



BERMUDA

HUMAN RIGHTS AMENDMENT (NO. 2) ACT 2016

2016 : 24

WHEREAS it is expedient to amend the Human Rights Act 1981:

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, which amends the Human Rights Act 1981 (the "principal Act"), may be cited as the Human Rights Amendment (No. 2) Act 2016.

Amends section 2

2 Section 2 of the principal Act is amended—

(a) in subsection (1) by repealing and replacing the definition of "disabled person" with the following—

" "disabled person" means—

- (a) a person who has any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness, including diabetes, epilepsy, acquired immune deficiency syndrome, human immunodeficiency virus, paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog, wheelchair or other remedial appliance or device;
- (b) a person who has, or has had, a mental impairment and the impairment has, or has had, a substantial and long-term adverse

## HUMAN RIGHTS AMENDMENT (NO. 2) ACT 2016

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effect on that person's ability to carry out normal day-to-day activities;";

- (b) in subsection (3) by deleting "or the Misuse of Drugs Act 1972 to perform any function conferred or imposed by either" and substituting ", the Misuse of Drugs Act 1972 or the Mental Health Act 1968 to perform any function conferred or imposed by any".

### Amends section 8A

3 Section 8A of the principal Act is amended—

- (a) in the heading by deleting the words "Publication of racial material and racial incitement prohibited" and by substituting the words "Publication of discriminatory notices, etc.";
- (b) in subsection (1) by deleting the words "colour, race or ethnic or national origins", where they appear, and by substituting the words "colour, disability, ethnic or national origins, family status, marital status, place of origin, race, or religion or beliefs or political opinions, sex or sexual orientation";
- (c) in subsection (2), by deleting the words "colour, race or ethnic or national origins" and by substituting the words "colour, disability, ethnic or national origins, family status, marital status, place of origin, race, or religion or beliefs or political opinions, sex or sexual orientation";
- (d) by deleting subsection (3)(a) and by substituting the following—
  - "(a) the expression "public meeting" shall have the same meaning as in the Public Order Act 1963;"; and
- (e) by inserting after paragraph (3)(a) the following—
  - "(aa) the expression "public place" shall have the same meaning as in section 3 of the Criminal Code Act 1907;".

### Amends section 30B

4 Section 30B(1) of the principal Act is repealed and replaced with the following—

- "(1) Where a statutory provision purports to require or authorize conduct that is a contravention of anything in Part II, this Act prevails unless—
- (a) the statutory provision specifically provides that the statutory provision is to have effect notwithstanding this Act; or
  - (b) the statutory provision is listed in Schedule 2 as a statutory provision that is to have effect notwithstanding this Act.

## HUMAN RIGHTS AMENDMENT (NO. 2) ACT 2016

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(1A) The Minister may, by order subject to the affirmative resolution procedure, amend Schedule 2 by making deletions or additions to the list of statutory provisions as he considers necessary.”.

### Amends Schedule 1

5 Schedule 1 to the principal Act is amended in paragraph 3(c)—

- (a) in clause (i) by deleting the word “and”;
- (b) by inserting the following after clause (i)—
  - “(ia) other employees; and”.

### Inserts Schedule 2

6 The principal Act is amended by inserting the following after Schedule 1—

#### “SCHEDULE 2

(section 30B(1)(b))

#### LIST OF STATUTORY PROVISIONS

The following statutory provisions, which purport to require or authorize conduct that is a contravention of anything in Part II, are to have effect notwithstanding this Act—

#### 1 As Part II Relates to Mental Impairment—

<u>Legislation:</u>	<u>Section/Provision:</u>
Auxiliary Bicycles Act 1954	14(1)
Bankruptcy Act 1989	94(2)(c)
Bermuda Immigration and Protection Act 1956	31(3), 31(6), 31(7)(a)
Chiropractors Act 2002	8(1)(d)
Condominium Act 1986	Schedule 1— paragraph 8(c)
Explosive Substances Act 1974	11(2), 13(1)(a)
Firearms Act 1973	11(2), 13(1)(a), 25
Motor Car Act 1951	88(1), 88(2), 89(5)(b),
Municipalities Act 1923	18(2)(c)
Optometrists and Opticians Act 2008	21(1)(e)
Parish Councils Act 1971	3(8)(b)
Parliamentary Election Act 1978	4(2)(f),
Parliamentary Election Rules 1979	First Schedule— Form 1, Note (vi) Form 1A, Note (vi)

HUMAN RIGHTS AMENDMENT (NO. 2) ACT 2016

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Partnership Act 1902	Form 6, 2(f) 35(a)
Pharmacy and Poisons Act 1979	41
Public Carriage Act 1949	14(1)(c), 16
Referendum Act 2012	4(2)(f), Schedule 3— paragraph 2(f) ”.

[Assent Date: 22 June 2016]

[Operative Date: 22 June 2016]