



BERMUDA

GOVERNMENT FEES AMENDMENT ACT 2016

2016 : 4

WHEREAS it is expedient to amend the Government Fees Act 1965 to provide for the waiving of government fees in exceptional circumstances;

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 Government Fees Amendment Act 2016.

Inserts section 2A

2 The Government Fees Act 1965 is amended by inserting after section 2 the following—

“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;

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- (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 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;

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(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.”.

[Assent Date: 28 March 2016]

[Operative Date: 28 March 2016]