



BERMUDA
1995 : 37

MUNICIPALITIES AMENDMENT AND VALIDATION ACT 1995

[Date of Assent 14 July 1995]

[Operative Date 14 July 1995]

WHEREAS it is expedient—

- (a) to amend the Municipalities Act 1923 ("the 1923 Act");
and
- (b) to validate the acquisition of certain lands by the Corporations of Hamilton and St. George's and certain Ordinances, made by those Corporations, pursuant to which certain charges in respect of off-street and on-street parking were levied and received by those Corporations:

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 Municipalities Amendment and Validation Act 1995.

Amends section 1(1) of the 1923 Act

2 Section 1(1) of the 1923 Act is amended—

MUNICIPALITIES AMENDMENT AND VALIDATION ACT 1995

(a) by inserting next after the definition of the expression "occupier" the following—

"off-street" parking means parking referred to in section 20(2)(b);

"on-street" parking means parking referred to in section 20(2)(c);"; and

(b) by inserting next after the definition of the expression "valuation unit" the following—

"vehicle" has the meaning assigned to that expression by section 1 of the Road Traffic Act 1947;".

Repeals and replaces section 20 of the 1923 Act

3 Section 20 of the 1923 Act is repealed and replaced by the following—

"Powers of Corporations with respect to real and personal property, etc.

20 (1) The Corporations of Hamilton and St. George's, respectively, are hereby empowered—

(a) to purchase, take, hold, mortgage, pledge, deal with and dispose of, at their own will and pleasure, all manner of goods, chattels and other personal property; and

(b) to purchase, take, hold, receive and enjoy, and to give, grant, release, demise, assign, sell, mortgage or otherwise dispose of and convey by deed under the seal of the Corporation, any land in Bermuda, in fee simple or for a term of life or lives or years or in any other manner.

(2) The Corporations of Hamilton and St. George's, respectively, are hereby empowered, subject to the provisions of this Act and to any other enactment passed before or after the coming into operation of this Act—

(a) to build, construct, erect or cause to be built, constructed or erected, any building, or to carry out any works upon any land owned by, or under the control of, the Corporation, where such works are calculated to facilitate or is

conducive or incidental to the discharge of any function of the Corporation;

(b) to provide off-street parking—

- (i) whether within the municipal area or otherwise; and
- (ii) whether or not consisting of or including buildings,

together with means of entrance and egress from such off-street parking; and

(c) to authorize the use as a parking place of any part of a street within the municipal area."

Amends section 23(1) of the 1923 Act

4 Section 23(1) of the 1923 Act is amended by inserting next after paragraph (e) the following—

"(ee) for the construction, maintenance, upkeep and renewal of off-street parking;"

Amends section 37 of the 1923 Act

5 Section 37 of the 1923 Act is amended—

(a) by inserting next after subsection (1) the following—

"(1A) Notwithstanding subsections (2) to (4), but subject to subsection (1), where the Minister considers it appropriate, the Corporations of Hamilton and St. George's, respectively, may raise money by the issue of bonds—

(a) secured in such manner and to such extent as the Minister may, prior to such issue, authorize; and

(b) subject to such conditions as the Minister may specify, including a condition requiring the establishment of a Sinking Fund, other than the Sinking Fund referred to in subsection (2), for the purpose of such issue."; and

(b) in subsection (3)(c), by deleting the word "Governor" and substituting the word "Minister".

MUNICIPALITIES AMENDMENT AND VALIDATION ACT 1995

Amends section 38 of the 1923 Act

6 Section 38 of the 1923 Act is amended in subsection (1)—

(a) by inserting next after paragraph (b) the following—

"(bb) the regulation and control of off-street and on-street parking;" and

(b) in paragraph (n), by inserting next after the word "Corporation" the words "or for off-street or on-street parking" and by deleting the words "as hereinafter provided".

Validation of certain matters

7 Where, prior to the coming into operation of this Act—

(a) the Corporation of Hamilton or the Corporation of St. George's, or both, had acquired any land in contravention of section 20 of the 1923 Act; or

(b) either or both such Corporations had made any ordinance for the purpose of regulating and controlling off-street or on-street parking, or both, and for the purpose of levying and receiving payment in respect of such parking, then,

on the coming into operation of this Act, any such land or any such ordinance shall be deemed to have been validly acquired or made, as the case may be, and no action, suit or proceeding shall be brought against the Corporation of Hamilton or the Corporation of St. George's by reason only of such acquisition or the making of such ordinance or the receipt of any such payment.