

**UNITED STATES BASES (TERMINATION OF AGREEMENTS)
ACT 2002**



**BERMUDA
2002 : 6**

**UNITED STATES BASES (TERMINATION OF AGREEMENTS)
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[Date of Assent: 20 March 2002]

[Operative Date: 18 June 2002]

WHEREAS it is expedient to terminate the relevant agreements relating to the United States Bases in Bermuda and to repeal the relevant enactments relating to the operation of the Bases;

AND WHEREAS it is expedient to amend certain enactments to enable effect to be given to the North Atlantic Treaty Organization Status of Forces Agreement 1951 as applied to Bermuda:

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 United States Bases (Termination of Agreements) Act 2002.

Definitions

2 In this Act—

"operative date" means the date which the Governor, in exercise of the powers conferred on him by Article 1(2) of the Visiting Forces Act (Application to Bermuda) Order 2001, by proclamation in the Gazette appoints as the date on which that Order comes into force;

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"the relevant Agreements" means—

- (a) the Agreements and Exchanges of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America which are set out in the First Schedule;
- (b) the Agreements between the Government of Bermuda and the Government of the United States of America which are set out in the Second Schedule,

relating to the United States Bases in Bermuda.

Termination of Agreements and repeal of enactments

3 On the operative date—

- (a) the relevant Agreements cease to have effect in the law of Bermuda;
- (b) the following Acts are repealed—
 - The United States Bases Agreement Act 1952
 - The United States Bases (Agreement) (Security Offences) (Supplemental Provisions) Act 1954
 - The United States Bases (Private Leases) Act 1942;
- (c) the following statutory instruments are revoked —
 - the United States Bases (Customs Privileges) Regulations 1974
 - the Bases Contractors (Restricted Goods) (Conditions of Storage) Order 1954
 - and any other statutory instruments made under the Acts referred to in paragraph (b).

Consequential amendments

4 The Acts set out in the Third Schedule are amended to the extent set out in that Schedule.

Commencement

5 This Act comes into force on the operative date.

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**FIRST SCHEDULE (section 2)
AGREEMENTS AND EXCHANGES OF NOTES BETWEEN
THE UNITED KINGDOM AND THE UNITED STATES OF
AMERICA**

1. The Agreement relating to the Bases leased to the United States of America and related exchanges of notes, London 27 March 1941.
2. Exchange of Notes concerning the free importation of goods into the leased bases in Bermuda, in the Caribbean and in British Guiana, Washington, 18 January/21 February 1946.
3. Agreement concerning the Opening of Certain Military Bases in the Caribbean Area and Bermuda to use by Civil Aircraft, and related exchanges of notes, Washington, 24 February 1948.
4. Exchange of Notes modifying the Leased Bases Agreement of 27 March 1941, Washington, 19 July/1 August 1950.
5. Exchange of Notes concerning the Designation of an Appropriate Area within the Boundaries of the United States Kindley Air Force Base in Bermuda for the provision of Civil Airport Facilities, Washington, 23 March/25 April 1951.
6. Exchange of Notes extending the area of the Civil Air Terminal in Bermuda, Washington, 25 May 1960.
7. Exchange of Notes concerning the Establishment, for Scientific Purposes, of a Space Vehicle Tracking and Communications Station in Bermuda, Washington, 15 March 1961.
8. Exchange of Notes extending the Agreement of 15 March 1961 concerning the Space Vehicle Tracking and Communications Station in Bermuda, London, 23 September 1963.
9. Exchange of Notes further modifying the Agreements of 15 March 1961 and 23 September 1963 concerning the Space Vehicle Tracking and Communications Station in Bermuda, London, 17 January 1968.
10. Exchange of Notes regarding additional Civil Airport Facilities at the United States Kindley Air Force Base, Bermuda, London, 4 June 1968.
11. Exchange of Notes regarding a proposed Road through the United States Naval Air Station, Bermuda, London, 28 January 1971.
12. Exchange of Notes amending and supplementing the Agreement of 27 March 1941, as amended, regarding leased naval and Air Bases on Bermuda, Washington, 5/6 December 1978.

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13. Exchange of Notes further amending and supplementing the Agreement of 27 March 1941, as amended, regarding Leased Naval and Air Bases on Bermuda, Washington, 7 March 1985.

**SECOND SCHEDULE (section 2)
AGREEMENTS BETWEEN BERMUDA AND THE UNITED
STATES OF AMERICA**

1. Agreement of Sublease dated 29 December 1978.
2. Agreement of Sublease dated 25 February 1980.
3. Agreement for Right of Way dated 5 March 1982.
4. Memorandum of Understanding dated 24 August/14 September 1983.
5. Supplemental Memorandum of Understanding dated 8 March 1984.
6. Agreement of Sublease dated 30 November 1984.
7. Exchange of Letters of 20 March/21 May 1985.

**THIRD SCHEDULE (section 4)
CONSEQUENTIAL AMENDMENTS**

1. The Armaments (Control) Act 1964 is amended by deleting subsection 5(2).
2. Section 25 of the Bermuda Immigration and Protection Act 1956 is amended by the addition of the following:

"(4) The provisions of this Part shall be construed subject to Article III of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, London, 19 June 1951, as applied to Bermuda and the Visiting Forces Act (Application to Bermuda) Order 2001."
3. The Canadian Forces (Privileges and Immunities) Act 1965 is amended—
 - (a) in section 1, in the definition of "local court" by deleting the words "or a civil or service court of the United States of America exercising jurisdiction under the United States Bases (Agreement) Act 1952".
 - (b) in section 6(1), by inserting before the word "enjoyed" where it secondly occurs the words "as were formerly".
4. Section 149 of the Companies Act 1981 is repealed.
5. Section 7(3) of the Customs Duty (Special Remission) Act 1951 is repealed.

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6. The Customs Tariff Act 1970 is amended by deleting section 10 and substituting the following:

"Saving for NATO Status of Forces Agreement

10 This Act shall be construed subject to Articles XI, XII and XIII of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, London, 19 June 1951, as applied to Bermuda and the Visiting Forces Act (Application to Bermuda) Order 2001."

7. Section 2 of the Development and Planning Act 1974 is repealed and the following is substituted:

"Application of Act

2. This Act binds the Crown."

8. Section 36(1) of the Firearms Act 1973 is repealed and the following is substituted:

"36(1) This Act shall be construed subject to Article VI of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, London, 19 June 1951, as applied to Bermuda and the Visiting Forces Act (Application to Bermuda) Order 2001."

9. Section 3(2) of the Fire Services Act 1982 is repealed.

10. Section 2(1)(b) of the Fumigation (Control) Act 1945 is repealed.

11. Section 1(3)(c) of the Hospital Insurance Act 1970 is repealed.

12. Section 10(2) of the Hotels (Temporary Customs Duty Relief) Act 1991 is repealed.

13. The Interpretation Act 1951 is amended—

- (a) in section 5, by deleting the definition of "Leased Area";
- (b) in section 7(1), by deleting the definition of "United States Bases Agreement".

14. Section 3(1)(c) of the Land Valuation and Tax Act 1967 is repealed.

15. Section 4 of the Lotteries Act 1944 is amended—

- (a) in subsection (2)(a), by deleting "outside the leased areas";
- (b) by repealing subsection (6)(a).

16. Section 2(1) of the Motor Car Act 1951 is amended—

- (a) in the definition of "estate road" by deleting the words "or a United States road";

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- (b) by deleting the definition of "United States road".
- (c) by inserting after section 91 the following:

"Saving for NATO Status of Forces Agreement

91A The provisions of this Part shall be construed subject to Article IV of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, London, 19 June 1951, as applied to Bermuda and the Visiting Forces Act (Application to Bermuda) Order 2001."

- 17. Section 90 of the Revenue Act 1898 is amended—
 - (a) in subsection (1), by deleting the words "the United States Bases Agreement Act 1952, or by";
 - (b) by deleting paragraph (1)(a).
- 18. Section 1 of the Road Traffic Act 1947 is amended—
 - (a) in the definition of "estate road" by deleting the words "or a United States road";
 - (b) in the definition of "road" by deleting the words ", a naval or military road and a United States road" and substituting "and a naval or military road";
 - (c) by deleting the definition of "United States road".
- 19. Section 1(2) of the Survey of Bermuda Act 1962 is repealed.
- 18. Section 1(1) of the United Kingdom Forces (Jurisdiction of Courts) Act 1973 is amended in the definition of "local court" by deleting the words "or a civil or service court of the United States of America exercising jurisdiction under the United States Bases (Agreement) Act 1952".
- 20. Section 3(6)(a) of the Telecommunications Act 1986 is repealed.
- 21. Section 2 of the Waste and Litter Control Act 1974 is amended in the definition of "estate road" by deleting the words "or a road situated within an area which is leased to the United States of America in pursuance of the United States Bases Agreement or which by virtue of any Act is in the possession of the United States of America".