

BILL AS TABLED

A BILL

entitled

BERMUDA IMMIGRATION AND PROTECTION
AMENDMENT (NO. 3) ACT 2010

WHEREAS it is expedient to amend the Bermuda Immigration and Protection Amendment Act 2007 to extend the transitional period in relation to certain requirements under Part VI of the Bermuda Immigration and Protection Act 1956;

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 Bermuda Immigration and Protection Amendment Act 2007 ("the 2007 Act"), may be cited as the Bermuda Immigration and Protection Amendment (No. 3) Act 2010.

Amends section 13 of the 2007 Act

2 In section 13 of the 2007 Act insert the following definition in its appropriate alphabetical position—

“transitional period” means the period from the transition day (22 June 2007) until 31 December 2010;”.

Amends section 14 of the 2007 Act

3 In section 14(1) of the 2007 Act, for the words “for a period of three years after the transition day” substitute “during the transitional period”.

Amends section 15 of the 2007 Act

4 In section 15 of the 2007 Act—

- (a) in subsection (1), for the words “deferral period referred to in section 14 of this Act” substitute “transitional period”; and
- (b) in subsection (3), for the words “within three years after the transition day” substitute “during the transitional period”.

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Amends section 16 of the 2007 Act

5 In section 16(1)(b) of the 2007 Act, for the words “within three years of the transition day” substitute “during the transitional period”.

Amends section 18 of the 2007 Act

6 In section 18 of the 2007 Act—

(a) in subsection (1), for the words “within three years after the transition day” substitute “during the transitional period”; and

(b) in subsection (4), for the words “within the time period for validation referred to in that subsection” substitute “during the transitional period”.

Amends section 19 of the 2007 Act

7 In section 19 of the 2007 Act, for the words “within three years after the transition day” substitute “during the transitional period”.

Amends section 21 of the 2007 Act

8 In section 21 of the 2007 Act, for the words “period beginning on the transition day and ending three years after the transition day” substitute “transitional period”.

Commencement

9 This Act shall be deemed to have come into operation on 22 June 2010.

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EXPLANATORY MEMORANDUM

This Bill seeks to extend until 31 December 2010 the detailed transitional provisions in Part II of the Bermuda Immigration and Protection Amendment Act 2007 (“the 2007 Act”). The 2007 Act inserted a new Part VI into the Bermuda Immigration and Protection Act 1956 (“the 1956 Act”), the purpose of which was as set out in the new section 73 “to protect land in Bermuda for ownership by individuals who possess Bermudian status by—

- (a) requiring restricted persons to have licences to hold or acquire land in Bermuda and preventing them from appropriating it;
- (b) requiring trustees to have licences to hold or acquire land in Bermuda for the benefit of restricted persons and preventing them from appropriating it; and
- (c) preventing corporations from acquiring or holding land in Bermuda, unless they do so in accordance with this Part.”

The new Part VI of the 1956 Act was introduced subject to a three-year transitional period which is due to expire on 22 June 2010, and this Bill seeks to extend the transitional period until 31 December 2010, so as to give persons more time to become compliant with the new requirements.

Clause 1 is self-explanatory.

Clause 2 amends section 13 of the 2007 Act (definitions) by inserting a new definition of “transitional period” meaning the period from the transition day (22 June 2007) until 31 December 2010.

Clause 3 amends section 14 of the 2007 Act (deferral of requirement to obtain a licence in respect of land held on the transition day) by inserting a reference to the new transitional period.

Clause 4 amends section 15 of the 2007 Act (persons entitled to a licence for land held on the transition day) to insert references to the new transitional period.

Clause 5 amends section 16 of the 2007 Act (application respecting land subject to court proceedings) to insert a reference to the new transitional period.

Clause 6 amends section 18 of the 2007 Act (validation of licences issued under the old Part VI) to insert references to validation of licences during the new transitional period.

Clause 7 amends section 19 of the 2007 Act (registrations and register) to insert a reference to validation of registration during the new transitional period.

Clause 8 amends section 21 of the 2007 Act (restriction on institution of prosecutions). Section 21 prevents criminal prosecutions in respect of offences committed under sections 76 to 81 of the 1956 Act in relation to land acquired, held or appropriated by restricted persons (ie non-Bermudians) for three years from commencement of the 2007 Act. That

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three-year “amnesty” will be extended to the end of the new transitional period - 31 December 2010.

Clause 9 provides that the Bill shall be deemed to have come into operation on 22 June 2010, so that there is no gap between the end of the transitional period in the 2007 Act and its extension by this Bill to 31 December 2010.