



BERMUDA

GOVERNMENT FEES ACT 1965

1965 : 103

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[preamble and words of enactment omitted]

Interpretation

1 In this Act “function” in relation to a public authority includes the consideration of any application, any examination, the grant of any right, sanction, permit, certificate, licence, or other document of a like nature, by that public authority in accordance with any power or duty under any provision of law.

Minister of Finance may make fees regulations

2 (1) The Minister of Finance may make regulations providing for the payment of fees in relation to the performance of any function by a public authority and for the payment of fees for any matters incidental to the performance of any such function.

(2) Regulations made under subsection (1) may provide for the time and manner of the payment of fees and for all matters incidental to their due collection and accounting.

(3) The affirmative resolution procedure shall apply to regulations made under this section.

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Order to waive fees in exceptional circumstances

2A (1) Notwithstanding any requirement to pay a fee prescribed under section 2, the Minister of Finance ("the Minister") may, on application in writing by a public authority setting out the 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.

(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

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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 international event;
 - (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 2A inserted by 2016 : 4 s. 2 effective 28 March 2016]

General powers under this Act additional to specific powers

3 The powers conferred by this Act shall be in addition to any specific or general power conferred on any authority under any other provision of law and any such power shall be construed as being without prejudice to the powers of this Act.

Consolidated fund

4 (1) All sums received by a public authority shall be accounted for in the manner prescribed by regulation and shall be paid into the Consolidated Fund.

(2) Nothing in this Act shall derogate from the provisions of the Public Treasury (Administration and Payments) Act 1969 *[title 14 item 1]*.

[section 4(1) the word “matter” changed to “manner” under the authority of the Computerization and Revision of Laws Act 1989 s.11(j)]

[Assent Date: 18 June 1965]

[Amended by:

1971 : 83

1977 : 35

2016 : 4]