



BERMUDA

A BILL
entitled

PREMIER, MINISTERS AND OPPOSITION LEADER PERSONAL STAFFS AND PARLIAMENTARY ELECTION AMENDMENT ACT 2026

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WHEREAS it is expedient to amend the Premier, Ministers and Opposition Leader Personal Staffs Act 2019 and the Parliamentary Election Act 1978 to preserve public confidence in publicly funded personal staff appointments, to maintain a proper separation between electoral candidacy and appointments made outside the public service, and to provide for a cooling-off period before unsuccessful electoral candidates may be appointed to or hold personal staff appointments;

Be it enacted by The King'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 Premier, Ministers and Opposition Leader Personal Staffs and Parliamentary Election Amendment Act 2026.

Interpretation

- 2 In this Act—
“principal Act” means the Premier, Ministers and Opposition Leader Personal Staffs Act 2019;
“Election Act” means the Parliamentary Election Act 1978.

Section 2 amended

- 3 Section 2 of the principal Act is amended by inserting, in their proper alphabetical order, the following definitions—
- “election” means a general election or bye-election within the meaning of the Parliamentary Election Act 1978;
- “relevant day”, in relation to an election, means the day on which the result of the election is declared;
- “restricted period”, in relation to an unsuccessful candidate, means the period of two years beginning with the relevant day for the election at which the person was an unsuccessful candidate;
- “unsuccessful candidate” means a person whose nomination as a candidate at an election was duly accepted by a Returning Officer under section 32 of the Parliamentary Election Act 1978 and who was not declared elected at that election, but does not include a person in respect of an election that was declared void under section 38 or 57 of that Act.

New sections 4A and 4B inserted

- 4 The principal Act is amended by inserting after section 4—

Restriction on appointment of recent unsuccessful candidates

- 4A (1) A person who is an unsuccessful candidate shall not, during the restricted period applicable to that person, be appointed to, or hold, an appointment as a member of the personal staff of the Premier, a Minister or the Opposition Leader.
- (2) Subsection (1) applies whether the unsuccessful candidate stood as—
- (a) a party candidate; or
 - (b) an independent candidate,
- within the meaning of section 32 of the Parliamentary Election Act 1978.
- (3) For the avoidance of doubt, subsection (1) applies irrespective of the political party, if any, by which the unsuccessful candidate was endorsed.
- (4) Where a person holding an appointment as a member of a personal staff becomes an unsuccessful candidate, that appointment shall cease on the relevant day.
- (5) An instrument of appointment made in contravention of subsection (1) is void.
- (6) No remuneration or benefit shall be payable out of public funds in respect of any period during which a person holds, or purports to hold, an appointment in contravention of subsection (1).
- (7) Nothing in this section prevents a person from being considered for, or appointed to, employment in the public service or to any other office or employment through a recruitment, selection or appointment process applicable independently of this Act.
- (8) The invalidity or cessation of an appointment under this section does not affect the validity of any act or decision of the Premier, a Minister or the Opposition Leader.

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Declaration of eligibility

4B (1) The Premier, a Minister or the Opposition Leader shall not appoint a person to a personal staff unless that person has first made a written declaration of eligibility.

- (2) A declaration of eligibility shall state—
- (a) whether the person has been a candidate at an election within the preceding two years;
 - (b) if so, the election, constituency and date concerned;
 - (c) whether the person was declared elected at that election; and
 - (d) whether the person is an unsuccessful candidate within a restricted period.
- (3) The Premier, Minister or Opposition Leader, as the case may be, shall cause a declaration obtained under this section to be retained with the instrument of appointment for not less than three years after the appointment ceases.
- (4) A person who knowingly makes a declaration under this section that is false in a material particular commits an offence.

Punishment on summary conviction: a fine of \$10,000.

- (5) Where a person is convicted of an offence under subsection (4), any remuneration or benefit paid to that person out of public funds in respect of an appointment made in reliance upon the false declaration may be recovered by civil proceedings as a debt due to the Crown.

Section 9 amended

5 Section 9 of the principal Act is amended—

- (a) in paragraph (c), by deleting the full stop and substituting “; and”;
- (b) by inserting after paragraph (c)—
“(d) in relation to each person appointed during the fiscal year, whether the declaration required by section 4B was obtained.”

Parliamentary Election Act 1978 amended

6 The Election Act is amended by inserting after section 58—

List of candidates

58A (1) The Registrar shall, as soon as practicable after the conclusion of a parliamentary election, prepare and retain a list of all persons whose nominations as candidates at that election were accepted under section 32.

- (2) The list shall state, in relation to each candidate—
- (a) the candidate’s full name;
 - (b) the constituency in which the candidate was nominated;
 - (c) whether the candidate was a party candidate or an independent candidate;
 - (d) where the candidate was a party candidate, the political party by which the candidate was endorsed;
 - (e) whether the candidate was declared elected; and
 - (f) the date on which the result of the election was declared or, where applicable, the date on which the election was declared void.
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- (3) The Registrar shall retain the list prepared under subsection (1) for not less than three years after the date mentioned in subsection (2)(f).
- (4) Upon request by the Premier, a Minister, the Opposition Leader or a person proposed for appointment under section 3 or 4 of the Premier, Ministers and Opposition Leader Personal Staffs Act 2019, the Registrar shall certify whether a named person appears on a list retained under this section and whether that person was declared elected.
- (5) A certificate issued under subsection (4) shall be admissible in evidence in any proceedings as evidence of the matters certified.

Transitional provision

- 7 Section 4A of the principal Act, as inserted by this Act, applies in relation to an election held before or after the coming into operation of this Act.
- (2) Nothing in this Act invalidates an appointment made before the coming into operation of this Act in respect of any period before the coming into operation of this Act.
 - (3) An appointment made before the coming into operation of this Act shall not be extended, renewed or re-made after the coming into operation of this Act if the appointment would, if made at that time, contravene section 4A of the principal Act.
 - (4) Where, immediately before the coming into operation of this Act, a person holds an appointment which, if made after the coming into operation of this Act, would contravene section 4A of the principal Act, that appointment shall cease at the end of the period of 30 days beginning with the coming into operation of this Act.
 - (5) During the period referred to in subsection (4), the appointment shall not be treated as being held in contravention of section 4A of the principal Act, and section 4A(6) of the principal Act does not apply to remuneration or benefits payable in respect of that period.
 - (6) In relation to an election held before the coming into operation of this Act, the Registrar may, for the purposes of section 58A(4) of the Election Act, certify any matter referred to in section 58A(2) of that Act from official records available to the Registrar.

Commencement

- 8 This Act comes into operation 30 days after the date of Assent.

EXPLANATORY STATEMENT

This Bill amends the Premier, Ministers and Opposition Leader Personal Staffs Act 2019 to introduce a two-year cooling-off period during which a person who stood unsuccessfully as a candidate in a general election or bye-election may not be appointed to, or continue to hold, a publicly funded personal staff appointment under that Act.

The purpose of the Bill is to preserve public confidence in the integrity of appointments made outside the public service and to reduce the risk or perception that unsuccessful electoral candidates may be rewarded with publicly funded political-advisory appointments.

The Bill also requires proposed appointees to make a written declaration of eligibility and creates an offence for knowingly making a false declaration.

The Bill further amends the Parliamentary Election Act 1978 to require the Parliamentary Registrar to prepare and retain a list of candidates and election outcomes for a period sufficient to support the operation of the two-year cooling-off period.

FINANCIAL MEMORANDUM

This Bill is not expected to involve any additional annual recurrent expenditure or capital expenditure.

Any administrative requirements arising from the declaration process and the maintenance of candidate lists are expected to be met from existing resources.