



BERMUDA

TREATMENT OF OFFENDERS BOARD ACT 1979

1979 : 25

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[preamble and words of enactment omitted]

Short title and commencement

1 This Act may be cited as the Treatment of Offenders Board Act 1979 and shall come into force on such day as the Minister shall appoint by notice in the Gazette.

Interpretation

2 In this Act—

“the Board” means the Treatment of Offenders Board established under section 2;

“member” means any person appointed to be a member of the Board;

“Minister” means the Minister responsible for corrections.

[Section 2 "Minister" deleted and substituted by BR 5 / 2011 para. 5 effective 25 February 2011]

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Treatment of Offenders Board established

3 There shall be established a body to be called the Treatment of Offenders Board (referred to in this Act as “the Board”) which, subject to this Act, shall have the powers and shall discharge the duties conferred or imposed upon the Board by or under any Act.

Appointment of members of Board

4 (1) Subject to subsection (4) the Minister shall appoint to be members of the Board such persons as appear to him to be representative of the community in general, and shall, in respect of such persons, have regard to their age, and to their experience in industry, commerce, or any profession or other field of endeavour.

(2) The Minister shall, for the purposes of enabling the Board to perform its specific functions, include in the appointment of its members under subsection (1), so far as is practicable, persons who possess expertise in medicine, psychology, law, or education.

(3) The Board shall consist of not less than ten members who shall hold office at the Minister’s pleasure, and subject thereto, for a period of three years; and members shall be eligible for re-appointment to the Board.

(4) At least three members of the Board shall at all times be women and at least three members shall at all times be men.

(5) If at any time a member is, by reason of ill-health, absent from Bermuda or is from other sufficient cause unable to perform his or her duties, the Minister may appoint another person of the same sex to act as a member during the incapacity of the substantive member; and any person so appointed shall while so acting be deemed for the purposes of this or any other Act to be a member.

(6) There shall be a Chairman and a Deputy Chairman of the Board, each of whom shall be appointed by the Minister from among the members to hold such office for such period as the Minister thinks fit but who within that period shall hold office during the Minister’s pleasure.

Meetings

5 (1) Except as otherwise provided in any Act, at any meeting of the Board five members shall form a quorum.

(2) If at any meeting of the Board the Chairman is absent, the Deputy Chairman shall preside over that meeting and if both the Chairman and Deputy Chairman are absent the members present shall elect one of their number to act as chairman at the meeting.

(3) Every question or matter to be determined by the Board shall be decided by a majority of the votes of the members present and voting on the question or matter; and in the event of an equal division of votes the chairman of the meeting may, if he thinks fit, give a second or casting vote.

(4) Subject to this section, the Board shall have power to regulate its own procedure.

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Public officers; exercise of function

6 The Minister may authorize any public officer to exercise any function or class of function under the direction and control of the Board and if he does so any such officer shall exercise that function or class of function accordingly.

Fees of members

7 Fees shall be paid to the members in accordance with the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

Returns

8 (1) The Board shall furnish the Minister with such returns and other information with respect to the exercise and performance by it of its functions as he may from time to time require.

(2) Without prejudice to subsection (1) the Board shall, as soon as possible after the 31st day of January in any year, make to the Minister a report on the exercise and performance by it of its functions during the previous calendar year and on its policy and programme, and the Minister shall lay a copy of every such report before each House of the Legislature.

Repeal and transitional

9 [*omitted*]

[*this Act was brought into operation on 1 September 1979 by BR 35/1979*]

[Assent Date: 23 July 1979]

[*Amended by:*

BR 5 / 2011]