose in the Gazette, and there shall elapse between the date of the publication in the Gazette and the date of the announcement or his determination, a period of not less than thirty days.
- (12) For the purposes of this section, “citizen of The Bahamas” includes a company incorporated under the provisions of the Companies Act (*Ch. 308*) in which not less than 100% of the shares are beneficially owned by a Bahamian citizen.

## **7. Amendment of section 9 of the principal Act.**

Section 9 of the Act is amended by —

- (a) in the chapeau by the deletion of the words “or drive” where it appears.
- (b) Subsection (2) of section 9 of the principal Act is amended by the deletion of the words “to a line not exceeding five thousand dollars” and the substitution of the words “to a fine not less than one thousand dollars and not exceeding five thousand dollars”.

## **8. Amendment of section 11 of the principal Act.**

The principal Act is amended by the insertion immediately after section 11 of a new section 11A as follows—

**“11A. Certificate of Deletion.**

- (1) The owner of a craft may request in writing the cancellation of the registration of a craft and the request shall be accompanied by the certificate of registration of the craft;
- (2) The operator of a craft may request in writing the cancellation of a licence to operate a craft and the request shall be accompanied by —
  - (a) the licence issued to the operator of the craft;
  - (b) a document confirming the identity of the operator; and
  - (c) any other documents required by the Authority.
- (3) The Authority, upon being satisfied that the owner or operator of the craft has complied with the foregoing provisions of this section, shall cancel the registration of the craft in the register or the licence, as the case may be, and shall issue a Certificate of Deletion on payment of the prescribed fee.
- (4) The Certificate of Deletion shall be conclusive evidence of the cancellation of the registration of the craft or the licence.”.

**9. Amendment of section 13 of the principal Act.**

The principal Act is amended by the deletion of section 13 and the substitution of the following —

**“13. Requirement for specifications for craft.**

An owner of a craft who applies for registration under this Act shall submit to the Authority writing plans, specifications and inventories of the craft and produce for inspection the machinery, gear, fixtures, and equipments used in connection with the craft.

**10. Amendment of section 15 of the principal Act.**

Subsection (3) of section 15 of the principal Act is amended by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”.

**11. Amendment of section 20 of the principal Act.**

Section 20 of the principal Act is amended —

- (a) in subsection (1), by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”;

- (b) in subsection (2), by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”;
- (c) in subsection (3), by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”;
- (d) in subsection (4), by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”;
- (e) in subsection (5), by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”.

**12. Amendment of section 21 of the principal Act.**

Subsection (2) of section 21 of the principal Act is amended by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”.

**13. Amendment of section 22 of the principal Act.**

Section 22 of the principal Act is amended by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”.

**14. Amendment of section 23 of the principal Act.**

Section 23 of the principal Act is amended by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”.

**15. Amendment of section 26 of the principal Act.**

Subsection (2) of section 26 of the principal Act is amended by the deletion of the words “not exceeding five thousand dollars” and the substitution of the words “not less than one thousand dollars and not exceeding five thousand dollars”.

**OBJECTS AND REASONS**

Clause 1 of the Bill sets out the short title and commencement.

Clause 2 of the Bill amends the definition of craft or commercial recreational watercraft to include motorized crafts such as jet skis and jet cars which are used for commercial recreational water sports.

Clause 3 of the Bill inserts a definition of commercial recreational water sports to give effect to the stated function of the Authority.

Clause 6 of the Bill seeks to streamline the registration of craft requirements and amend the same to include Bahamian citizenship as condition for registration by the Authority.

Clause 11 of the Bill seeks to insert a new section for an owner or operator of a craft to request a Certificate of Deletion.

Clause 5 of the Bill seeks to introduce a mandatory requirement for an owner and operator to provide proof of Bahamian citizenship prior to registration or the grant of a licence.

Clauses 11 – 15 of the Bill seeks to amend sections 15, 20 – 23 and 26 of the principal Act by introducing a minimum fine.