

A BILL

entitled

BERMUDA IMMIGRATION AND PROTECTION
AMENDMENT ACT 2012

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WHEREAS it is expedient to amend the Bermuda Immigration and Protection Act 1956, and to validate certain approvals given under section 89 of that Act;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Bermuda Immigration and Protection Amendment Act 2012.

Amends section 82 of the principal Act

2 In section 82 of the Bermuda Immigration and Protection Act 1956 ("the principal Act")—

(a) in subsection (1), after paragraph (ba) insert—

“(bb) holds or acquires land in Bermuda, so long as the person—

(i) is the spouse of a person who possesses Bermudian status;
and

(ii) does not hold or acquire any other land in Bermuda without the approval of the Minister;”;

(b) after subsection (2) insert—

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“(3) For the purposes of subsection (1)(bb)(ii), the Minister shall make available to the public a Code of Practice setting out the circumstances in which he will approve the holding or acquisition of more than one interest in land by a person who is the spouse of a person who possesses Bermudian status, and the types of conditions which he may attach to his approval.”

Amends section 89 of the principal Act and validates certain approvals

3 (1) In section 89(1) of the principal Act—

(a) in paragraph (a), delete “2000 acres” and substitute “2500 acres”;

(b) in paragraph (b), delete “400 acres” and insert—

“(i) 450 acres, in the case of the parishes of Southampton and St George’s; and

(ii) 400 acres, in the case of the other parishes.”

(2) Where, before the commencement of this Act, any application for a licence was purportedly approved by the Minister under section 89(1) of the principal Act, it shall be deemed to have been validly approved notwithstanding that it resulted in—

(a) the total area of all licensed land in Bermuda exceeding 2000 acres (but not exceeding 2500 acres); or

(b) the total area of licensed land in the parish of St George’s exceeding 400 acres.

Minor amendment

4 In section 13A of the principal Act, subsection (5) is repealed.

Commencement

5 This Act comes into operation on such day as the Minister responsible for immigration appoints by notice in the Gazette.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Bermuda Immigration and Protection Act 1956 (“the principal Act”).

Clause 1 is self-explanatory.

Clause 2 amends section 82 of the principal Act. Paragraph (a) inserts a new subsection (1)(bb) which provides that a person will not commit an offence under section 76, 77 or 78 (holding or acquiring land without licence) by holding or acquiring land in Bermuda, so long as the person (i) is the spouse of a Bermudian, and (ii) does not hold or acquire any other land in Bermuda without the approval of the Minister. Paragraph (b) inserts a new subsection (3) which requires the Minister to publish a Code of Practice setting out the circumstances in which he will approve the holding or acquisition of more than one interest in land by a person who is the spouse of a Bermudian, and the types of conditions which he may attach to his approval.

Clause 3 subsection (1) increases the acreage limits of licensed land (that is, land which may be held by restricted persons) in section 89 of the principal Act from a total of 2000 to 2500 acres, and from 400 to 450 acres for the parishes of Southampton and St George’s only (the other parishes remain at a 400 acre limit). Subsection (2) validates certain applications purportedly approved by the Minister in breach of the acreage limits before the commencement of this Act.

Clause 4 repeals section 13A(5) of the principal Act, inserted by the Bermuda Immigration and Protection Amendment Act 2011. This relates to membership of the Immigration Appeal Tribunal, but appears to contradict sections 13B(1) and 13E(2) which require the Chairman of the Tribunal or his Deputy to sit on every panel, and so the subsection is being repealed to avoid any confusion.

Clause 5 provides for commencement by notice in the Gazette.