



BERMUDA

BERMUDA IMMIGRATION AND PROTECTION (RENTAL AND USE)  
REGULATIONS 2007

BR 59 / 2007

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The Minister responsible for immigration, in exercise of the powers conferred by section 102C (1) (c) of the Bermuda Immigration and Protection Act 1956, makes the following Regulations:

Citation

1 These Regulations may be cited as the Bermuda Immigration and Protection (Rental and Use) Regulations 2007.

Interpretation

2 In these Regulations—

“Act” means the Bermuda Immigration and Protection Act 1956;

“annual rental value” in relation to any licensed land means the annual rental value of the land as determined under the Land Valuation and Tax Act 1967;

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“licensed land” means land in respect of which—

- (a) a licence has been issued under Part VI of the Act;
- (b) an application for a licence has been approved under section 96 of the Act but a licence has not yet been issued;
- (c) a deferral certificate has been issued under section 86 of the Act; or
- (d) a licence has been validated under section 18 of the Bermuda Immigration and Protection Amendment Act 2007;

“permit” means a document in writing issued by the Minister permitting a restricted person to enter into a rental agreement;

“prescribed minimum annual rental value” means the minimum annual rental value prescribed in the Bermuda Immigration and Protection (Minimum Annual Rental Values) Regulations 2007;

“rental agreement” means an agreement to rent out licensed land or use it for profit.

#### Application

2A These Regulations do not apply to restricted persons who are permanent residents.

*[Regulation 2A inserted by 2015 : 22 s. 13 effective 8 June 2015]*

#### Permit to rent or use

3 (1) A restricted person shall not enter into a rental agreement without first obtaining a permit issued by the Minister in respect of that agreement.

(1A) This regulation does not apply in respect of a rental agreement in respect of tourist accommodation or a hotel residence that provides—

- (a) for occupation of the residence by tenants who have Bermudian status or the Minister’s permission to reside in Bermuda; or
- (b) for the residence to be placed on a hotel inventory and rented out to paying guests who are not ordinarily resident in Bermuda.

(2) A rental agreement shall not be for a period longer than the period specified in the permit that is issued in respect of that agreement.

*[Regulation 3 paragraph (1A) inserted by BR 60 / 2010 s. 2 effective 27 August 2010]*

#### Limitations

4 (1) The Minister may not issue a permit to a restricted person unless the annual rental value of the licensed land in respect of which the permit is sought exceeds the prescribed minimum annual rental value applicable to that person in respect of that land.

(2) Despite subsection (1), if the annual rental value of the licensed land in respect of which a restricted person seeks a permit does not exceed the prescribed minimum annual rental value, then, subject to subsection (3), the Minister may issue a permit for that person

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to enter into a rental agreement in respect of the licensed land for a maximum of six months in any twelve month period.

(3) The Minister may not issue a permit under subsection (2) to a restricted person who is to reside in Bermuda during the period of the rental agreement unless that person has the Minister's permission to reside in Bermuda during that period.

Additional limitations for condominium units

5 (1) The Minister may not issue a permit to a restricted person in respect of licensed land that is a condominium unit unless the person who is to rent or use the land possesses Bermudian status or is ordinarily resident in Bermuda.

(2) Despite subsection (1), the Minister may issue a permit to a restricted person in respect of licensed land that is a condominium unit if—

- (a) the restricted person owns the unit jointly with a spouse, parent or child, who possesses Bermudian status;
- (aa) the condominium unit is a tourist residence or hotel residence; or
- (b) the unit is part of a condominium development associated with a hotel (as defined in section 2(1) of the Hotels Concession Act 2000), and the restricted person has an agreement with the hotel for the hotel to rent out the unit to paying guests who are not ordinarily resident in Bermuda.

*[Regulation 5 paragraph (2) amended by BR 60 / 2010 s. 3 effective 27 August 2010]*

Charge for rental or use by visitors

6 (1) If a permit is to be issued to a restricted person for the rental or use of licensed land by a visitor to Bermuda, then, before the permit is issued, the restricted person shall pay to the Minister a charge in respect of the rental or use of the land. The charge shall be the prescribed percentage of the greater of—

- (a) \$1,000; or
- (b) the total amount of rent and any other consideration payable under the rental agreement by the visitor.

(2) In subsection (1), "prescribed percentage" means the percentage prescribed in section 9 of the Miscellaneous Taxes (Rates) Act 1980 (the rate for hotel occupancy tax) at the time that the permit is to be issued.

(3) If the amount referred to in subsection (1) (b) is increased at any time during the period of the rental agreement, the restricted person to whom a permit has been issued in respect of that agreement shall immediately notify the Minister of the increase in the amount and pay to the Minister the increase in the charge under subsection (1) calculated in accordance with that subsection.

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Application for permit

7 An application shall be made in a form determined by the Minister and shall be accompanied by such information and documents as the Minister may require for the purpose of considering the application.

Decision by Minister

8 (1) Subject to these Regulations, the Minister may issue or refuse to issue a permit.

(2) A permit shall be in a form to be determined by the Minister.

Revocation

9 The Bermuda Immigration and Protection (Rental Charges) Regulations 1985 are revoked.

Made this 22nd day of June, 2007

Minister of Labour and Immigration

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*[Amended by:*

BR 60 / 2010

2015 : 22]