

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

MUNICIPALITIES AMENDMENT ACT 2018

WHEREAS it is expedient to amend the Municipalities Act 1923 to provide for the Minister to authorize public officers to attend meetings of the Corporations, for the Minister to give directions and take stewardship or temporary control of a Corporation in certain circumstances where he believes it is in the best interests of Bermuda, and for the next ordinary municipal election to be held in 2019, not 2018;

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 Municipalities Act 1923 ("the principal Act"), may be cited as the Municipalities Amendment Act 2018.

Amends section 7

2 Section 7(10A) of the principal Act is amended by deleting "or, where so authorized, the Minister's representative is" and substituting ", and public officers authorized by the Minister to do so, are".

Amends section 7AA

3 Section 7AA of the principal Act is amended—

- (a) in subsection (1), by deleting "public interest" and substituting "best interests of Bermuda";
- (b) by inserting after subsection (1)—

"(1A) Any act or thing required to be done, or done, by a Corporation in pursuance of directions given under subsection (1)—

- (a) shall be deemed to be for municipal purposes; and
- (b) is a function of the Corporation."; and
- (c) by inserting after subsection (3)(a)—

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“(aa) to do any acts or things that the Minister, acting under the general authority of the Cabinet, requires the Corporation to do;”.

Amends section 7B

4 Section 7B of the principal Act is amended—

- (a) in subsection (6)—
 - (i) by deleting “public interest” and substituting “best interests of Bermuda”;
 - (ii) by deleting “repair or maintain” and substituting “repair, maintain or improve”;
 - (iii) by deleting “temporarily” both times it appears; and
 - (iv) by inserting at the end “by the Minister until he is satisfied that the repair, maintenance or improvement project has been completed”;
- (b) in subsection (6A)(b), by deleting “public interest” and substituting “best interests of Bermuda”; and
- (c) in subsection (6B)(b), by deleting “public interest” and substituting “best interests of Bermuda”.

Amends section 9

5 Section 9 of the principal Act is amended—

- (a) in subsection (1), by deleting “2015” and substituting “2019”; and
- (b) by inserting, after subsection (1)—

“(1AA) For the avoidance of doubt, an ordinary municipal election shall not be held in 2018.”.

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EXPLANATORY MEMORANDUM

This Bill would amend the Municipalities Act 1923 (“the principal Act”) to provide for the Minister to authorize public officers to attend meetings of the Corporations, for the Minister to give directions and take stewardship or temporary control of a Corporation in certain circumstances where he believes it is in the best interests of Bermuda, and for the next ordinary municipal election to be held in 2019, not 2018.

Clause 1 is self-explanatory.

Clause 2 amends section 7(10A) of the principal Act to provide for any public officers who are authorized by the Minister to do so, to attend, be heard at, and receive minutes of any meeting of a Corporation (Corporation of Hamilton or Corporation of St. George’s).

Clause 3 amends section 7AA of the principal Act. Subsection (1) is amended to provide that the Minister may give written directions to a Corporation if he considers it to be in the “best interests of Bermuda” for him to do so. (Currently, he considers the “public interest”.) This makes it clear that the interests of the whole of Bermuda are to be considered, not only those of the municipal area in isolation. Subsection (1A) is inserted, and provides that any act or thing required to be done by such directions shall be deemed to be for municipal purposes, and is a function of the Corporation. Subsection (3)(aa) is also inserted, and makes it clear that a Corporation may be directed to do any act or thing that the Minister, acting under the general authority of the Cabinet, requires the Corporation to do. As provided by subsection (1A), any such act or thing shall be deemed to be done for municipal purposes, and is a function of the Corporation.

Clause 4 amends section 7B of the principal Act. Subsection (6) is amended to provide that the Minister may in certain cases, where he believes that it is in the best interests of Bermuda (rather than the current “public interest”) to do so, take stewardship of a Corporation’s infrastructure, function or service in order to repair, maintain or improve it, until he is satisfied that the repair, maintenance or improvement project has been completed. Subsections (6A) and (6B), which provide for the temporary control of certain functions of a Corporation in certain circumstances, are also amended to replace “the public interest” consideration with “the best interests of Bermuda”.

Clause 5 amends section 9 of the principal Act to provide that the next ordinary municipal election shall be held in 2019 and states, for the avoidance of doubt, that an ordinary municipal election shall not be held in 2018.